

...from henceforth shall be born without the
name of the Kings, whose fathers and mothers
at the time of their birth shall be and shall be at the fe-
ligiance of the King of Great Britain, shall
enjoy the same benefits and shall bear the same bur-
den as the other inheritors of the Crown shall
always that the mother of such children
in the sea by the hands of such persons
hands. -

R. 3. f. 4. Dyer 2

Statute 7. An



THE EVOLUTION OF JUSTICE *in Florida*

§. 3. And be it enacted by the
authority aforesaid, That
subjects born out of



By the
was born of parents
the King's dominions at the time of his

ligeance of the King, whose fathers and mothers at the time of their birth be and shall be at the faith and ligeance of the King of England, shall hold and enjoy the same benefits and advantages, to have and bear the inheritance within the same ligeance as the other inheritors aforesaid in time to come, so always that the mothers of such children do pass the sea by the license and wills of their husbands. —

1 R. 3. f. 4. Dyer 224. Co. Lit. 8. 4 Geo. 2. c. 2

Statute 7. Anne Cap. 5. An act for naturalizing foreign Protestants.

§. 3. And be it further enacted by the authority aforesaid, That the children of all natural born subjects born out of the ligeance of her Majesty

By the Common law of England, a child who was born of parents under actual obedience to the King within the King's dominions, at the time of his birth, so long as the parents, or either of them, be such as that they be domiciled within the realm, and be in actual obedience to the King at the time ~~at the time~~

5

Aliens.

Statute 25 Edward III. Stat. 2. Of those 1 Ruff. 247.
that be born beyond sea. a. d. 1350.

§. 5. And that all children inheritors, of the ligeance
which from henceforth shall be born without the
ligeance of the King, whose fathers and mothers at
the time of their birth be and shall be at the faith
and ligeance of the King of England, shall have
and enjoy the same benefits and advantages, to have
and bear the inheritance within the same ligeance,
as the other inheritors aforesaid in time to come;
so always that the mothers of such children do
pass the sea by the liens and mills of their
husbands.

1 R. 3. f. 4. Dyce 224. Co. Lit. 8. 4 Hen 2. c. 21.

Statute 7 Anne Cap. 5. An act for 4 Ruff. 326-7
naturalizing foreign Protestants.

§. 3. And be it further enacted by the
authority aforesaid, that the children of all natural
born subjects, born out of the ligeance of her Majesty

By the Common law of England, a subject was one
who was born of parents under actual obedience to the King, and
within the King's dominions, at the time of his birth. It is not
necessary that the parents, or either of them, be subjects or citizens,
so that they be domiciled within the realm, and under an actual
obedience to the King at the time ~~at the time~~ of the birth.

The carefully handwritten document reproduced on this page shows a portion of Judge, later Florida Supreme Court Justice, Leslie Thompson's "British Statutes in Force in the State of Florida." Created as an appendix to his book, *Digest of the Statute Law of the State of Florida* (1847), the appendix was never published. At 751 pages, the legislative commission that hired him to create the Digest found the appendix "too voluminous." In 1853, the Supreme Court Library was given the manuscript and has preserved it ever since.

Florida State Capitol,
Tallahassee, Fla.



THE EVOLUTION OF JUSTICE IN FLORIDA

Historical Documents, Images and Books

Concepts of justice in Florida originated over 12,000 years ago as Native Americans gradually developed traditions of justice that today still retain substantial differences from European judicial systems. Understanding the development of early judicial traditions requires a broad definition of justice. Accordingly, this booklet includes customs, traditions, and prohibitions that defined improper behavior, and were enforced and perpetuated by religion, government, and society.

Depicted here are some interesting and significant aspects of the supreme court and the justice system throughout the history of Florida. Drawings, photographs, and documents, some dating as far back as the 1500s, provide insight into the development of Florida's judicial system. The booklet reflects major components of the judiciary: the law, cases, the court system, juries, and justices.

This booklet resulted from a major research project initiated in 2002 by then-Chief Justice Harry Lee Anstead entitled "The Evolution of Justice in Florida." Continuing her predecessor's vision of an historical and educational outreach program, the next chief justice, Barbara J. Pariente, proceeded with an exhibit and the first edition of this booklet in 2004.



THE 1905 FLORIDA SUPREME COURT: An Historic Court

The earliest known photograph of the Florida Supreme Court in session (above) dates to 1905. This image also marks the first major change in the number of justices on the court. Three justices sat on the court during the entire nineteenth century. Beginning in 1902, however, the court expanded to a panel of six justices. Pictured here are, left to right, Robert S. Cockrell, Thomas M. Shackelford, Chief Justice James B. Whitfield, R. Fenwick Taylor, William A. Hocker, and Charles B. Parkhill.

The Florida Supreme Court has existed for more than 175 years, spanning two vastly different eras—the time in 1845 when Florida was the least populous southern state, and today when Florida’s population ranks third nationwide.

More than 80 men and women have served as justices of Florida’s highest court since it was created upon statehood in 1845 and held its first session in 1846.

The Florida Supreme Court not only is the highest court in Florida, its chief justice oversees the entire state courts system. This includes many management functions centralized in Tallahassee in the Office of the State Courts Administrator and regulation of the Florida Bar.

Please visit the Florida Supreme Court in Tallahassee to learn more about Florida’s judicial system. You may view the court in session on the Florida Channel or at <http://wfsu.org/gavel2gavel/>. Also visit us online at <http://www.floridasupremecourt.org/>.

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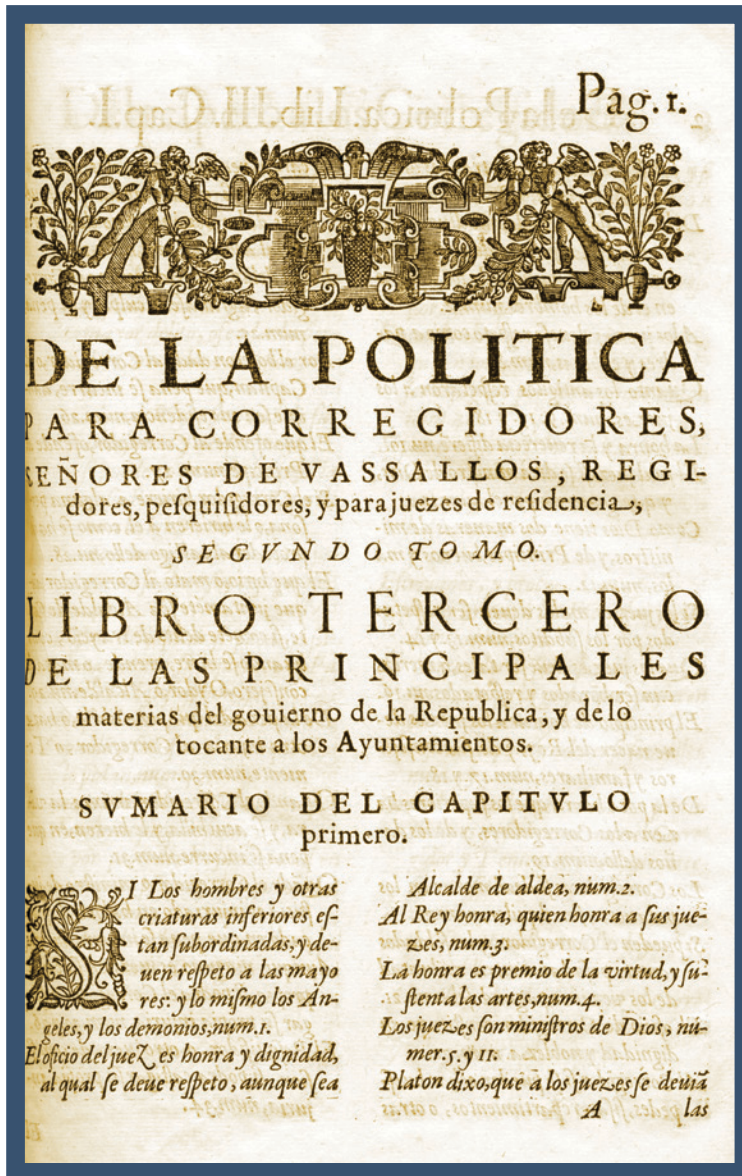
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TIMUCUA INDIANS AND JUSTICE

As prehistoric societies in Florida became more complex, they developed customs, traditions, and prohibitions to define proper and improper behavior. Sanctions ranging from death to scolding were enforced and preserved by leaders, religion, and society. By the time of European contact, Timucua and other Native American societies in Florida were comprised of a hereditary ruling chief with authority over many smaller villages. The chief, or cacique, shared powers with a council and together possessed authority to adjudicate and punish.

The French drawing (left) depicts a Timucua chief ordering the execution of sentinels who had fallen asleep at their posts. Each morning the chiefs and advisors met to discuss business in the council house, similar to this reconstructed one at Mission San Luis (right) in Tallahassee. The council had assigned seats of authority with the chief residing on a raised platform to indicate his status. The head chief alone had authority to grant favors or mercy, similar to pardons.



1597 SPANISH LAW BOOK

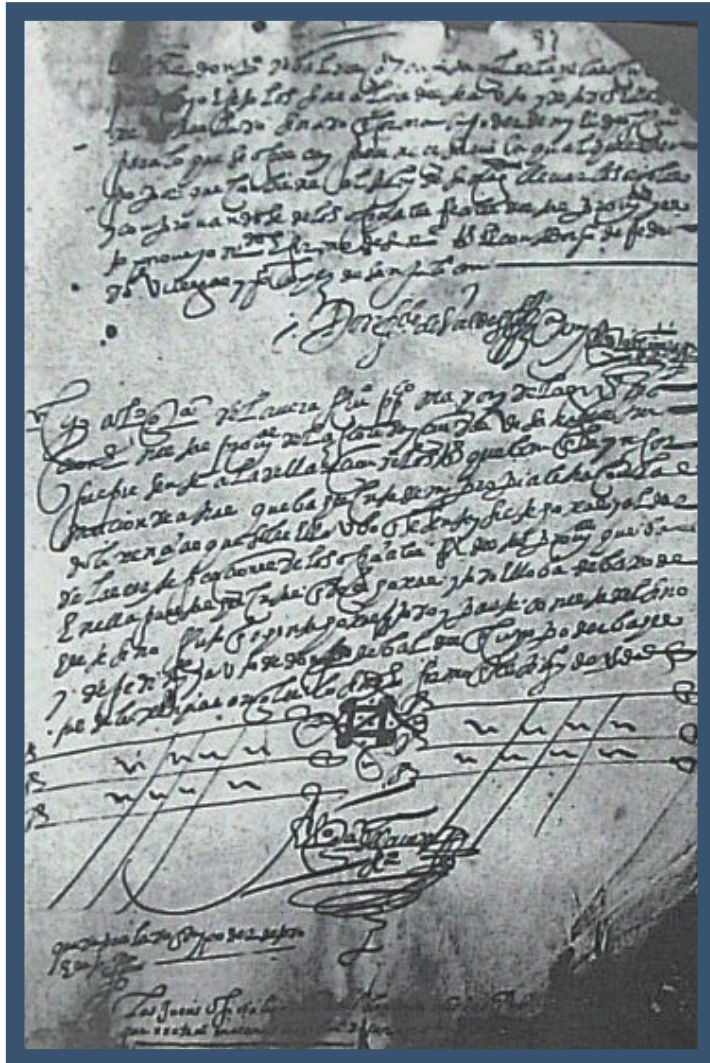
Addressed to “The Very High and Powerful Catholic Prince of Spain and of the New World,” *Política Para Corregidores*, by Jerónimo Castillo de Bobadilla (c. 1547-c. 1605), was first published in Madrid in 1597. This important judicial-political manual may have been used in Florida during the first Spanish period (1513-1763) when the Spanish governor of Florida was also the highest judicial officer in Florida. Most of the governors were military men with little legal knowledge or background and they often relied on standard law works like this one. This law book is on display in the Florida Supreme Court Library rare book room, which contains many significant and rare legal works.



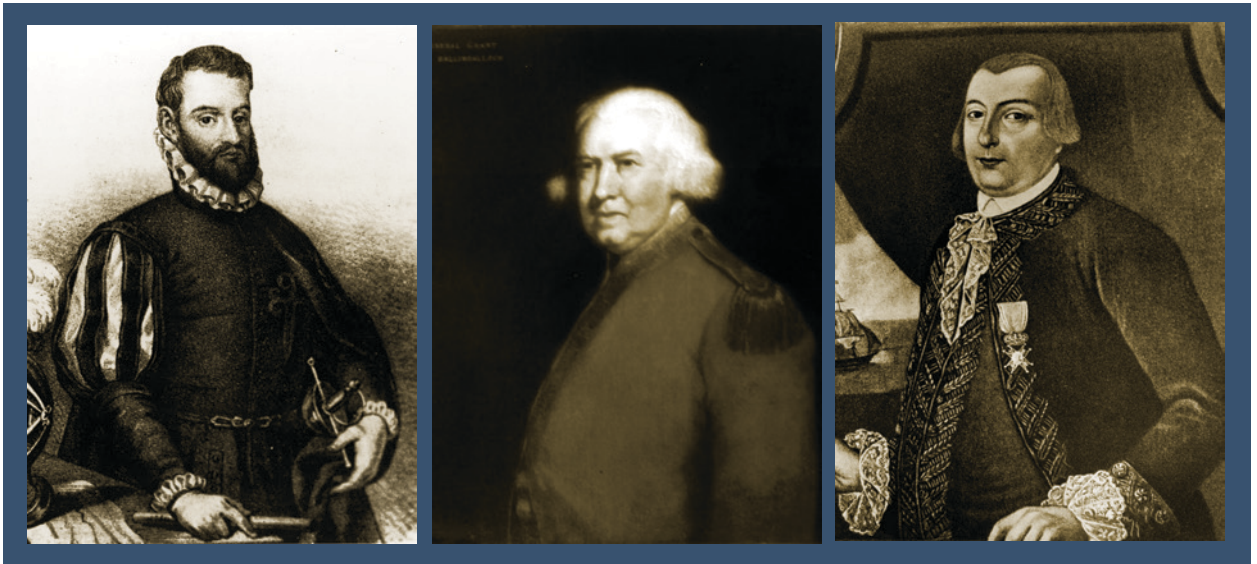
FLORIDA ON TRIAL

In 1602, the struggling presidio of St. Augustine (above) and the colony of Florida were put on trial for their very existence. Concerned about its missions in southeast Georgia, the Franciscan order had suggested the abandonment of Florida and the removal of the presidio at St. Augustine. In response, King Philip III of Spain ordered Gov. Valdes of Cuba to send an investigator to Florida to hold hearings. The governor's son, Fernando Valdes, began the trial of Florida on Aug. 31, 1602, in St. Augustine.

Lasting only a week, eighteen of the most experienced citizens of Florida were witnesses at the trial and all but one defended the colony. Some expressed fear that Matanzas Inlet might be occupied by a foreign power and others pointed out that over 500 shipwrecked survivors had found safety in St. Augustine. Returning to Havana, Fernando Valdes presented his report (next page) but did not include a verdict. Based on the 122 pages of handwritten testimony, the king came to a momentous decision: the cross and banner of Spain would remain at St. Augustine.



Fernando Valdes' report



COLONIAL COURTS AND JUSTICES

The Native Americans in early Florida had developed their own methods and traditions of resolving conflicts and disputes. The European countries that governed Florida from 1565 to 1821 each contributed to the establishment of a judicial system, introducing a written and formalized system of justice.

Pedro Menendez de Aviles (left), founder of St. Augustine, thought that poor discipline and lack of authority had doomed previous Spanish Florida settlements. His 17 ordinances, establishing regulations, punishments, and a legal system for his new colony in Florida in 1566, were possibly the first written laws in what later became the United States.

General James Grant (middle), the first governor of British East Florida, served from 1764 to 1771. The English introduced an independent judicial system, with chief justices for both East and West Florida. They also established a Court of Common Pleas, a Court of General Sessions, and a Vice-Admiralty Court.

