

**THE WEEKLY TALLAHASSEEAN**  
AND  
**Land of Flowers.**

Published Every THURSDAY, at the Office,  
Monroe Street, Tallahassee, Florida.  
JOHN C. TRICK, Editor and Proprietor.

**DEMOCRATIC NOMINEES.**

For Congressman.  
HON. S. M. SPARKMAN.  
For Presidential Electors.  
JOHN M. BARRS, of Duval,  
JOHN S. BEARD, of Escambia,  
W. H. ELLIS, of Gadsden,  
M. L. WILLIAMS, of DeSoto.  
For Alternates.  
W. HUNT HARRIS, of Monroe,  
S. J. HILBURN, of Putnam,  
W. F. HINES, of Sumter,  
DANIEL CAMPBELL, of Walton.

**State Ticket.**

For Governor.  
WILLIAM S. JENNINGS.  
For Justice of the Supreme Court.  
FRANCIS H. CARTER.  
For Secretary of State.  
JOHN L. CRAWFORD.  
For Attorney-General.  
WILLIAM B. LAMAR.  
For Comptroller.  
W. H. REYNOLDS.  
For Treasurer.  
J. B. WHITFIELD.  
For Superintendent of Public Instruction.  
W. N. SHEATS.  
For Commissioner of Agriculture.  
B. E. MCCLIN.  
Railroad Commissioner.  
JOHN L. MORGAN.

**County Ticket.**

For Members Legislature.  
HON. GEO. P. RANEY,  
HON. E. M. HOPKINS.  
For Clerk Circuit Court.  
C. A. BRYAN.  
For County Judge.  
R. A. WHITFIELD.  
For Superintendent Public Instruction.  
C. W. BANNERMAN.  
For Sheriff.  
JOHN A. PEARCE.  
For County Treasurer.  
JOHN DAY PERKINS.  
For Tax Assessor.  
H. T. FELKEL.  
For Tax Collector.  
W. A. DEMILLY.  
For County Surveyor.  
W. T. BANNERMAN.  
For Members School Board.  
GEO. L. DAVIS,  
H. J. EVANS,  
GILBERT HARTSFIELD.

**TALLAHASSEE WILL WIN.**

Tallahassee will win in the contest for the State Capital. This is a foregone conclusion, the question now being only as to how big a majority she will get. During the last few days the Tallahassee Capital League has been sending out the following statement:

"We have definite information from reliable and well-informed people in all parts of the State, and we assert with confidence that Tallahassee will poll more votes than all the other candidates combined."

This statement is not made for buncombe nor is it an exaggeration of the facts. Tallahassee will win, and the indications are that her vote will be decidedly larger than that of all other candidates combined. Several things during the past few weeks have helped to bring about this result. Most conspicuous among them has been Jacksonville's abuse of everybody and everything opposed to them, and the flagrant misrepresentations sent out by her advocates.

For instance, last Monday night in Fernandina Judge Nolan stated that "an architect had recently examined the Capitol building at Tallahassee, and stated as his opinion that the foundations had sunk to such an extent that the building could not be satisfactorily repaired."

Of course Judge Nolan knew that statement was an absolute libel from beginning to end—including every phrase, sentence, word and letter—when he made it, but one thing he did not know: He did not know that 99 per cent. of his listeners knew it was untrue, and that such an utterance would destroy everything else he said. So it has been with Jacksonville all along.

The people of Florida object to being taxed to death for the benefit of one locality, and they object to being regarded as a set of ignoramuses, incapable of discerning between legitimate argument and such flagrant vilifications as Jacksonville has resorted to all along in this campaign. They will rebuke the attempt to deceive them, at the polls next Tuesday, by voting for Tallahassee and low taxation.

**STRETCHING A DECISION.**

The Chairman of the State Democratic Executive Committee is a resident of Jacksonville and in the early part of the campaign was quoted as making a decision, which he now seems to be stretching considerably, if not revoking altogether in certain localities. In the first instance he was quoted as having decided that no person who refuses to vote the Democratic ticket as a whole

(national, State and county) will be allowed to vote in the primary contest in which is involved the location of the Capital, the question of a Constitutional Convention, etc.

It seems now, however, from a communication from A. O. Wright, reproduced in this issue from the Metropolis, and from information which we have received from other sections of the State, that the Chairman, finding perhaps this would militate against Jacksonville, has rescinded the decision. He now says that all good white Democrats will be allowed to vote. In one county where there is an independent ticket out he is reported as directing that all such votes be counted and sent to him with the returns. Of course it is as fair for the goose as the gander if these instructions have been sent everywhere, but it would be pre-eminently unfair for one rule to prevail in one section and the other in another, hence this notice is given.

**GO TO THE POLLS.**

Next Tuesday will be general election day throughout the country. When the sun goes down on that day the fate of a nation for the next four years will have been settled, and the network of wires and cables that span this continent and belt the world will be kept hot for the next twenty-four hours carrying the news to every nook and corner of civilization.

What shall it be? Shall it be four more years of McKinleyism, trust domination and imperialism, or shall it be a verdict of condemnation of these iniquitous things and a declaration of American manhood, in favor of honest government at home and honorable dealings abroad?

In this State we know of course what it will be, but it is none the less important that every qualified elector shall go to the polls and vote. Do not be a bump on a log; an absolute nonentity in the determination of a question of so much importance. It is apt to give the State a bad name away from home.