Bernardo de Galvez (right), governor of Spanish Louisiana, aided the American Revolution with the capture of Pensacola and the conquest of West Florida in 1781. Through the Spanish appellate system, cases from West and East Florida could be appealed, first to the governor-general in Cuba, then to the Audiencia, a court of appeals, in Santa Domingo, and finally to the Council of the Indies in Seville, Spain.

East-Florida

GAZETTE.

NULLIUS IN VERBA MAGISTER. HOR.

IN VERBA MAGISTER. HOR.

From SATURDAY, FEBRUARY 22, to SATURDAY, MARCH 1, 1783.

842
118

POLICE OFFICE.

WHEREAS frequent riots and other disorders have happened in this province, and particularly in the town of St. Augustine, for want of regulations and restrictions in keeping taverns, punch-houses and retailing of spirituous liquors, whereby the peace and good government of the province has been disturbed, and the morals of many of the people have been corrupted; for remedy whereof, as much as may be, the General Assembly by an Act passed the 15th day of January last, direct, that no person or persons shall sell any beer, cyder, brandy, rum, punch, brand or other strong liquors whatsoever (except wine, where a licence is obtained for retailing the same) in less quantities than two gallons at one time, and to one person, or keep any stills, ale, or brandy board, billiard table, or any other public gaming place, until he, she, or they shall have first obtained a licence, or licences from the Prothonotary, under the forfeiture and penalty of ten pounds sterling for every offence, one half to the informer, and the other in aid of the general tax.

If any person not having a licence shall sell or dispose of, or credit any spirituous liquor in less quantities than two gallons at one time to any one person, the same shall be forfeited and lost, nor shall the person so credited or trusted be liable to any suit on that account.

Persons obtaining licence to keep a tavern, punch-house, retailing house, or house of accommodation for the retailing of spirituous liquors, or to retail spirituous liquors in the town of St. Augustine, or within four miles thereof, shall pay five pounds, and for other parts of the province, two pounds, and for keeping a billiard table twenty pounds, a billiard board twenty pounds, a billiard table thirty pounds, and for any other such gaming place ten pounds, all which licences shall continue in force one year only; the terms and qualifications of persons who apply for licences to be certified by two or more Justices of the Peace.

If any person shall barter, exchange, give or lend any spirituous liquors or strong drink by any deceitful ways and means, in order to evade the intentions of the Act, nor having a licence, or having a licence shall retail houses or taverns (not having the Act) or to any Indian, or barter in exchange for the same with goods of any kind from a soldier, sailor, indentured servant, or Indian slave, the offender shall pay a fine of ten pounds.

Persons residing or training any runner belonging to any still in this province, having signed the fifth article, a sum exceeding five shillings, except by leave of the master; shall forfeit the money or goods so credited or trusted, and if such manner be harboured or kept by any person, in his or her house, the offender shall forfeit the sum of two shillings for every house he is so convicted.

Keeps of taverns or stippling houses, or any other person who shall sell spirituous liquors mixed or chewed to any article mentioned in the amount of more than one shilling and sixpence in one day, or sell, or suffer him to remain in his or her house to drink or sipple therein after nine o'clock at night (unless by leave of the master) shall forfeit the sum of twenty shillings.

If any person or persons keeping or attending any ferry shall wilfully or wilfully transport or suffer to be transported over such ferry, any fugitive human or soldier not having a certificate of his discharge, or a written pass from his officer, shall forfeit five pounds.

The Governor or Commander in chief for the time being is by the said Act authorized to empower Commissioners to grant licences to such persons as they shall think fit to sell any kind of wine in less quantities than three gallons, to be drunk and spent within the house of the party so licensed; and such commissioners shall take for every licence the sum of three pounds, where such person has not a licence for retailing spirituous liquors; and

where a person has such licence the sum of two pounds; and if any one shall presume to sell any kind of wine in less quantities than three gallons, without having first obtained such licence, every person so offending shall forfeit and pay the sum of twenty pounds sterling.

To the end therefore that so useful and salutary a law may be strictly obeyed, if any person shall exceed against with the utmost rigour by the said Act prescribed.

ASSIZE OF BREAD.

INASMUCH as the inhabitants of the town of St. Augustine, have been and yet are aggrieved and subjected to great and many inconveniences for want of some wholesome restrictions on the bakers of bread for sale, with regard to the quality, weight, price and affize of an article so essentially necessary to their health and support; and whereas evil disposed persons have taken the advantage for their own unlawful gain and hence to deceive and defraud his Majesty's subjects, and more especially the poor, being thereby greatly prejudiced. The Legislature of this province, for remedy in future of a practice so enervating and oppressive, has required the senior Justice, upon the best information he can get, to make publick once in every month or oftener if he shall think necessary, the ordinary or market price of flour, which shall be taken and declared the market price from time to time of such flour, for one month after such publication, and also to let forth the separate distinct weights of each of the kinds of bread, that is to say; when flour is at the rate of fifty shillings per one hundred weight, the issuing loaf shall weigh one pound avoirdupois (sixteen ounces) and the other sizes in proportion, diminishing or increasing the weight of the said loaves according as the flour rises or falls, and according to the aforesaid proportion.

I have therefore enquired what is the present ordinary or market price of flour this day, and find it to be twenty-five shillings the hundred weight, so that for one month from the date hereof, the three-penny loaf is to weigh one pound, the six-penny loaf is to weigh two pounds, and the shilling loaf is to weigh four pounds, to be made of good wholesome wheat flour, without any mixture other than what shall be necessary to the well making or baking thereof, to be judged of by the Magistrate trying and examining the same.

And every baker or other person making bread for sale, or exposing the same for sale, shall mark or imprint, or cause to be fairly marked or imprinted on every loaf, so by him or her made, the price of such loaf, together with the initial letters of his or her Christian name, and for name at length, that the baker and price thereof may be more distinctly known.

The Justices, Churchwardens, or Vestrymen, may in the day time enter into any house, shop, stall, bake-house, or ware-house, or belonging to any baker or seller of bread, and there search for, view, try and weigh all and any bread of such price or persons, which shall be there found, and they may enquire into and determine all complaints concerning the above offences; and if any such bread so found shall be wanting either in goodness of its materials, or not duly baked, or wanting in its due weight, as by this affize is set, or not marked as aforesaid, or shall be composed of or made up with any other materials than what are by the Act allowed, then and in every such case it shall be lawful for the Justices, Churchwardens or Vestry, or any two of them, to take the said bread so found, and cause the same to be given and distributed to the poor of the district where such seizure shall be made, and also to impose a fine on any baker or seller of bread so offending a sum not exceeding five shillings, nor less than one shil-

ling for every loaf so found deficient and seized; and if any person whatsoever shall not permit or suffer such search or seizure to be made, or shall oppose, hinder, obstruct or resist the same, he, she, or they so doing shall for every such offence forfeit the sum of twenty pounds sterling.

SAMUEL FARLEY, Senior Justice.

(BY PERMISSION)

ON MONDAY, Evening the 2d of March, WILL BE PRESENTED, At the THEATRE, In the STATE-HOUSE, The BEAUX SPERATAGEM, A COMEDY, The ENTERTAINMENT OF MISS IN HER TEENS, The Characters by Gentlemen, for the benefit of the distressed Prisoners. Doors to be opened at SIX o'clock; Performance to commence at SEVEN; no money taken at the door. Tickets to be had at Mr. JOHNSON'S Store, formerly Mr. Parrot's. PITT, 56-58 GALLERIE, &c. &c.

WHEREAS the senior officer of his Britannic Majesty's ships and vessels of war, at the port of Charleston, having thought proper to transfer the appointment of Commissary for naval prisoners for the southern district, to St. Augustine, East-Florida: All commanders of privateers, letters of marque, armed vessels of every denomination, and prize masters are hereby directed, that in future they do report and deliver their naval prisoners, at the Commissary for naval prisoners, office, St. Augustine.

Given under my hand and seal of office, at St. Augustine, East-Florida, this 25th day of February, one thousand seven hundred and eighty three.

CHARLES PRINCE, Commissary Naval Prisoners Southern District. By order of the Senior Officer.

EAST-FLORIDA, St. Augustine, February 26, 1783.

Wanted to Charter,

FOR Government use, a VESSEL of about one hundred and forty ton burthen, well fitted, and in every respect fitted for a naval prison ship; above description, are to give in their proposals at St. Augustine, to Lieutenant CHARLES PRINCE, Commissary of naval prisoners or to

JAMES FRASER.

To be sold and possession of the greater part of the Province containing property.

THAT excellent JOHNSON'S LIGHT,

is, known by the name of Diamond, lighter, equally well for either wholesale or retail business, is at present owned and occupied by JAMES WALTON, to whom any one intending to purchase may apply.

The premises are extensive and well fitted with back floors, kitchen, bread, &c. and room for further improvements.

TO BE HAD OF THE POST COACH

With harness complete for a pair of horses. Enquire of the Printer.

1783 SUMMONS, BRITISH EAST FLORIDA

Published in St. Augustine, the *East Florida Gazette* of Saturday, April 26, 1783, contains an announcement by the district court of fines of 20 shillings to five individuals who failed to answer summons as jurors. Only male property owners were eligible for jury service on local courts and each British colony set the property requirements for jurors. British colonial governors were instructed to pass a law for their colony that would "set the value of men's estates, either in goods or lands," to qualify as jurors.



THE GOVERNOR'S DILEMMA

The roles of governor and father collided when Gov. Zespedes' daughter, Dominga, disappeared during an evening party at Government House and eloped with Lt. Juan O'Donovan, an Irishman serving in the Spanish Army. As chief judicial officer of the Spanish province of East Florida, Gov. Zespedes was forced to immediately arrest his new son-in-law on the charge of marrying without permission. O'Donovan was confined in the Castillo and Dominga was placed under house arrest at home.

The governor had fulfilled his duties but this did not endear him to his beloved daughter. Later Zespedes sent O'Donovan to the governor-general in Cuba along with a letter for clemency, citing the "different struggles struggling in my breast as father of the delinquents and as governor for His Majesty." Eventually O'Donovan was restored to his former position in the regiment and happily reunited with his wife in St. Augustine.

House of the Spanish governor, St. Augustine, 1764 (above)



St. Augustine, photo of street in historic quarter, circa 1900

NO. 4.
AN ORDINANCE,
BY
Major-General Andrew Jackson,
Governor of the Provinces of the Floridas, exercising the powers of the Captain-General and of the Intendant of the Island of Cuba, over the said Provinces, and of the Governors of said Provinces respectively.

WHEREAS, from the extent of the ceded territories it becomes necessary to make such divisions as will promote the convenience of the inhabitants, and the speedy execution of the laws; Therefore, and in virtue of the authority vested in me by the government of the United States,

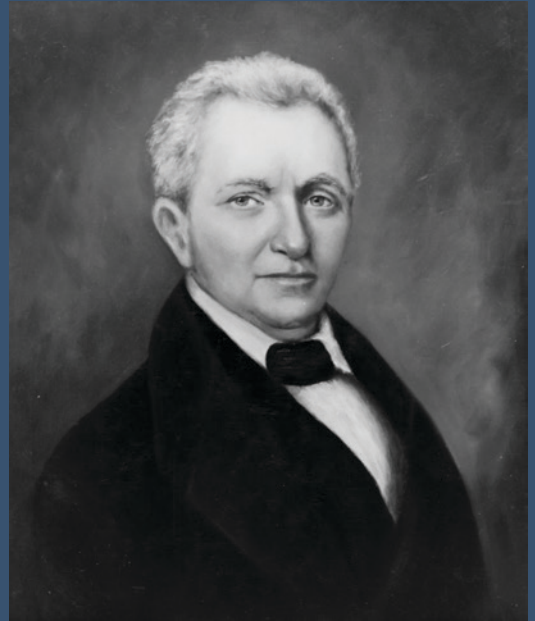
I DO ORDAIN,

Section 1.

That the said Provinces be divided as follows:—

All the country lying between the river Perdido, and Suwaney river, with all the islands therein, shall form one County, to be called *Escambia*.

All the country lying east of the river Suwaney, and every part of the



ORGANIZATION OF UNITED STATES COURTS IN FLORIDA

The United States officially acquired the Spanish territories of East and West Florida in February 1821 with ratification of the Adams-Onís Treaty. President Monroe named General Andrew Jackson as commissioner and governor of the territories of East and West Florida, and appointed William Pope Duval (above, right) and Eligius Fromentin the first federal judges for East Florida and West Florida, respectively. The exchange of flags took place in July in both St. Augustine and Pensacola.

On July 18, 1821, Andrew Jackson issued “Ordinances of the Provinces of the Floridas,” the first laws in Florida until the organization of the territorial government by Congress in 1822. Under Ordinance Number Four (above left), Jackson organized two counties, Escambia and St. Johns, each with a court comprised of five justices of the peace. These county courts served as county governments and exercised judicial, executive, and legislative authority.

THE FLORIDIAN.

[Vol. 1.]

PENSACOLA: SATURDAY, MARCH 29, 1823.

[No. 4.]

PRINTED AND PUBLISHED EVERY SATURDAY BY J. NO. FITZGERALD & CO.

Advertisements—\$5 per annum. Single copies—Twelve lines or under, one dollar for the first, and Fifty Cents for every subsequent insertion.

Post-Office Notice.
THE Post-Office is removed to the tenement adjoining the Book Store. The mail arrives on Friday at 8 A. M. and closes the same day at 3 P. M.
Robt. Mitchell,
March 11, 1823. Post-Master.

RICHARD K. CALL
AND
RICHARD J. EASTER,
Attorneys at Law,
HAVING associated themselves in practice, they tender their professional services to the public. They will practice in the Federal and Territorial Courts of West Florida, and in the Federal and State Courts in Alabama, held at Mobile and Bayou. The former will be located at Pensacola and the latter at Mobile—and they will give their united attention to all business transacted to their care.
Pensacola, March 8—4f

JOHN LEE WILLIAMS,
Attorney at Law,
WILL practice in the Superior and Circuit Courts of Escambia and Jackson counties.
March 8—4w

FRESH HAY.
50 BALS, Just received and For Sale by
Chas. Pindar,
March 22—4f
Corner Palmetto st.

LUMBER.
FLOORING plank, and lumber of all descriptions—For sale by
Jos. C. & Chas. C. Keyser.
March 8—4f

Lumber For Sale.
A QUANTITY of prime burms and scantling, of assorted dimensions—apply to
Geo. W. Barkley.
March 8—4f

Avender
MADERA de construccion de todas dimensiones—en casa de
G. W. Barkley,
Marso 8—4f se impendran.

PROPOSALS
WILL be received at the Mayor's office until the first day of April next, for repairing and putting in a state of usefulness and preservation, the Spring

POMPEY.

SELECTED FOR THE FLORIDIAN.

QUEBEC.

Load how'd the storm, dark gloom'd the night,
The clouded stars denied their light
To those who to the bloody fight
Advanced in darkness silently.

No noisy drum alarm'd the ear,
No trumpet broke the silence dear,
Nor e'er a footstep could you hear,
As slow they moved, and with awary.

Quebec! thy towering ramparts high
That night had doom'd in flames to lie,
Had not the towers of the sky
Opposed thy titan's bravery.

The gloomy face of murky night
Is lumin'd by those streaks of light,
That upward from the field of fight
Gleam'd to the black sky fearfully.

Alas! ye brave, your homes again
Ye ne'er shall see—for on the plain
The flower of thy force lies slain,
And BRAVES shout triumphantly.

Ah! where that loud and piercing yell?
'Twas FREEDOM when her hero fell—
A bullet wing'd by fends of Hell,
Has slain the brave Montgomery.

Thou' he is doom'd to perish here,
Thou' humble is the warrior's bier,
Yet moisten'd by the soldier's tear,
His name shall live eternally.

LAWS OF FLORIDA.

AN ACT to regulate the counties and establish inferior courts in the Territory of Florida.

1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the aforesaid Territory shall be divided into four counties, two in that part known as West Florida, and two in that part known as East Florida, as follows, to wit, in West Florida, all that part of the Territory west of the Choctochacha river, shall constitute the County of Escambia—all that part of the Territory East of the said river to the Suwaney river shall constitute another county, to be called Jackson—and that part of East Florida, lying north of the river St. Johns, and north of a line, commencing at a place called the Cowford, on said river, and terminating at the mouth of the Suwaney river, shall constitute a County by the name of Duval, and all the remaining portion of East Florida, shall be

the supersedias shall be issued by the clerk of said Court, and be obeyed by the clerk and sheriff of the Inferior Courts respectively.

6. Be it further enacted, That the Superior Court shall have power to award a certiorari, mandamus, or prohibition which shall be obeyed by the Inferior Courts respectively.

7. Be it further enacted, That there shall be appointed by the Governor in each County a well qualified clerk, whose duty it shall be to record all decrees, orders, judgments, and other papers required by law, and to preserve all papers appertaining to suits in said Courts, and to docket all causes as required by law, and who shall take an oath faithfully to perform the duties which have and may hereafter be assigned him, and execute bonds in the Secretary's office of the Territory, or such other place as the Governor shall direct, in the penalty of five thousand dollars with approved security, conditioned for the performance of the duties of their said offices.

8. Be it further enacted, That, the Inferior Courts shall be offices of original records, for deeds, mortgages, and other instruments, required by law to be recorded within their respective Counties.

9. Be it further enacted, That, the Inferior Courts shall have power to fine and imprison for contempt of their authority, provided the fines do not exceed twenty dollars, or the imprisonment six days.

10. Be it further enacted, That, there shall be appointed a sheriff for each County, who shall perform all the duties required by law, and before entering upon the duties of his office, shall take an oath faithfully to execute the duties required of him, without respect to persons, and execute a bond in the office of the Secretary of the Territory, in the penalty of five thousand dollars, with approved security, conditioned for the performance of his said office, or at such other as the Governor shall appoint, which shall not be void upon the payment of the penalty, but remain in full force; and the Sheriff and his securities shall be liable to the suit of any person whose property or rights

judgment againts the defendant, and should it not be recovered of the defendant, to be paid by the Territory.

15. Be it further enacted, That the Judges aforesaid, shall receive for their salary, twelve hundred dollars, to be paid quarterly, out of the Treasury of the Territory upon a warrant from the Governor.

Approved 12th August, 1823.

AN ACT regulating descents.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That, whenever any person having title to real estate of inheritance, shall depart this life, intestate, such estate shall descend in parcerately to the male and female kindred, in the following course, that is to say:

1. To his children or their descendants, if any there be.

2. If there be no children nor their descendants, then to the father.

3. If there be no father, then to his mother, brothers and sisters, and their descendants.

4. If there be none of the last mentioned kindred, the inheritance shall be divided into two moieties, one of which shall go to the paternal and the other to the maternal kindred, in the following course, viz:

5. First to the grand father.

6. If there be no grand father, then to the grand mother, uncles and aunts on the same side, and their descendants or such of them as there be.

7. If there be no grand mother, uncle nor aunt, nor their descendants, then to the great grand fathers, or great grand father if there be but one.

8. If there be no great grand father, then to the great grand mothers, or great grand mother, if there be but one, and the brothers and sisters of the grand fathers and grand mothers, and their descendants, if any there be.

9. And so in other cases without end, passing to the nearest lineal male ancestors, and for the want of them to the lineal female ancestors, in the same degree, and the descendants of such male and female lineal ancestors.

10. But no right of inheritance shall pass to any person who shall not and discharges the debts of

and may be lawful for the assignee of any such bond, bill or note to sue for the same, in the same manner the original obligee or payee might or could do; provided always that the defendant shall be allowed all discounts under the rules and regulations prescribed by law, he can prove at the trial either against the plaintiff or the original obligee or payee before notice of the assignment; and provided always, that nothing in this act shall be so construed as to alter the defence in law, or equity, that the defendant or defendants may have against the assignee or original assignor.

2. Be it further enacted, That when any person is assigned a bond or other writing, upon an assignment thereof, it shall not be lawful for the defendant to require of the plaintiff, proof of the assignment until the defendant shall deny the same on oath, by plea, alleging that he verily believes the assignment to be forged.

3. Be it further enacted, That it shall not be necessary in an action upon an assignment of any instrument of writing, assignable by law, to set forth in the declaration the consideration upon which such assignment has been made.

Approved 15th August 1823.

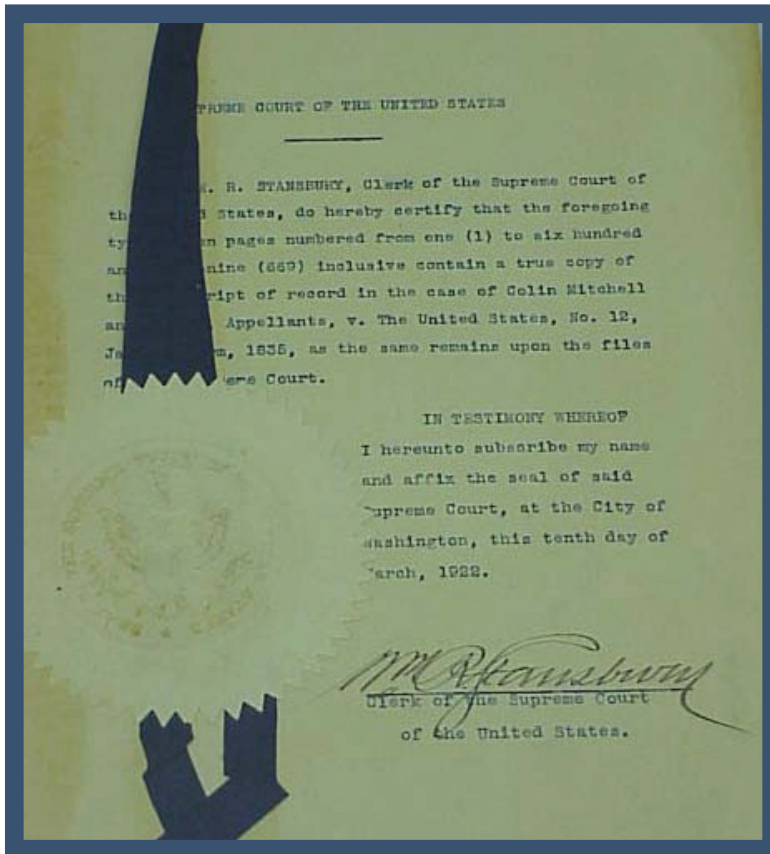
AN ACT Regulating damages on Bills of Exchange.

1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That, when any person within this Territory shall draw or endorse any bill or bills of exchange, upon any person or persons residing out of the United States, or the Territories thereof, the drawer thereof and all others concerned shall pay and discharge the contents of the bill, or bills, together with twenty per cent advance for the damages thereof, in money equivalent to that paid to the drawer or endorser.

2. Be it further enacted, That, if any person shall draw a bill of exchange upon any person residing out of the Territory, and within the United States, and the same shall be returned unpaid, with legal protest, the drawer thereof and all others concerned in drawing and endorsing the same, shall pay and discharge the contents of

THE FLORIDIAN: LAWS OF FLORIDA

The Territorial Legislature passed their first acts on Aug. 6, 1822. The Pensacola newspaper, *The Floridian*, published these laws on March 28, 1823. Chapter one outlined the powers of the lower courts, authorized county sheriffs, and stipulated the location and meeting dates for the courts. This original newspaper is in the Supreme Court of Florida archives.



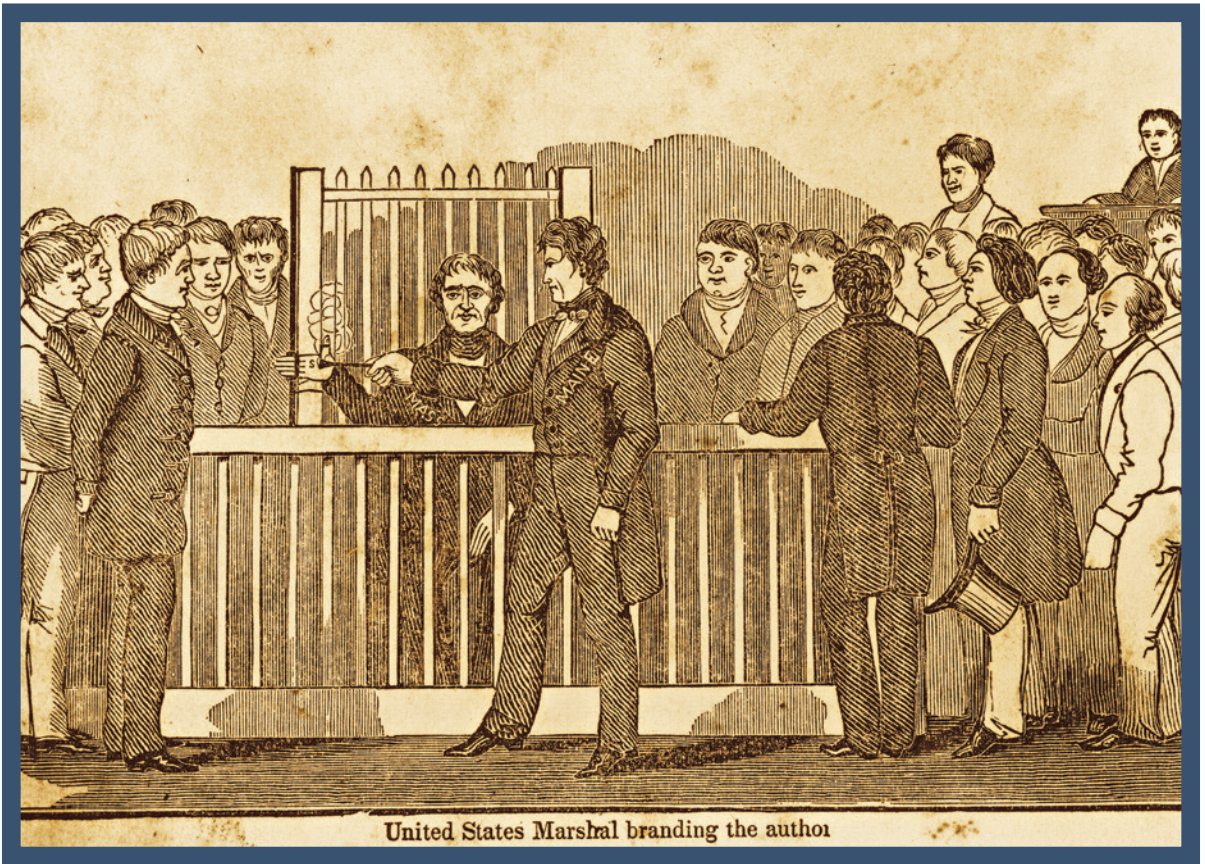
SPANISH LAND GRANTS

The Adams-Onís Treaty transferred Florida to the United States from Spain. Article VIII of the treaty provided that the United States would recognize land grants made by Spain if landowners could prove the claims were granted before Jan. 24, 1818. Congress appointed two boards of commissioners, one for East Florida and one for West Florida, to determine the legitimacy of land grant claims. The boards existed from 1822 to 1827.

The Forbes Purchase (next page) was by far the largest of the Spanish land grants and was in litigation for decades. Originally Creek and Seminole lands, they were deeded to the trading company of Pantón, Leslie, & Co. in order to pay off large debts. The land grant stretched from the Apalachicola River toward St. Marks. The firm of Carnochan and Mitchell purchased the land from John Forbes & Co. and sued for the title. In 1838, the U.S. Supreme Court ruled in their favor in *Mitchell v. United States*. In 1921, the Apalachicola Land and Development Company sued the State of Florida over the rights to submerged lands in the Forbes Purchase. The state obtained a certified transcript (above), now in the Florida Supreme Court Library, of the record filed in the United States Supreme Court in the case of *Mitchell v. United States*.



Map of the lands of Forbes Purchase, circa 1838.



THE JONATHAN WALKER CASE-THE BRANDED HAND

In 1844 Captain Jonathan Walker was caught trying to assist seven slaves to escape to the Bahamas. Territorial Judge Dillon Jordan sentenced abolitionist Jonathan Walker to be jailed, pilloried, and branded in Pensacola for attempting to free them. In the print (above), United States Marshall Ebenezer Dorr brands Walker with the letters “SS” for “Slave Stealer.” John Greenleaf Whittier’s poem, “The Branded Hand,” and Walker’s own booklet (next page) shocked many Americans and attracted national attention to the abolition movement.

TRIAL AND IMPRISONMENT
OF
JONATHAN WALKER,
AT PENSACOLA, FLORIDA,
FOR
AIDING SLAVES TO ESCAPE FROM BONDAGE.
WITH AN
APPENDIX,
CONTAINING A SKETCH OF HIS LIFE.



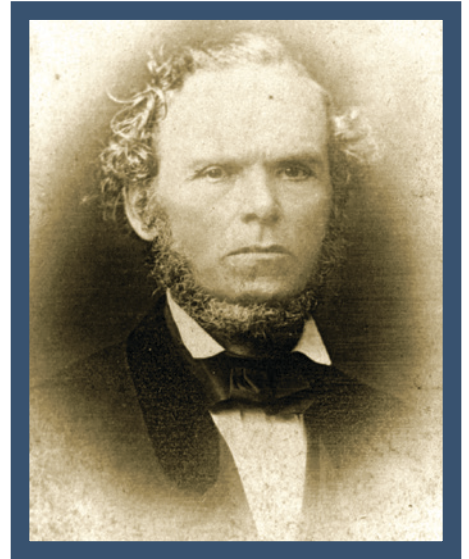
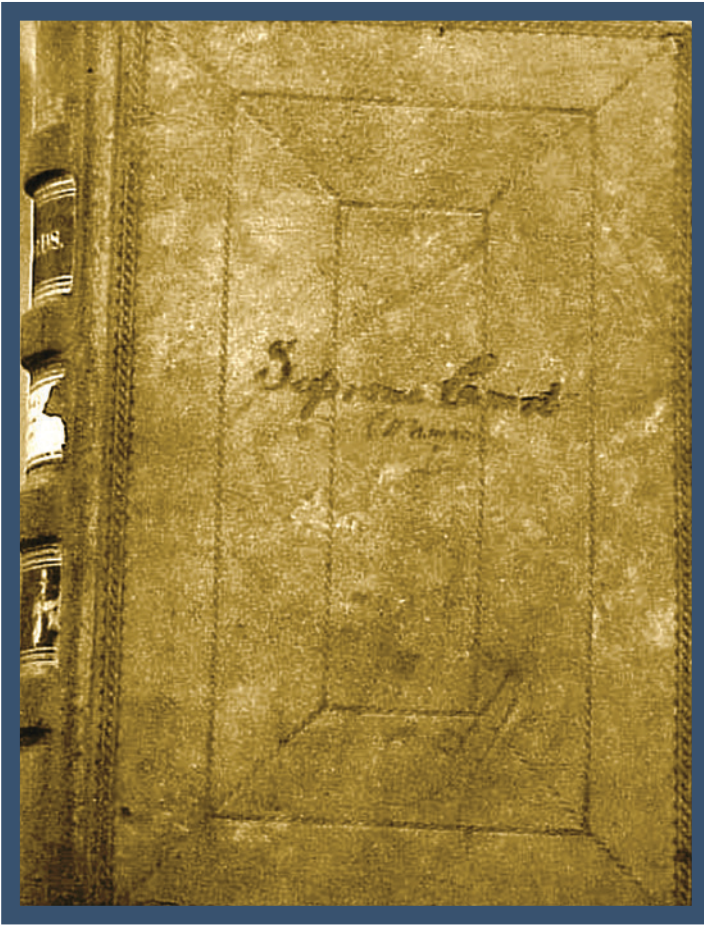
“All things whatsoever ye would that men should do unto you, do ye even so unto them. For this is the law and the prophets.”

BOSTON:
PUBLISHED AT THE ANTI-SLAVERY OFFICE,
25 Cornhill.
1845.



RIDING THE CIRCUIT

The 1838 Florida Constitution mandated that judges from the four circuit courts convene annually as the highest appellate court, the Supreme Court of Florida. A justice was prohibited to sit “as judge of any case, which shall have been decided by him in the courts below.” Elected by the legislature, the judges were required to hold court in the different counties of their respective circuits: West, East, Middle, and South. In their effort to establish law and order in the turbulent era after statehood, these early circuit-riding judges faced many hardships. In spite of poor transportation, a sparse and diverse population, few resources, and limited government support, the circuit-riding judges succeeded in building a statewide system of public courts. By 1851, the legislature provided for an independent supreme court with its own justices.



THE COURT CONVENES

The first entry of the Supreme Court Minute Book (above, left) indicates that the court attempted to convene for the first time on Jan. 5, 1846, at the Capitol Building in Tallahassee. Since a quorum was not present, the court was adjourned until the following day. Chief Justice Thomas Douglas, Justice Thomas Baltzell (above, right) and Justice George S. Hawkins were circuit judges who met once a year as the supreme court. The justices received \$2,000 per annum salary, \$500 more than the governor. Early Florida courtrooms were sparse and supplies were limited; one circuit clerk commented: “Two books are used—one for all the dockets and the other for the minutes of the courts.”

A handwritten entry in the Supreme Court Minute Book, from Jan. 5, 1847
(next page)

At a session of the Supreme Court for the State of Florida begun and held at the Capitol in the City of Tallahassee on Monday the fourth day of January A.D. 1847.

Present Hon Thomas Douglas Chief Justice
" George S. Hawkins } associate
" George W. Macrae } Justices

Ordered that Court be adjourned till Tomorrow morning 11 o'clock
The Douglas Chief Justice

At a Supreme Court for the State of Florida continued and held at the Capitol in the City of Tallahassee on Tuesday the fifth day of January A.D. 1847

Present Hon Thomas Douglas Chief Justice
" George S. Hawkins } Associate
" George W. Macrae } Justices
" Thomas Balford }

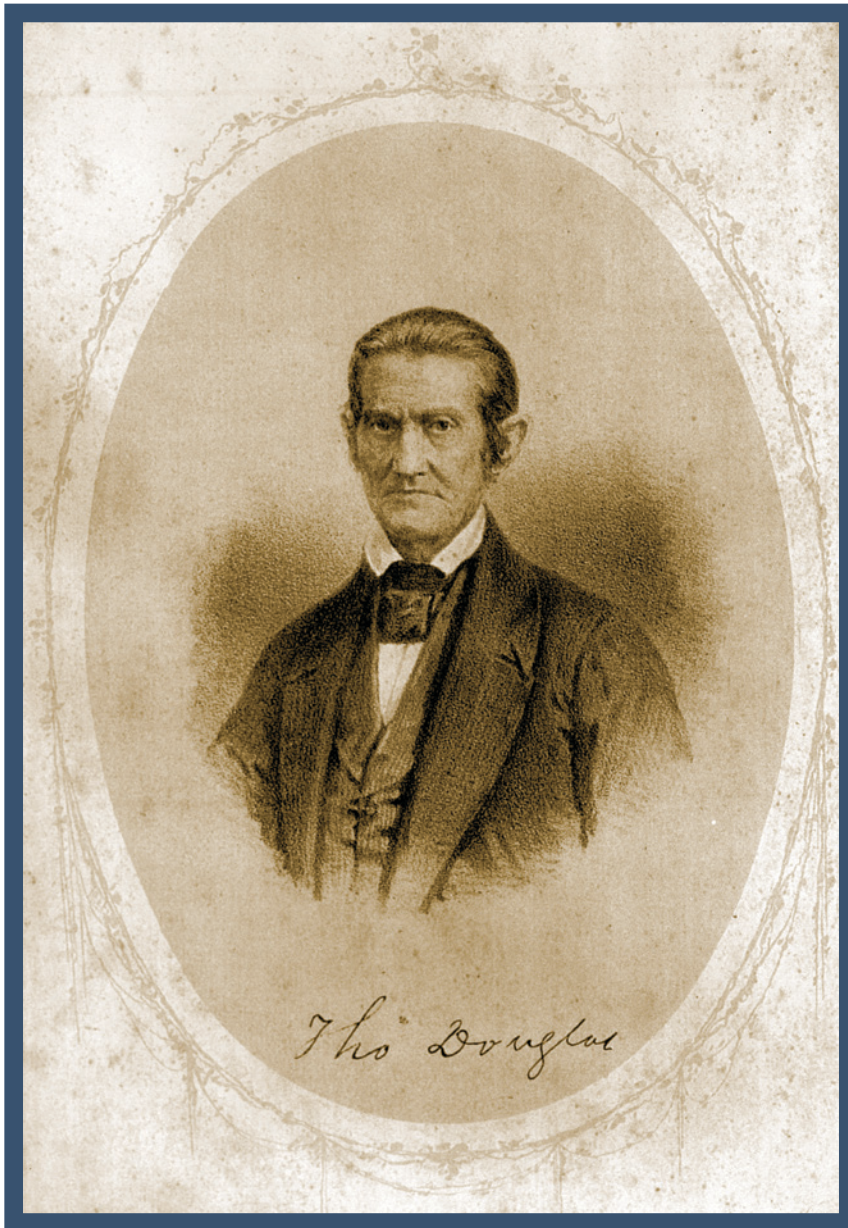
Philip Tracet, Samuel James Douglas and S. Wayles Baker who have been duly licensed to practice in the several Courts of this State, have leave to practice as Attorneys and Counsellors at law in this Court and thereupon they severally took the oath to support the Constitution of this State and of the United States and the oath of an Attorney at law.

Peter W. Gautier vs Appellant
vs do }
Webbville Commissioners - Appellee

Ordered that this cause be dismissed at the costs of the Appellant

Abner W. Sessions for the use of Hamilton W. Sharp vs Appellant
vs do }
John Stephens vs Appellee

This cause was this day heard upon the transcript of the record of the judgment aforesaid and the argument of Counsel for Appellant but because the Court is not yet advised of its judgment to be given in the premises time is taken to consider thereof. During the argument of this cause the Hon. Thomas Douglas Chief Justice, who presided when this cause was tried in the Court below, retired from the Bench.



FIRST CHIEF JUSTICE THOMAS DOUGLAS

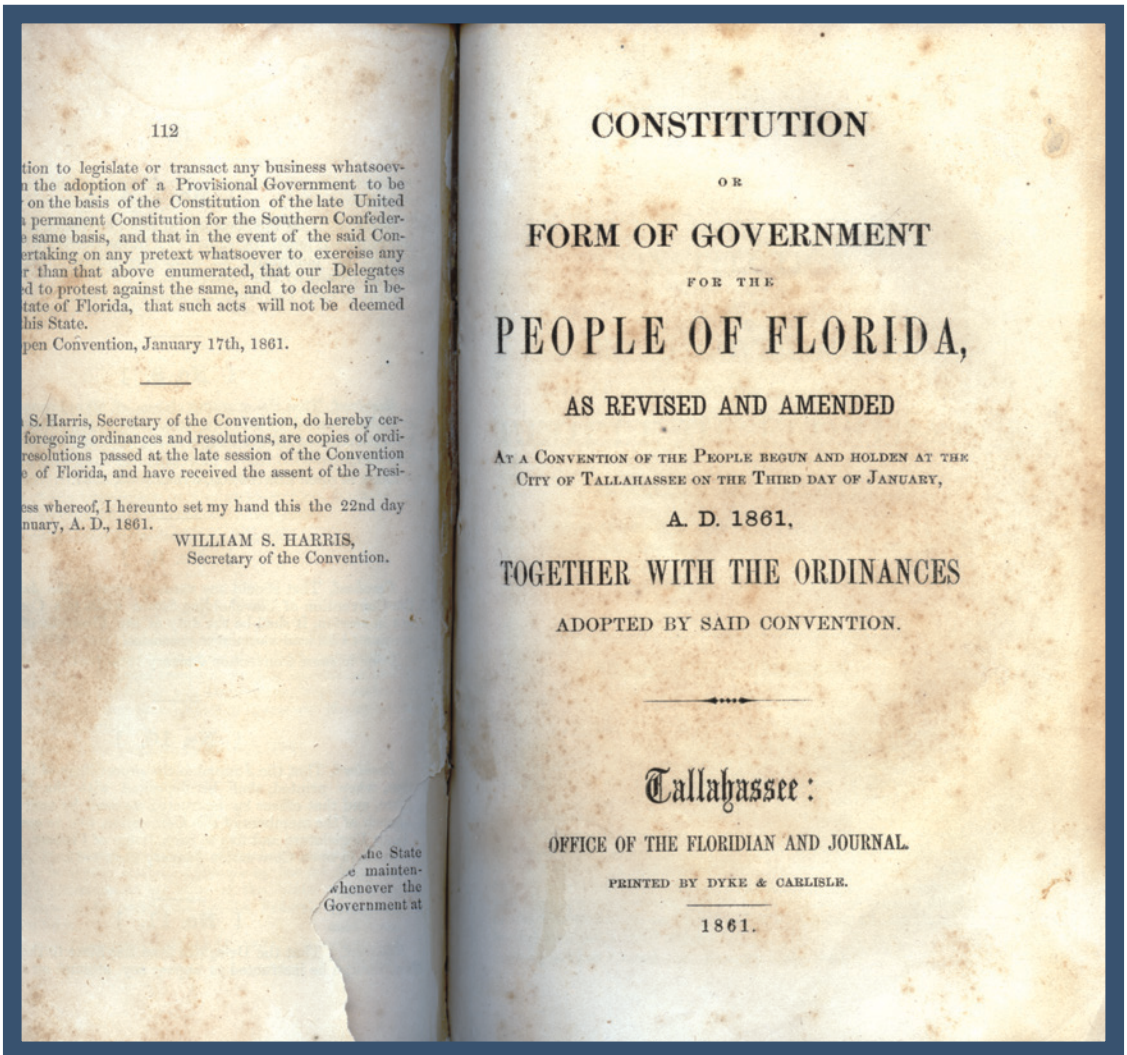
The first justice of the court and its first chief justice, Thomas Douglas was born April 27, 1790, in Wallingford, Connecticut. At the age of 30, Douglas started studying law by reading 200 pages of law and 200 pages of history every day. In 1826, President John Quincy Adams appointed Douglas United States district attorney for East Florida -- a post he held until named to the Florida Supreme Court in 1845. He died on Sept. 11, 1855, while still serving on the court.



THE RIGHT TO TRIAL BY JURY

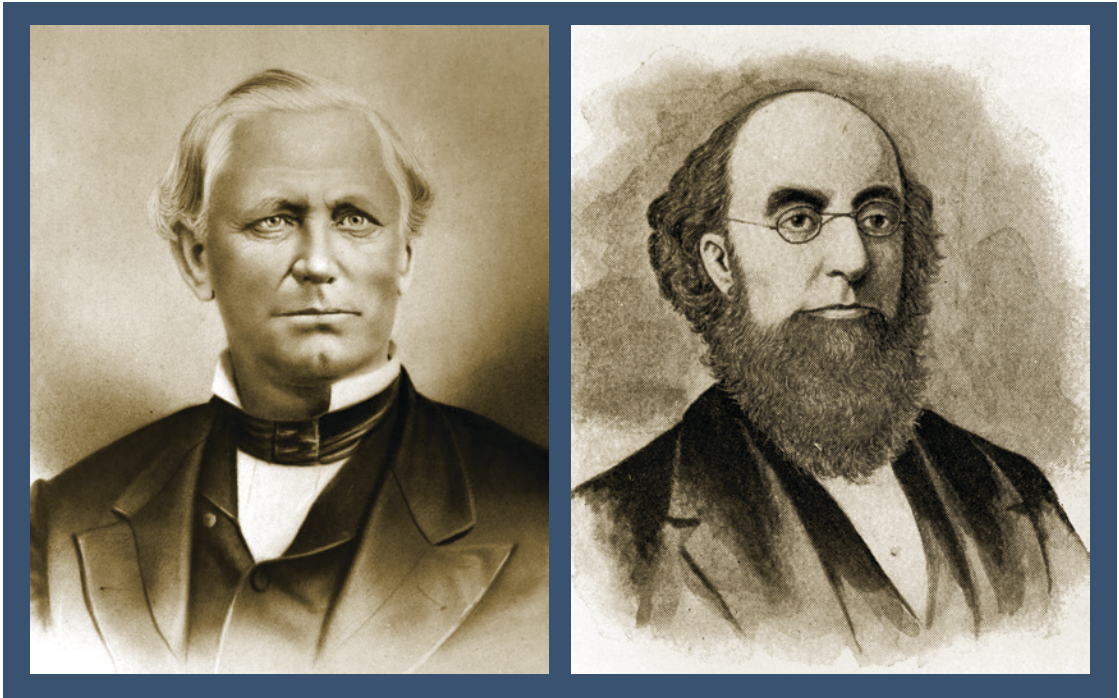
Flint River Steamboat Case

Since the earliest years of the state, the Supreme Court of Florida has protected the right to jury trial. In 1848, three years after statehood, the court confronted a state law authorizing a judge to order seizure and public sale of vessels plying the Apalachicola River system (above) for payment of the owners' debts. The statute made no mention of trial by jury and a case inevitably arose in which a judge without benefit of a jury verdict ordered the sale of a steamboat. Appealed to the supreme court, the case involved the sale of the steamboat *Magnolia* because of debts owed by the Flint River Steam Boat Company. In striking down this law, Chief Justice Thomas Douglas wrote that "the right of trial by jury has ever been cherished and preserved by our Anglo Saxon ancestors, and by the fathers of the revolution of 1776."



CONSTITUTIONAL CONVENTIONS

All laws in the state of Florida are based on the constitution of the state. One of the main responsibilities of the Supreme Court of Florida is to evaluate laws to ensure that they are in accordance with the constitution. The supreme court has the authority to declare a legislative act unconstitutional. Constitutions are written by a state convention and then usually put to a general public election. Florida has had five state constitutions since 1845. The 1861 constitution (above) provided for the appointment of supreme court justices and circuit judges. The 1861 convention also asked the supreme court justices to prepare the final manuscript of the *Ordinance of Secession*.



JUSTICE HART AND THE IMPEACHMENT OF GOV. REED

As the first native-born Floridian on the state supreme court, Justice Ossian B. Hart's (above, left) service enhanced the court's reputation for honesty, integrity, and fairness during the period after the Civil War. A visitor observed that Hart was a "tall white haired old gentleman who has the respect of nearly everybody."

The first governor under the new 1868 constitution, Harrison Reed (above, right) twice faced impeachment charges from within his own party and both times the governor involved the court. In an 1868 advisory opinion, the supreme court decided in Gov. Reed's favor, declaring the act of impeachment void. Although Gov. Reed had appointed the entire court, its reputation was so great that few people found any reason for complaint. One critic acknowledged that "the Supreme Bench are men not easily corrupted."

In 1872, the court was again expected to rule in Reed's favor. However the governor was surprised when Justices Hart and Westcott ruled that the court did not have jurisdiction. In the impeachment trial, the governor was acquitted by a narrow ten to seven vote. During these controversial times, Justice Hart and the court earned a reputation for impartiality and the court's decisions established important precedents regarding impeachment trials.



THE PRESIDENTIAL ELECTIONS OF 1876 AND 2000

The presidential election of 2000 was not the first time that Florida has been at the center of a disputed presidential election. Florida's electoral college votes were the deciding factor in the disputed Hayes-Tilden presidential election of 1876. The illustration above is from *Harper's Weekly* entitled "Counting the electoral vote: David Dudley Field objects to the vote of Florida." Field's objection referred to the three electoral college certificates, all from Florida. The Congressional Electoral Commission eventually declared Hayes the winner. The entire country closely followed the opinions of the Florida Supreme Court in both elections.



Justices of the Florida Supreme Court hear oral arguments in the presidential election cases before them in 2000.



SEPARATION OF POWERS: *BISBEE V. DREW*

During the contested 1878 Hull-Bisbee election for U.S. Congress, some of the lawsuits concerning fraud involved the governor, obliging the supreme court to rule on the separation of powers between the executive and judicial branches. Horatio Bisbee, Jr., (left) sued Gov. George F. Drew (right) after the governor ignored the recount results and instead certified Andrew N. Hull as the winner.

In *H. Bisbee, Jr. v. Geo F. Drew, Governor*, the Florida Supreme Court ruled that “the governor of the State of Florida cannot be commanded by the courts to perform any act which may be required of him by a law of the state relating to the executive office.”

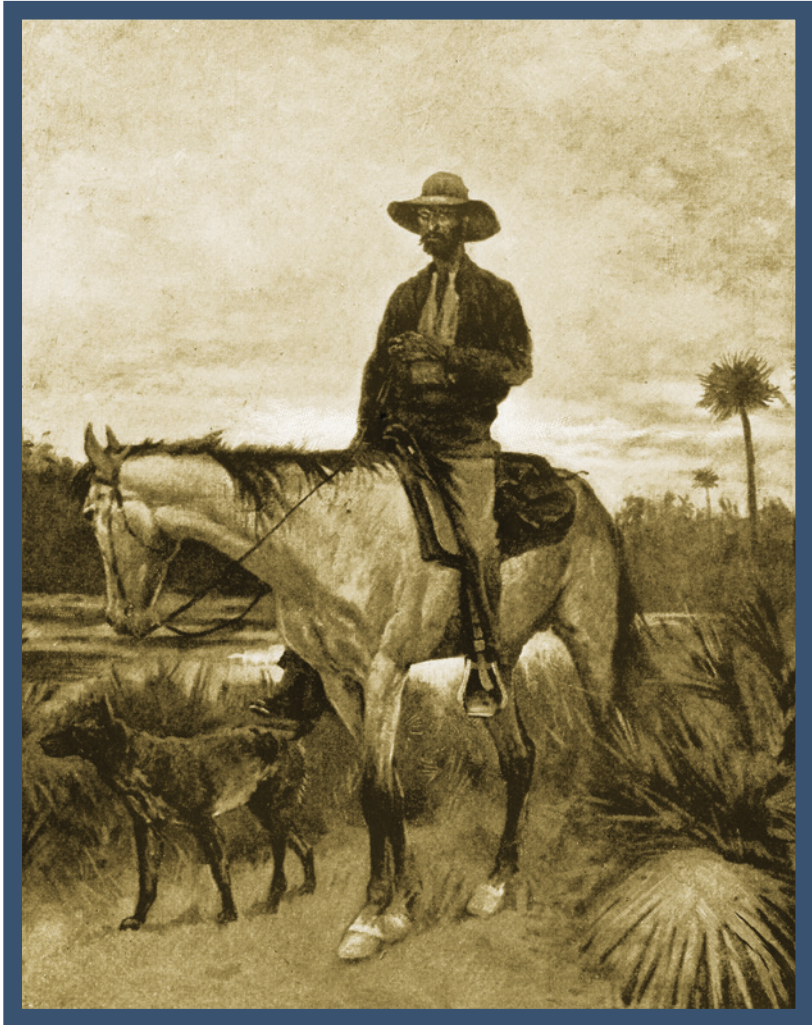
Justice James Westcott dissented, writing “This court has held that officers of the executive department of the government are subject to control by the courts in the exercise of ministerial powers pertaining to elections.” Hull served in the U.S. House for one year until a congressional investigation expelled him and instated Bisbee.



COUNTY JUDGES

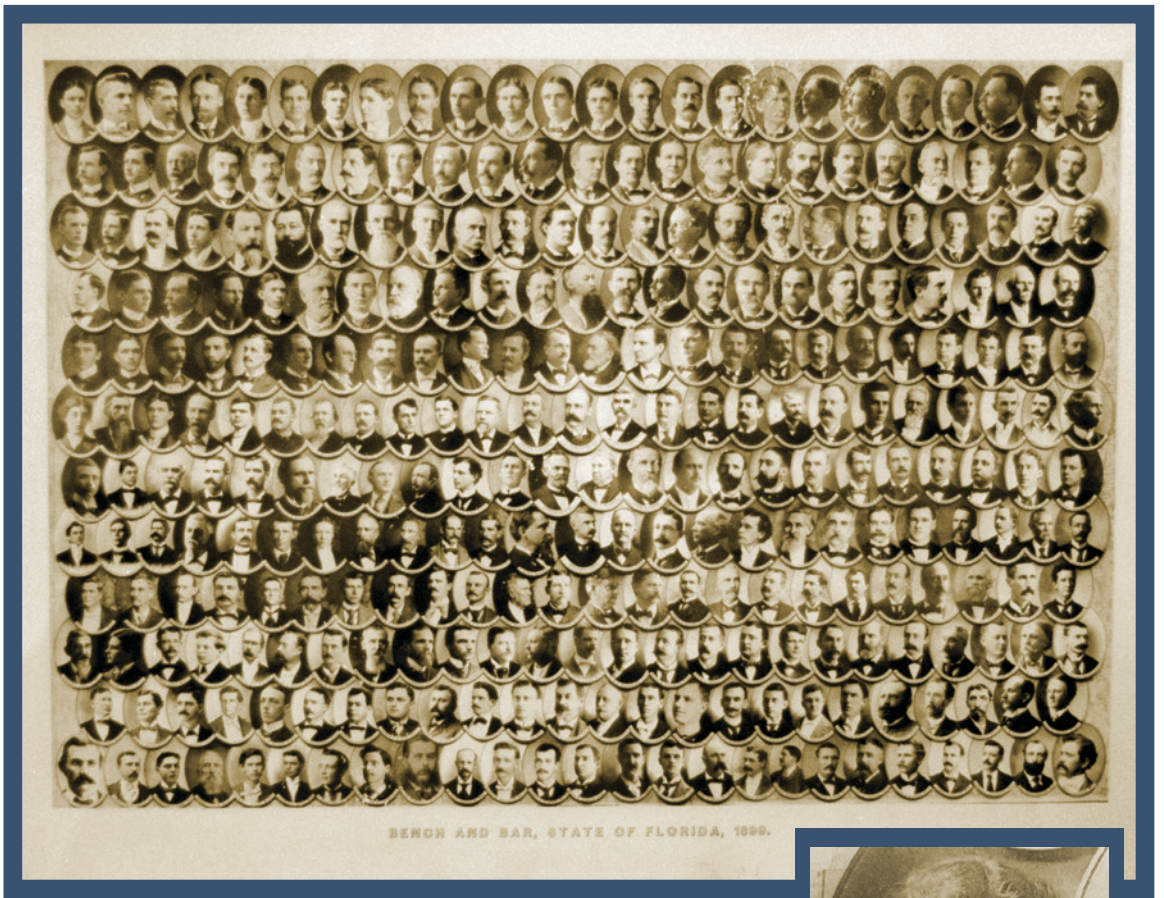
County judges often were not paid much and had many duties, with little or no help. Judge E. C. May recalled, “I paid for postage, telephone, telegraph, and express. For years, I swept and scrubbed the floors and washed the windows. I brought in all the wood, but the fireplace often ‘back-fired,’ then fire and black smoke would billow into the office.”

Judge Thompson at work in the Gadsden County courthouse, about 1913 (above)



THE CASE OF THE CRACKER COWBOY

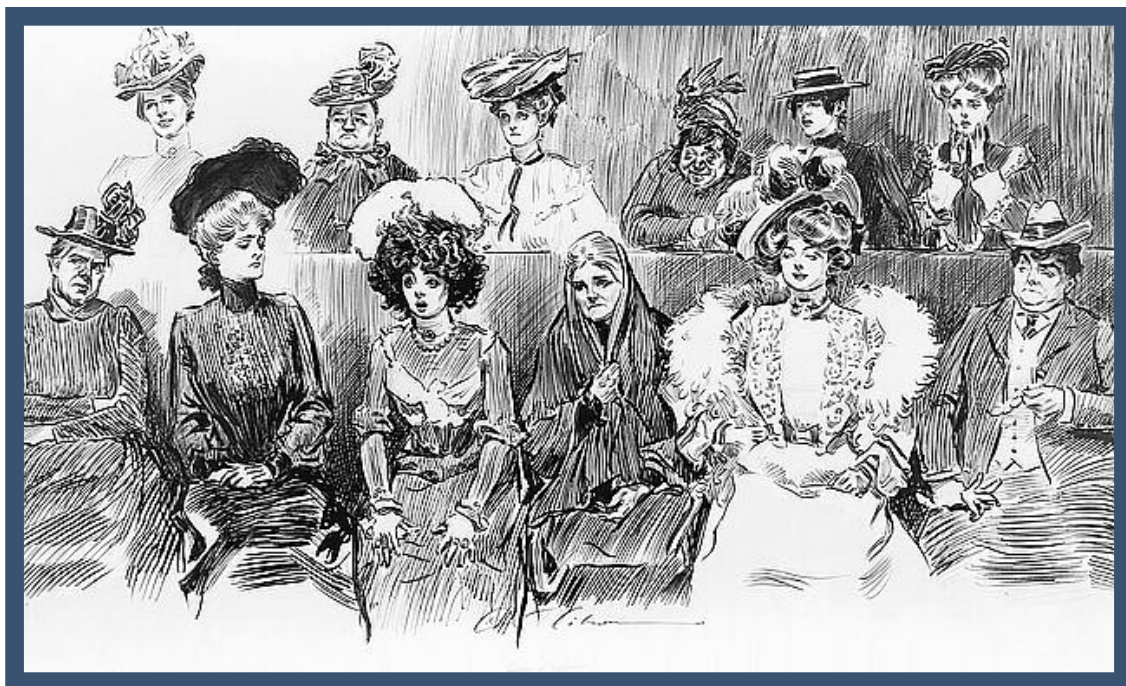
After the Civil War, some areas of Florida were as violent as the Wild West. The assassination of Orange County Sheriff David Mizell set off the infamous Barber-Mizell range feud that claimed at least eight lives. Morgan Bonaparte “Bone” Mizell was the model for Frederic Remington’s famous drawing of a cracker cowboy (above). This legendary Florida cowboy was renowned for his tall tales, practical jokes, and colorful life. He was so popular that although arrested in 1896 for rustling, Bone was treated as an honored guest when he arrived in the evening at the state prison. After receiving a personal tour by the warden and then serving as guest speaker at a dinner, Bone received his pardon and was promptly put on the train for home.



THE BENCH AND BAR OF 1899

In 1899, there were approximately 300 judges and lawyers in all of Florida. Shown in this composite photograph of the 1899 Bench and Bar are many past and future supreme court justices. In addition to sitting Justices Francis Carter, Milton Mabry, and R. Fenwick Taylor, are former Justices George P. Raney, Augustus E. Maxwell, Benjamin S. Liddon, and Henry L. Mitchell. Future justices are Jefferson B. Browne, William H. Ellis, William A. Hocker, Charles B. Parkhill, and Thomas M. Shackelford. Also pictured are former governor Francis Fleming, federal judge Charles Swayne, and future governor William S. Jennings. Only two women are pictured, Louise Rebecca Pinnell (right, top), Florida's first woman lawyer, and Alice Johnson (right, bottom).





WOMEN ON JURIES: *HOYT V. FLORIDA*

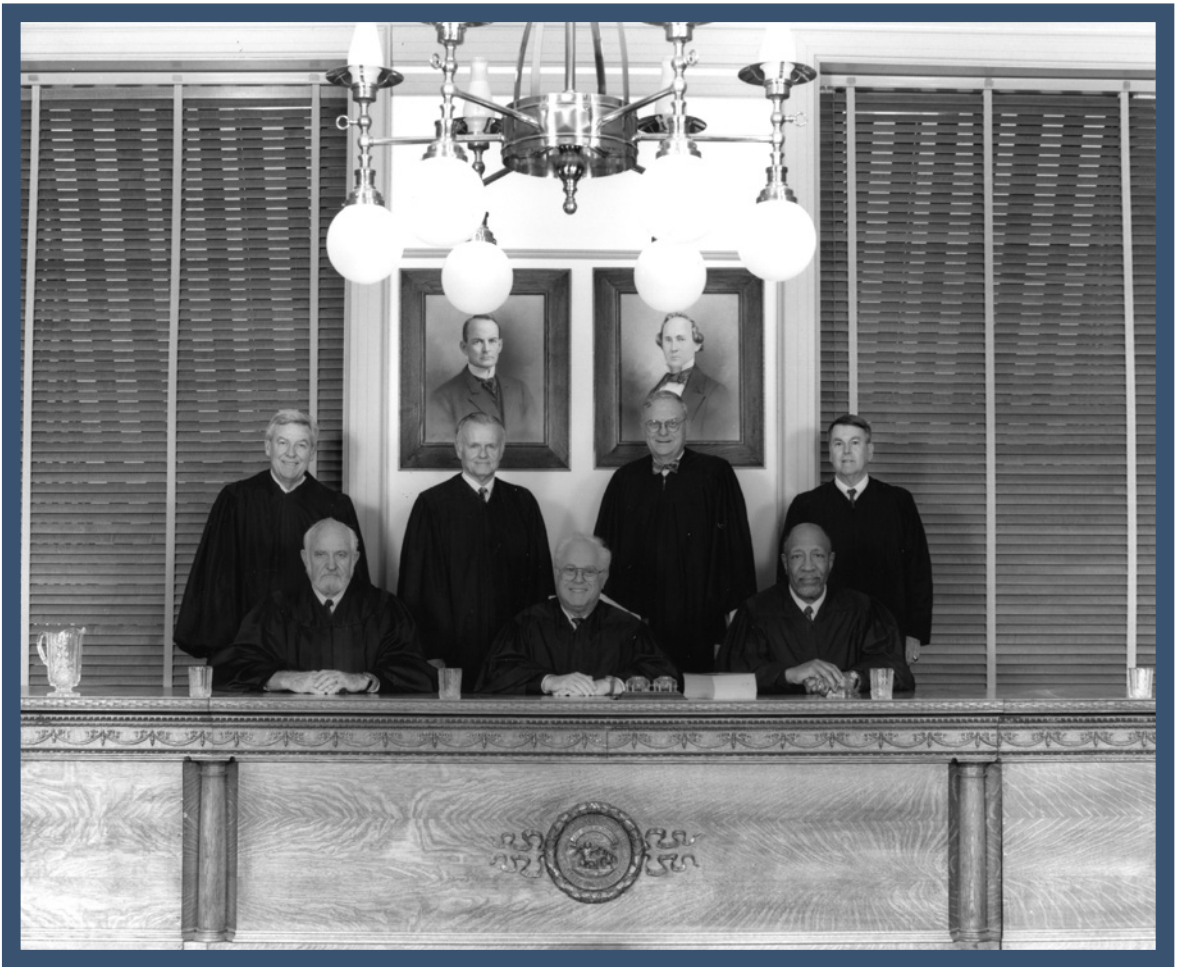
Upon ratification of the 19th Amendment in 1920, some states allowed women jurors. Although women were first admitted to practice law in Florida in the late 1890s, it was not until 1949 that Florida allowed women to volunteer for jury service. Opponents ridiculed the idea of women serving on juries (above). Some argued that women would be corrupted, that jury duty would interfere with women's obligations as wives and mothers, or that they were too sympathetic and emotional. Few women registered to voluntarily serve and the jury room remained largely male.

In 1961, the United States Supreme Court upheld Florida's voluntary jury law for women in *Hoyt v. Florida*. The court concluded that "despite the enlightened emancipation of women," they occupied a unique position "as the center of home and family life." It was 1967 before the Florida legislature passed a law requiring compulsory jury duty for women. In 1975, the United States Supreme Court reversed itself and held that excluding women from jury duty was unconstitutional.



MONTGOMERY V. STATE

The above photo shows a case being tried in Judge Stalnaker's courtroom in Tampa on Nov. 8, 1927. African-American defendants in early twentieth century Florida had been consistently denied having other African-Americans as jurors. In 1908, Justice Whitfield (above, right), writing for the Florida Supreme Court, declared in *Montgomery v. State*, that a black defendant "is entitled to have a jury selected and summoned without illegal discrimination of any character." Regarding the landmark *Montgomery v. State* decision that opened the way for African-Americans to sit on juries, Justice Hugo Black commented in 1948 "that Judge Whitfield should have written it in 1908 is a tribute to his courage and his character."



OLD CAPITOL COURTROOM

The Florida Supreme Court met in its former chamber in the Old Capitol for the first time since 1913, during the celebration of the 150th anniversary of the court in May 1997. The court is shown at the original 1902 bench. (sitting, left to right) Justice Ben F. Overton, Chief Justice Gerald Kogan, Justice Leander J. Shaw; (standing, left to right) Justices Charles T. Wells, Stephen H. Grimes, Jr., Major B. Harding, and Harry Lee Anstead.



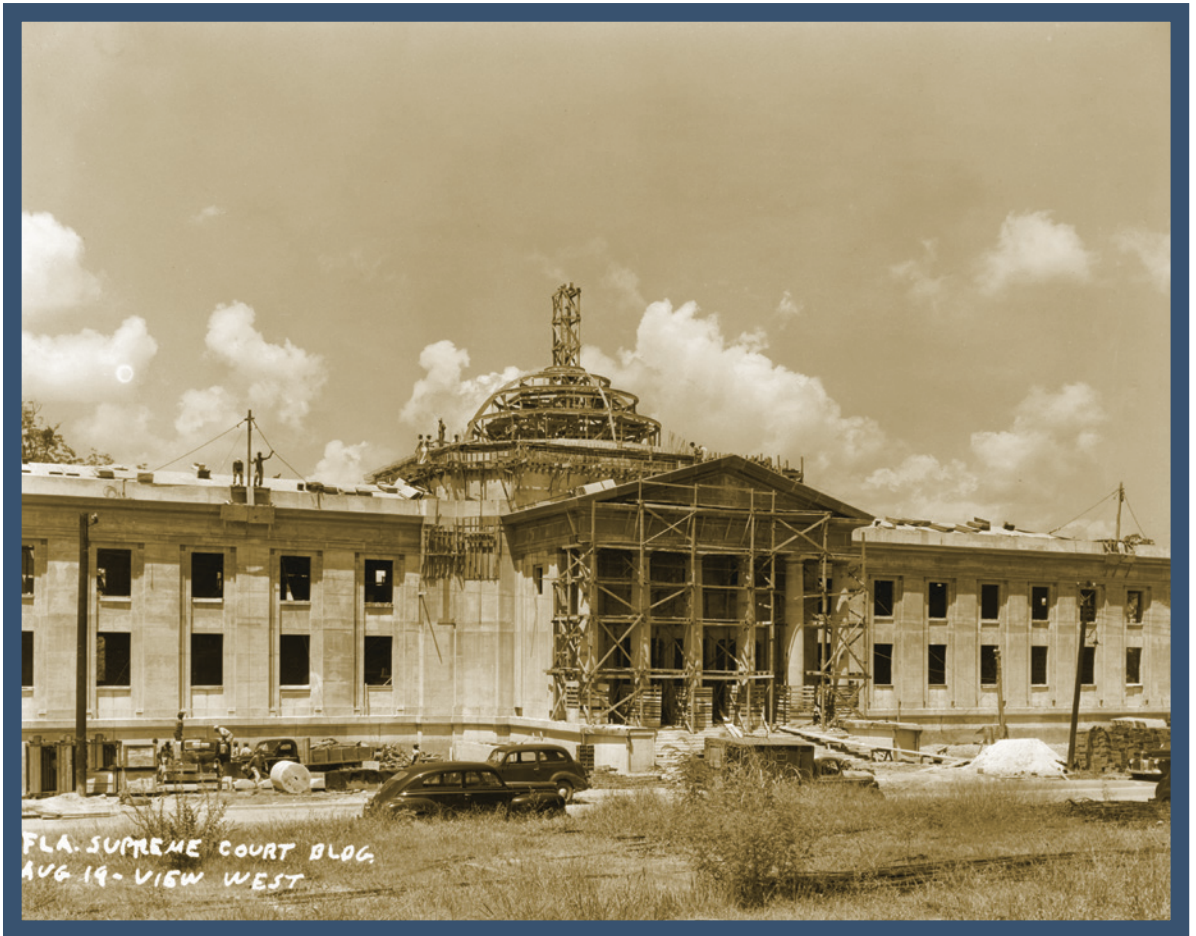
FORTY YEARS ON THE COURT

Renowned for homespun philosophy and witticisms, Justice William Glenn Terrell (above, third from left) served on the supreme court for over 40 years—the longest of any justice. In one of his more than 2,500 opinions he stated, “It is better to eat crow than to perpetuate error. The crow is not rationed and the approval of conscience will more than compensate for the eating.” The addition of Justice Terrell to the court on May 15, 1923, increased the court to six members. The court was expanded to seven justices in 1940. Justice Terrell retired in 1964 at the age of 86.

Photo of the 1943 court (above, left to right) Alto Adams, Roy H. Chapman, Glenn Terrell, Chief Justice Rivers Buford, Armstead Brown, Elwyn Thomas, and Harold L. “Tom” Sebring.

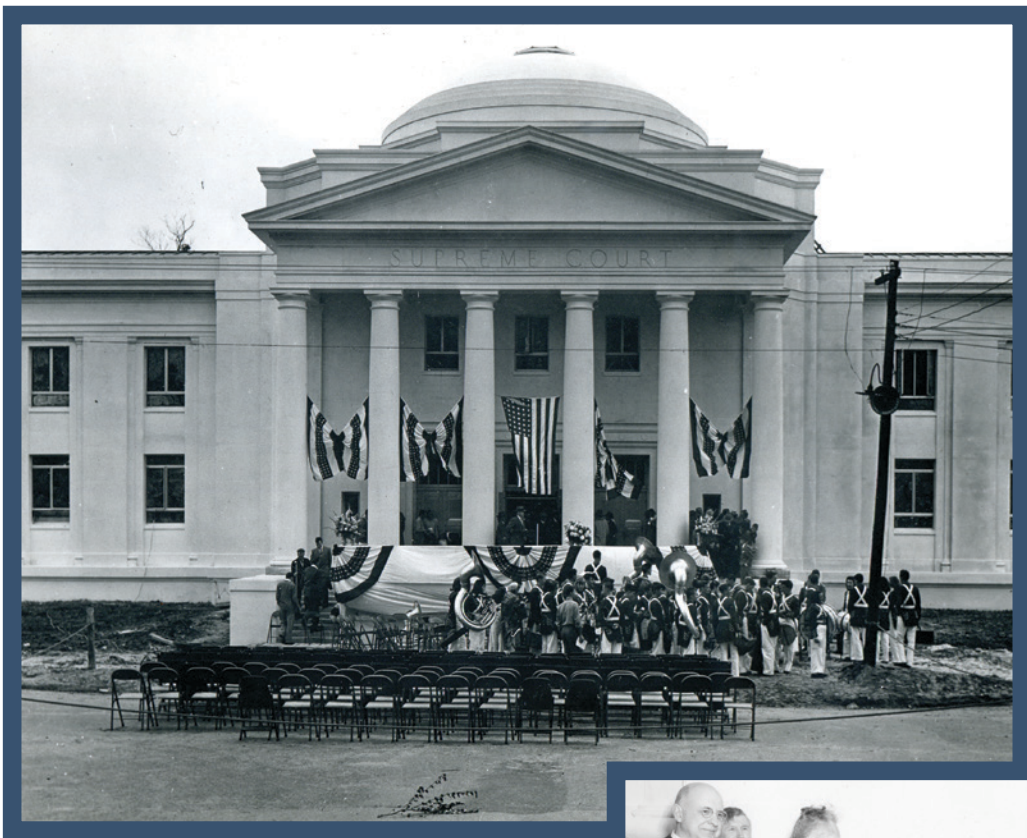
Chief Justice Terrell (right) administers the oath of office to Gov. LeRoy Collins (left) as Supreme Court Clerk Guyte McCord (center) holds a Bible, Jan. 8, 1957.





1948 CONSTRUCTION OF THE SUPREME COURT BUILDING

By the early 1940s the court needed more space. After considering various plans to enlarge the Whitfield building, it was decided to build a new structure. Architects for the new Supreme Court Building were James Gamble Rogers, II, of Winter Park, Florida, and Yonge & Hart of Pensacola, Florida. The J. A. Jones Construction Company built the 1948 structure at a cost of \$1.7 million. The architectural style includes Jeffersonian Greek Revival elements, especially the dome.



THE DEDICATION OF THE SUPREME COURT BUILDING

Dec. 28, 1948



The photograph above shows the laying of the cornerstone at the dedication ceremony for the current Supreme Court Building on Dec. 28, 1948. Florida Gov. Millard Caldwell (right), who was chair of the Supreme Court Building Commission, presented Florida Chief Justice Elwyn Thomas (right, center) with a box of memorabilia placed inside the cornerstone. It included legal works, photographs of the court, and a copy of the program for the dedication. On the far left of the photograph is Associate Justice Stanley Forman Reed of the United States Supreme Court.

Photo (top) of the building front on dedication day, shortly before heavy rain forced the assembled participants to move to the Capitol Building to complete the ceremony.

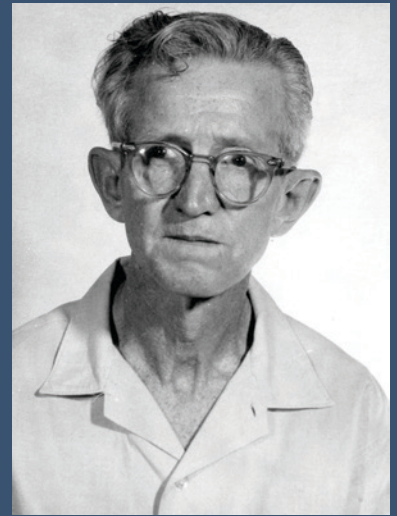


JUSTICE HAROLD SEBRING AT NUREMBERG

The 46th justice of the court, Harold L. “Tom” Sebring (top and above, far left) had one of the most varied careers of any Florida justice and was also one of the most widely respected members ever to serve on the court. He served as football coach, lawyer, circuit judge, a judge at the Nuremberg Trials, justice and chief justice of the supreme court and dean at the College of Law of Stetson University. Justice Sebring was appointed to the Nazi War Crimes Tribunal at Nuremberg, Germany, by President Harry Truman and served from Oct. 1946 to Aug. 1947.



Harold L. "Tom" Sebring (far left, upper bench)



GIDEON V. WAINWRIGHT

In 1961, Clarence Earl Gideon (above, right) an indigent man from Panama City, Florida, was charged with a felony for breaking and entering. Unable to hire a lawyer, the court denied his request for one, stating that it was only obligated to appoint counsel in capital cases. A jury convicted Gideon and the court sentenced him to five years. While at Raiford State Penitentiary, Gideon filed a motion to the United States Supreme Court which was granted in 1963.

In a unanimous decision, the U.S. Supreme Court held that Gideon had a right to a court-appointed attorney. In *Gideon v. Wainwright* the court found that the sixth amendment's guarantee of counsel was a fundamental right, essential to a fair trial, with Justice Black commenting that "lawyers in criminal courts are necessities, not luxuries." With a court-appointed lawyer representing him, Gideon was found not guilty at his retrial and set free.

This landmark case led to the establishment of the Florida public defender system. The 1963 legislature established the office of public defender in each circuit to defend indigent criminal defendants in all but a small number of minor matters. In 1973, the Florida Legislature created the office of the public defender. It was the first statewide public defender system in the nation.

Bay County Courthouse, Panama City, Florida (above, left)

Gideon's unsuccessful handwritten appeal to the Florida Supreme Court, 1961 (next page)

FILED

31, 116

MOTIONS
MONDAY, OCTOBER 16, 1961
NOT TO BE HEARD

R
H
D
C
O
C

DIVISION OF CORR
CORRESPONDENCE R

MAIL WILL NOT BE DELIVERED WHICH DOES NOT CONFORM WITH THESE RULES

No. 1 -- Only 2 letters each week, not to exceed 2 sheets letter-size 8 1/2 x 11" and written on one side only, and if ruled paper, do not write between lines. Your complete name must be signed at the close of your letter. Clippings, stamps, letters from other people, stationery or cash must not be enclosed in your letters.

No. 2 -- All letters must be addressed in the complete prison name of the inmate. Cell number, where applicable, and prison number must be placed in lower left corner of envelope, with your complete name and address in the upper left corner.

No. 3 -- Do not send any packages without a Package Permit. Unauthorized packages will be destroyed.

No. 4 -- Letters must be written in English only.

No. 5 -- Books, magazines, pamphlets, and newspapers of reputable character will be delivered only if mailed direct from the publisher.

No. 6 -- Money must be sent in the form of Postal Money Orders only, in the inmate's complete prison name and prison number.

INSTITUTION STATE PENITENTIARY RAIFORD FLA CELL NUMBER D-9
NAME CLARENCE EARL GIDEON NUMBER 003836

Handwritten: Dany
Petition
K. J. O'C

SUPREME COURT

STATE OF FLORIDA

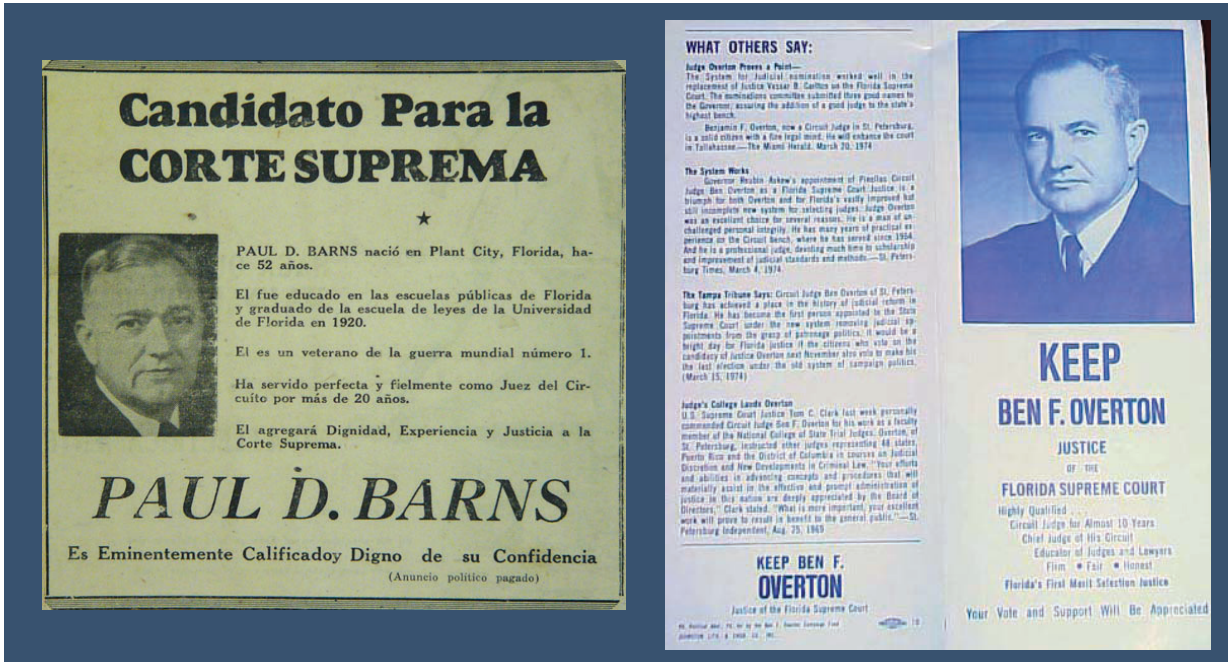
PETITION FOR WRIT OF HABEUS CORPUS

Handwritten: K. J. O'C
I, Clarence Earl Gideon, inform this court that I am a pauper with out funds or any possibility of obtaining financial aid, and I Beg of this court to listen and act upon my plea
on the 3rd day of June 1961 A. D. I was arrested and charged with the crime of Breaking and entering with the intent to commit a misdemeanor to wit petty larceny. And that I plead not guilty to this charge. That on the 4th day of August 1961 A. D. I was tried in court of BAY COUNTY the 14th DISTRICT COURT IN AND FOR THE STATE OF FLORIDA and was found guilty as charge that on the 25th day of August 1961 A. D. was sentenced to a term of five years (5 yrs) in the state prison

1968 FLORIDA CONSTITUTION REVISION COMMISSION

The 1965 legislature established a constitution revision commission consisting of 37 members, the attorney general, and representatives of the governor, supreme court, Florida Bar, legislature, and the public. The commission organized on Jan. 11, 1966, and delivered its recommendations to the legislature on Dec. 13. The legislature freely exercised its right to revise the commission's draft. Included in the group photo of the commission, above, are Supreme Court Justices B.K. Roberts (back row, far left) and Stephen C. O'Connell (second row from back, second from right) and former Supreme Court Justice Harold L. "Tom" Sebring (back row, second from right).





ELECTION OF JUSTICES

The 1885 constitution provided for the election of supreme court justices. This continued until a 1976 constitutional amendment created a “merit retention” system for Florida’s justices.


Justice Paul D. Barns (above, left) kept a scrapbook of his newspaper advertisements. This one is in Spanish. Nov. 1946

Justice Ben Overton (above, right) was one of the last justices to be elected. Nov. 1974

Justice Elwyn Thomas (next page, above) served on the court for over 30 years, from 1938 to 1969. 1938

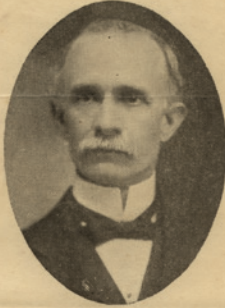
Justice James B. Whitfield’s (next page, below) campaign letter was written during World War I. 1918

VOTE TUESDAY
MAY 24th



ELWYN
THOMAS
 FT. PIERCE
 Candidate for
JUSTICE OF THE
SUPREME COURT

A MAN WITH A SYMPATHETIC FEELING FOR THE
COMMON PEOPLE



J. B. WHITFIELD
 JUSTICE SUPREME COURT
 CANDIDATE FOR RENOMINATION.

Tallahassee, Fla., May 31, 1918.

My dear Sir:

The people of the State have been so much interested in the great World War and in the Liberty Loan and Red Cross campaigns that they have given very little thought to the political problems to be solved on June 4th. I have refrained from doing anything for renomination as Justice of the Supreme Court that would divert attention from these patriotic matters, for I consider them more important than the political success of any individual.

The primary election is now at hand, and, believing you to be one of my good friends in your community, I ask you to go to the polls on election day and see that the voters are requested to give my candidacy serious consideration before they cast their ballots.

My nomination seems assured, and my friends predict for me a large majority in the State.

Assuring you that I shall not forget this friendly service, and hoping that I may have the opportunity to personally serve you in the future, I am, with sincere thanks,

Most truly, yours,

NO. _____ NONPARTISAN BALLOT FOR JUDICIAL OFFICERS INITIALS OF ISSUING OFFICER _____

Signature of Elector _____ STUB NO. 1 _____
(PREPOLLING HERE)

NO. _____ NONPARTISAN BALLOT FOR JUDICIAL OFFICERS INITIALS OF ISSUING OFFICER _____

_____ STUB NO. 2 _____
(PREPOLLING HERE)

SAMPLE

NONPARTISAN BALLOT FOR JUDICIAL OFFICERS

SEPTEMBER 10, 1974

COUNTY _____

PRECINCT NO. _____

To vote for a person whose name is printed on the ballot mark a cross (X) in the square at the RIGHT of the name of the person for whom you desire to vote.

JUDICIAL Justice of the Supreme Court, Group <u>2</u> (Vote for one)		Judge of the District Court of Appeal Appellate District _____ Group _____ (Vote for one)		Circuit Judge _____ Judicial Circuit, Group No. _____ (Vote for one)	
JOE BOYD	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
RIVERS BUFORD, JR.	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
(Here add as many groups as applies to your County.)					
Justice of the Supreme Court, Group <u>3</u> (Vote for one)		Circuit Judge _____ Judicial Circuit, Group No. _____ (Vote for one)		Judge of the County Court Group _____ (Vote for one)	
SHELBY HIGSMITH	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
BEN F. OVERTON	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
(Here add as many groups as applies to your County.)					
Justice of the Supreme Court, Group <u>4</u> (Vote for one)					
ARTHUR J. ENGLAND, JR.	<input type="checkbox"/>				
SAM SPECTOR	<input type="checkbox"/>				

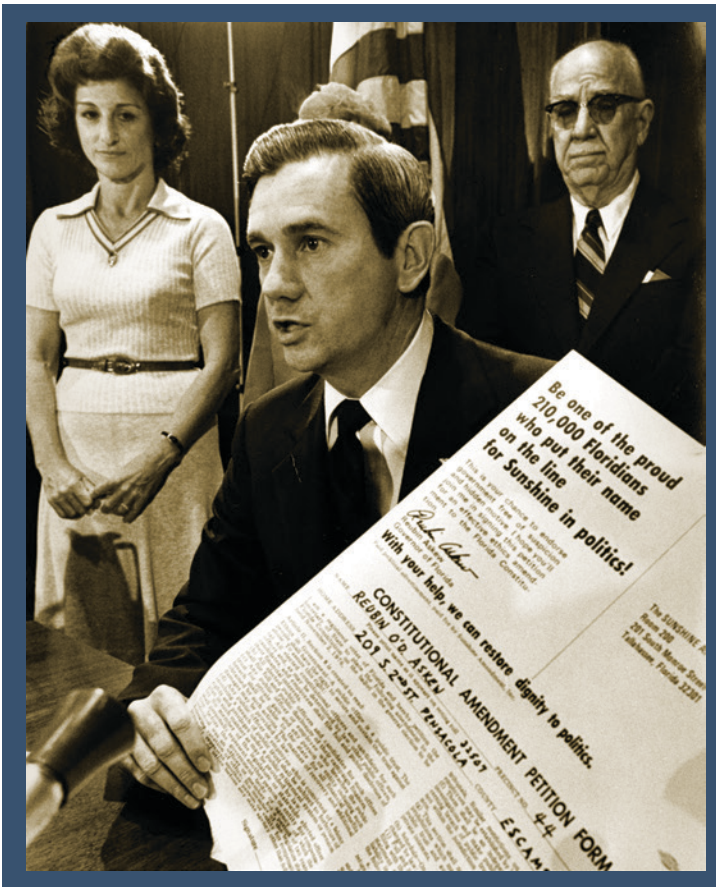


MERIT SELECTION AND RETENTION

In the 1970s, Florida moved from the direct election of supreme court justices to a merit selection and retention process. A 1972 constitutional amendment established a merit selection process for supreme court justices and district court of appeal judges. Under this amendment, a Judicial Nominating Commission submits a list of three to six highly qualified nominees to the governor, who must appoint one of the nominees within 60 days.

Justice Ben F. Overton (above, right) became the first supreme court justice chosen by the merit selection process. Gov. Askew first appointed him to a vacancy on the court on March 27, 1974. In order to keep his seat, however, Overton had to run in the general election in Nov. 1974 (ballot above left) and was one of the last justices to campaign for a seat on the court.

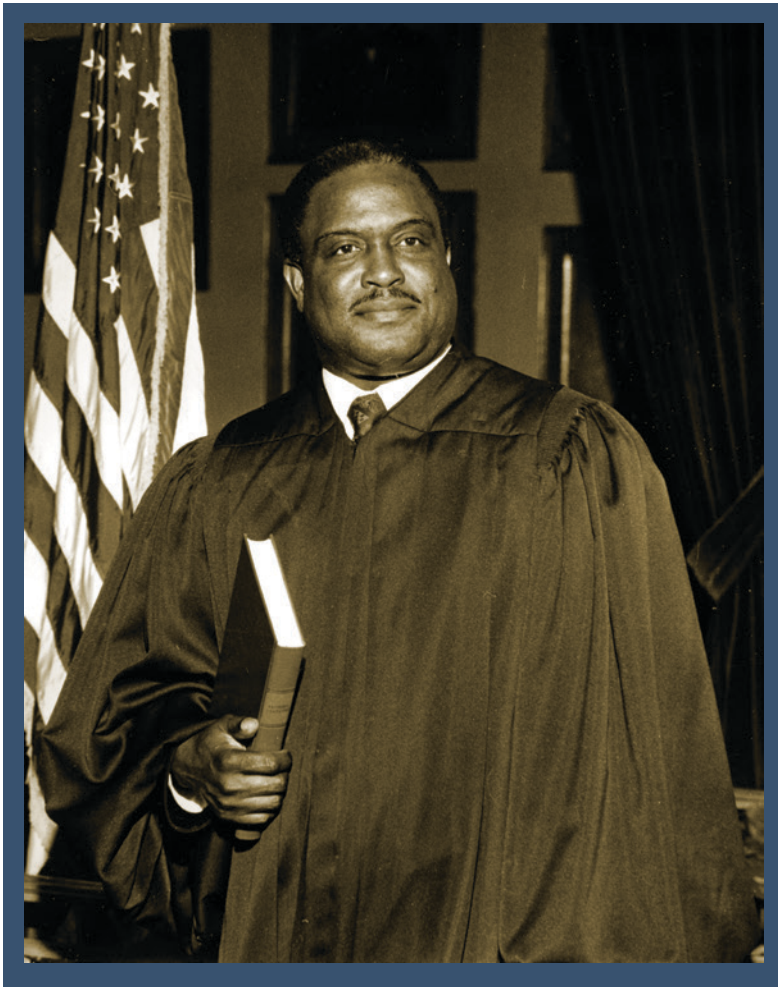
The election of justices was discontinued when merit retention was added by a constitutional amendment in 1976. As a result, when a vacancy occurs on the court, the governor makes an appointment through the merit selection process and after one year, the new justice is eligible for a statewide merit retention vote in the next general election. Voters decide by a simple “yes” or “no” vote whether the justice should remain in office. If retained for each six-year term, the justice can continue to serve until the mandatory retirement age of 75.



CONSTITUTIONAL AMENDMENTS

Currently a Florida constitutional amendment may be proposed by the Florida Legislature, a Constitutional Revision Commission, the Taxation and Budget Reform Commission, a constitutional convention, or a citizen initiative petition. Before being placed on the ballot, proposed amendments from citizen initiatives are reviewed by the supreme court to ensure compliance with constitutional and statutory requirements. The court does not rule on the merits or wisdom of the amendment, but limits its inquiry to two issues: the single-subject requirement, and the clarity of the ballot title and summary. More than 250 initiatives have been filed with the Florida Division of Elections since 1978 and the supreme court has ordered fewer than 10 percent removed from the ballot.

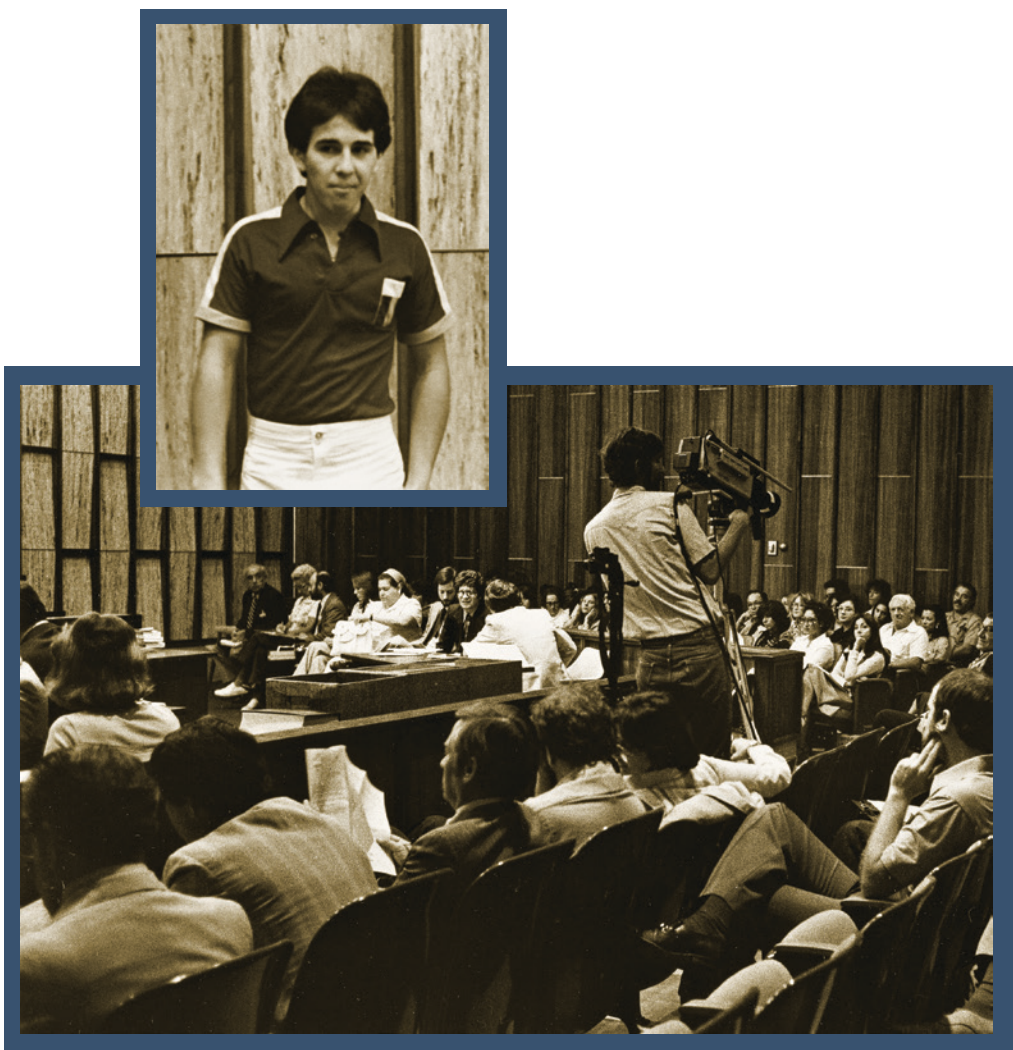
Florida's first successful citizens' initiative resulted in the adoption of the "Sunshine Amendment" in 1976. After the Florida legislature failed to adopt a financial disclosure and ethics package, Gov. Reubin Askew led a citizen's initiative campaign to have an amendment placed on the ballot. Above, Gov. Askew presents a facsimile of the voter petition postcard. With him are Esther Friedan, legislative director of Common Cause (left), and E. Harris Drew, State Ethics Committee chairman and former chief justice (right).



JUSTICE JOSEPH W. HATCHETT

Determined to fulfill his dream of becoming a lawyer, Joseph W. Hatchett overcame many obstacles of a racially segregated society. Born in Florida in 1932, he was excluded from Florida's segregated white law schools. Undeterred, he earned acceptance to Howard University Law School. Graduating in 1959, he prepared to take the Florida bar exam held at the Dupont Plaza Hotel in Miami, but he was refused accommodations. Forced to commute from another hotel some distance away, he nevertheless passed the bar exam.

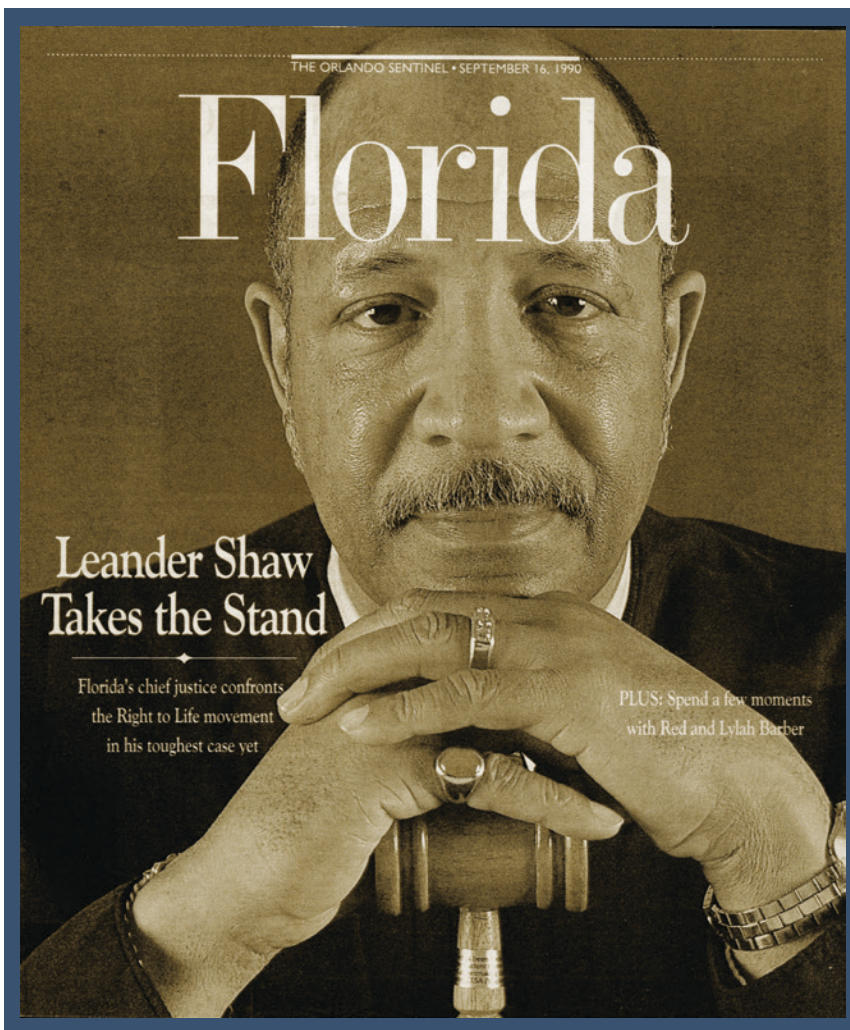
He had a distinguished career serving as assistant United States attorney in Jacksonville, and a U.S. magistrate for the Middle District of Florida. He became the first African-American on the Florida Supreme Court when Gov. Reubin Askew appointed him to fill a court vacancy in 1975. After voters returned him to the court in 1976, Hatchett became the first African-American elected to statewide office in Florida and in the south.



CAMERAS IN THE COURTROOM

Although United States courts have traditionally been open to the public, it was believed that cameras in the courtroom would have a negative effect on jurors and witnesses. After a *Post-Newsweek* petition to broadcast court proceedings, the Florida Supreme Court authorized a one-year pilot program in 1977. One of the most sensational cases in the study program was the first-degree murder trial of 15-year-old Ronnie Zamora (above, left of center). His trial counsel, Ellis Rubin, caused a national sensation when he became the first to use “television intoxication” as part of the insanity defense.

Judge H. Paul Baker, the trial judge, reported on the impact of the television coverage at the trial. He concluded, “The public has a right to know how a judge conducts court business, whether this was done by court observers or television viewing made no difference.” Oral arguments of the Florida Supreme Court have been broadcast since September 1997 and can be seen on The Florida Channel and online at www.wfsu.org/gavel2gavel/.



CHIEF JUSTICE LEANDER SHAW, JR.

The first African-American to serve as chief justice on the Supreme Court of Florida, Justice Leander Shaw recalled, “The job that sent me scurrying to the law was the last one I had before I went off to college, working for my uncle with pulpwood.”

He graduated from West Virginia State College in 1952, and then received his juris doctor degree in 1957 from Howard University. Gov. Bob Graham appointed him to the supreme court in 1983, where he served as chief justice from 1990 to 1992. He also served on the Racial and Ethnic Bias Study Commission and Sentencing Commission.

One of his most influential dissents was in *Provenzano v. State* in 1999. Justice Shaw stated that electrocution, as practiced in Florida, violated the cruel and unusual punishment clause of the United States constitution. Partly as a result of his dissent, the Florida legislature implemented lethal injection as the official method of execution in Florida.



THE COURT AT THE GOVERNOR'S MANSION

Gov. Bob Graham entertains the supreme court justices and their wives at the governor's mansion along with members of his cabinet and their wives in 1982.

Left bottom row to right around table: Gov. Graham, Mrs. Mixson, Justice James Alderman, Mrs. Shaw, Florida Treasurer Bill Gunter, Mrs. Boyd, Justice Leander Shaw, Comptroller Gerald Lewis, Teresa Gunter, Justice Parker Lee McDonald, Jean Alderman, Attorney General Jim Smith, Adele Graham, Lt. Gov. Wayne Mixson, Mickie Ehrlich, Justice James Adkins.



THE ROSEMARY BARKETT AWARD

Rosemary Barkett (above, right), the 71st justice of the Florida Supreme Court, was the first woman to serve on the court and the first female chief justice. A former Catholic nun, she graduated from the University of Florida College of Law with honors. Appointed to the circuit court in 1979, then to the Fourth District Court of Appeal in 1984, she was appointed by Gov. Bob Graham to the supreme court in 1985. She served as chief justice from 1992 to 1994, when President Bill Clinton named her to the U.S. Eleventh Circuit Court of Appeals.

The Rosemary Barkett Award was created in her honor in 1992 by the Academy of Florida Trial Lawyers. It is presented annually “to a person who has demonstrated outstanding commitment to equal justice under the law; given in honor of the first woman justice of the Florida Supreme Court and an independent and fierce defender of equality of all.” Florida State Representative Carrie Meek (above, left, with Justice Barkett) received the first award.



SELECTION OF JURORS: STATE V. NEIL

Peremptory challenge, excusing a potential juror without stating a valid reason, allows each party to participate in the selection of jurors and is intended to assure an impartial and fair jury. In a landmark 1984 case, *State v. Neil*, the Florida Supreme Court adopted specific criteria to examine peremptory challenges in order to determine any racial bias. These procedures were broadened four years later in *State v. Slappy*, when Justice Barkett wrote: “Our citizens cannot be precluded improperly from jury service. (It) constitutes the most direct way citizens participate in the application of our laws.”

In subsequent court opinions, the Neil and Slappy rulings were extended to identify and prohibit gender bias in the jury selection process. In June 1987, Chief Justice Parker Lee McDonald (left) appointed Justice Gerald Kogan (center) and attorney Gill Freeman (right) to lead the court’s Gender Bias Study Commission with the mission to “determine in what areas of our legal society bias based on gender exists and recommend measures to correct.”

THE EXPANDING COURT: FLORIDA SUPREME COURT BUILDINGS

Florida has had one of the fastest growth rates of the 50 states, with only 50,000 people at statehood and around 500,000 in 1900. Today it numbers over 21 million and ranks third in the nation. Similarly, the Florida Supreme Court has had to grow to keep up with the demands on the court.

Finished in 1845, the year Florida became a state, the first state capitol housed the judicial, legislative, and executive branches. One large room, located on the south end of the second floor, contained the supreme court chamber, court library, and clerk's office.



The 1845 State Capitol Building, which included the Supreme Court

Architect Frank Milburn added the dome and two wings to the Capitol in the 1902 expansion. The enlarged court area included four justices' offices, new oak furniture, and a specially constructed law library. The court, located in the far left wing on the first floor, met here until 1913.



The 1902 State Capitol Building, which included the Supreme Court

On Oct. 10, 1912, the supreme court moved into its new building on Jackson Square in Tallahassee, just a block from the Capitol Building. It housed the Railroad Commission, the courtroom, justices' and staff offices, and the law library. It was renamed the J.B. Whitfield Building in 1952 in honor of Justice Whitfield and was demolished in 1978 to make way for the Senate Office Building.



The first separate Supreme Court Building, 1913

By the early 1940s, the court needed more space. After considering various plans to enlarge the Whitfield Building, they decided to build a new structure. The present Supreme Court Building, constructed in 1948 at a cost of \$1.7 million, is located directly west of the capitol complex. It was renovated in 1990.



The current Supreme Court Building

JUSTICES

Listed in chronological order.

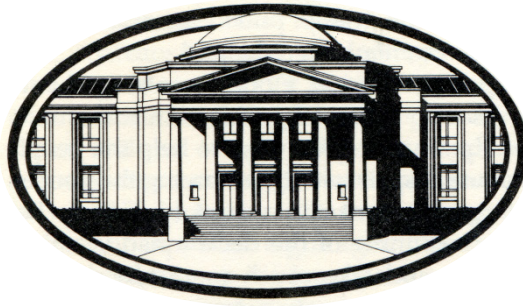
Names of the current justices printed in capital letters.

Those serving as chief justice have an asterisk: *

1. Thomas Douglas,* 1846-50 & 1854-1855
2. Thomas Baltzell,* 1846-50 & 1854-60
3. George S. Hawkins, 1846-50
4. George W. MacRae, 1847
5. Joseph B. Lancaster, 1848-50
6. Walker Anderson,* 1851-53
7. Leslie A. Thompson, 1851-53
8. Albert G. Semmes, 1851-53
9. Benjamin D. Wright,* 1853
10. Charles H. DuPont,* 1854-68
11. Bird M. Pearson, 1856-59
12. William A. Forward, 1860-65
13. David S. Walker, 1860-65
14. Augustus E. Maxwell,* 1865-66 & 1887-90
15. James M. Baker, 1865-68
16. Samuel J. Douglas, 1866-68
17. Edwin M. Randall,* 1868-85
18. Ossian B. Hart, 1868-73
19. James D. Westcott, Jr., 1868-85
20. Franklin D. Fraser, 1873-74
21. Robert Van Valkenburgh, 1874-88
22. George G. McWhorter,* 1885-87
23. George P. Raney,* 1885-94
24. Henry L. Mitchell, 1888-91
25. R. Fenwick Taylor,* 1891-1925
26. Milton H. Mabry,* 1894-1903
27. Benjamin S. Liddon,* 1894-96
28. Francis B. Carter, 1897-1905
29. Thomas M. Shackelford,* 1902-17
30. Robert S. Cockrell, 1902-17
31. Evelyn C. Maxwell, 1902-04
32. William A. Hocker, 1903-15
33. James B. Whitfield,* 1904-43
34. Charles B. Parkhill, 1905-11
35. William H. Ellis,* 1915-38

36. Jefferson B. Browne,* 1917-25
37. Thomas F. West,* 1917-25
38. William Glenn Terrell,* 1923-64
39. Armstead Brown,* 1925-46
40. Louie W. Strum,* 1925-31
41. Rivers H. Buford,* 1925-48
42. Fred H. Davis,* 1931-37
43. Roy H. Chapman,* 1937-52
44. Elwyn Thomas,* 1938-69
45. Alto Adams,* 1940-51 & 1967-68
46. H. L. "Tom" Sebring,* 1943-55
47. Paul D. Barns, 1946-49
48. T. Frank Hobson,* 1948-62
49. B. K. Roberts,* 1949-76
50. John E. Matthews,* 1951-55
51. E. Harris Drew,* 1952-71
52. B. Campbell Thornal,* 1955-70
53. Stephen C. O'Connell,* 1955-67
54. Millard F. Caldwell,* 1962-69
55. Richard W. Ervin,* 1964-75
56. Wade L. Hopping, 1968-69
57. Vassar B. Carlton,* 1969-74
58. James C. Adkins,* 1969-87
59. Joseph A. Boyd, Jr.,* 1969-87
60. David L. McCain, 1970-75
61. Hal P. Dekle, 1971-75
62. Ben F. Overton,* 1974-99
63. Arthur J. England, Jr.,* 1975-81
64. Alan C. Sundberg,* 1975-82
65. Joseph W. Hatchett, 1975-79
66. Frederick B. Karl, 1977-78
67. James E. Alderman,* 1978-85
68. Parker Lee McDonald,* 1979-94
69. Raymond Ehrlich,* 1981-91
70. Leander J. Shaw, Jr.,* 1983-2003
71. Rosemary Barkett,* 1985-94
72. Stephen H. Grimes,* 1987-97
73. Gerald Kogan,* 1987-98
74. Major B. Harding,* 1991-2002
75. Charles T. Wells,* 1994-2009
76. Harry Lee Anstead,* 1994-2009
77. Barbara J. Pariente,* 1997-2019
78. R. Fred Lewis,* 1999-2019
79. Peggy A. Quince,* 1999-2019
80. Raoul G. Cantero, III, 2002-08
81. Kenneth B. Bell, 2003-08
82. CHARLES T. CANADY,* 2008-present
83. RICKY L. POLSTON,* 2008-present
84. JORGE LABARGA,* 2009-present
85. James E. C. Perry, 2009-2016
86. C. ALAN LAWSON, 2016-present
87. Barbara Lagoa, 2019
88. Robert J. Luck, 2019
89. CARLOS G. MUÑIZ, 2019-present
90. JOHN COURIEL, 2020-present
91. JAMIE R. GROSSHANS, 2020-present





THE FLORIDA SUPREME COURT HISTORICAL SOCIETY

The original exhibit of 40 historical panels was part of the initiative to enhance public trust and confidence in our state's justice system. The panels are on public display in the Supreme Court Building. The funding for the creation of this document was through the generosity of the Florida Supreme Court Historical Society.

The Historical Society is committed to promoting the importance of a strong, independent judiciary in our governmental balance of power.

As a non-profit organization, the Florida Supreme Court Historical Society has worked for the last 40 years to save and maintain for future generations the records of the people and events that have shaped the evolution of Florida's court system from the early 1800s through the 21st Century, and beyond.

In addition to funding this original booklet, the Florida Supreme Court Historical Society supports these projects:

- Funding oral history projects and the Supreme Court educational programs
- Commissioning the official portrait of each of the Justices
- Funding and publishing the three volumes of History of the Florida Supreme Court
- Sponsoring the 'Passing of the Gavel Ceremony' for the incoming chief justice
- Commemorate historical milestones
- Sponsorship of the Lifetime Achievement Awards to recognize individuals for their outstanding accomplishments in the legal profession
- Publishing the acclaimed Historical Review magazine twice a year
- Acquiring significant papers, books, and artifacts of the Court's history
- Learn more at FICourtHistory.org.

Your support is needed to fund these and other vital programs that preserve and honor our state's long and proud judicial history. We personally invite you to join the Florida Supreme Court Historical Society and assist us in supporting these programs.

Your tax-deductible membership in the Florida Supreme Court Historical Society will show your commitment to commemorating and preserving the milestones of Florida's judiciary. You can learn more about us at FICourtHistory.org.

THE EVOLUTION OF JUSTICE IN FLORIDA

Historical Documents, Images, and Books

Photographs and images courtesy of:

The Florida Center of Political History and Governance
Florida Division of Elections
Florida State Archives, Florida Photographic Collection
Florida Supreme Court Archives
Florida Supreme Court Historical Society
Florida Supreme Court Library
Government House Museum, St. Augustine
Kimberly Patterson
Library of Congress
Mission San Luis
Museum of Florida History
University of South Florida

A special thanks is due to Justice Barbara Pariente, Justice Harry L. Anstead, Craig Waters of the Supreme Court Public Information Office, the Arts in the Courts History Subcommittee, and Annette Boyd Pitts of the Florida Law Related Education Association.

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Supreme Court Library and Archives

Supreme Court Building
500 South Duval Street
Tallahassee, FL 32399-1926
850-488-8919

This being the day appointed by Law for the
Term of the Supreme Court of the State
Florida at Tampa for the Southern Division
of said State.

The Honorable Justices
of the Supreme Court, being absent, The Clerk
and Sheriff of said Court, attended at the
Court in Tampa at 12 O'clock. A. M. and
adorned said Court until tomorrow
at 11 A. M.

Tuesday March 3rd

The Honorable Justices
of the Supreme Court, being absent, The Clerk
and Sheriff of said Court, attended at the
Court House in Tampa pursuant to
law, and adorned said Court until
tomorrow at 11 O'clock A. M.

THE EVOLUTION OF JUSTICE in Florida

Wednesday March 4th

This day the Court met
Present the Hon. J. B. Eastwell
" " " E. H. Dupont
" " " B. H. Pearson

The Court was then opened by the proclamation
of the Sheriff Wm. S. Spinner.

A vacancy
in the office of Deputy Clerk of this Court,
the resignation of the present Deputy Clerk
that James O. Bowden, be and he is hereby
appointed to the office of Deputy Clerk of this Court.