And, besides that, we have some very important questions to settle among ourselves. The location of the State Capital and the voting down of the proposition to hold a Constitutional Convention are the most important, perhaps, and they will be settled at a primary, but this primary will be held at the same time and near the same place of the general election.

It is important that every Democratic voter should be at the primary, for, notwithstanding it looks like Tallahassee will sweep the State—in fact there is every assurance that she will—yet too much confidence, when it leads to lethargy and staying away from the polls, is a dangerous thing. Let every man who feels he is worthy the name Democrat turn out and do his whole duty.

Another thing we desire to call attention to. For the next four years our representation in all party meetings, should there be any, will be based upon the number of votes we poll next Tuesday. This is an important matter and should make all Democrats feel an interest in going to the polls and voting.

A word to the wise is sufficient. Do not wait until it is too late and then abuse somebody else, because your precinct or county is not properly represented.

**IMMATERIAL ERROR.**

Some confusion seems to have resulted from instructions recently sent out by Chairman Clark to the effect that names of Presidential Electors should be placed upon the ticket in alphabetical order irrespective of party, etc. In some cases the tickets had already been printed with the Democratic electors at the top, and the names of the electors of all other parties together in rotation as filed with Secretary of State. This has been the custom heretofore, but to make sure that it was all right Hon. Geo. I. Davis, Chairman of the County Committee, wired Mr. Clark Monday, and received the following reply:

"Jacksonville, Fla., Oct. 19, 1900.—Hon. Geo. I. Davis, Chairman Democratic Executive Committee, Tallahassee, Fla.—Sections 33 and 44 of election law require names of all candidates for same office printed

together irrespective of party and substantially in form given, which is alphabetical. Circuit Judge Call in mandamus proceeding under this law held as I wrote. If ballots already printed with Bryan Electors first, I do not think the error material.

"(Signed) FRANK CLARK,  
"Chairman."

This seems to settle the matter and there need be no further uneasiness on account of the way the tickets are printed.

**SUPREME COURT.**

Headnotes to Decisions, June Term, A. D. 1900.

William J. Knight, Plaintiff in Error, vs. The State of Florida, Defendant in Error.—Alachua county.

CARTER, J.:

1. A plea in abatement in a criminal case alleging that at the time the indictment was found and presented another indictment for the same charge was pending against the defendant, is bad on demurrer.

2. Dilatory pleas in criminal cases are required to be accurate and precise, free from ambiguity, and certain to every intent.

3. The omission of the record in a criminal case to show a joinder in a demurrer is immaterial and can not be objected to after the decision of the demurrer.

4. Upon indictments for assault with intent to commit any of the grades or degrees of unlawful homicide it will not be sufficient to show that the killing, had it occurred, would have been unlawful and a felony, but it must be found that the accused committed the assault with intent to take life, in order to sustain a conviction for an assault with intent to commit a felony.

5. Where one assaults another with intent (but not a premeditated design) to kill him, and the assault is accompanied by an act which, if death had resulted therefrom, would have constituted murder in the second degree under the statute defining this degree of homicide, the party committing the assault will be guilty of an assault with intent to commit the felony of murder in the second degree, but if there be no intent to kill, the party committing the assault can not be convicted for an assault with intent to commit a felony, even though the circumstances are such that had the party assaulted died the party committing the assault would have been guilty of murder in the second degree.

Judgment reversed.

B. A. Thrasher, for Plaintiff in Error.

James Long, Gettis Long and Julius Ott, Plaintiffs in Error, vs. The State of Florida, Defendant in Error.—Orange county.

CARTER, J.:

1. An indictment under Section 2516 Revised Statutes need not allege that defendant severed from the realty, the property alleged to have been carried away; nor that the trespass was committed without the consent of the owner of the land where it is charged that it was wilfully committed, and a description of the realty trespassed upon as "the land of E. F. S., to-wit: a pinery located on the northeast quarter of the northwest quarter of section two, township twenty-three, south, range twenty-nine, east," is sufficiently definite.

2. Pineapple plants growing in the soil are parcel of the realty within the meaning of Section 2516 Revised Statutes, and not farm products or fruit, within the meaning of section 2517 Revised Statutes, as amended by Chapter 4531, act of 1897.

3. Under Section 2893 Revised Statutes it is not error to refuse to quash an information upon the ground that it charges several distinct felonies in separate counts, unless such information is so vague, indistinct and indefinite as to mislead the accused, embarrass him in the preparation of his defense, or expose him after conviction or acquittal to substantial danger of a new prosecution for the same offense.

4. Proof that the title to and management of a pinery alleged to have been trespassed upon were in the person alleged in the information, is sufficient to sustain the allegation as to ownership, even though the proof shows further that other persons were interested in the profits of the pinery.

5. In order to convict one accused of wilfully committing a trespass upon realty by taking and carrying away therefrom pineapple plants, parcel of the realty, the proof must show that the particular plants alleged to have been taken were in fact taken, but it is not necessary that the particular plants be produced before the jury, or if produced along with others of the same character and variety, that witnesses should be able to separate the identical plants taken from the others, nor should the testimony of a witness tending to show that the identical plants taken are part of a mass of plants

of like variety and character produced before the jury be excluded because such witness is unable to separate from the general mass the identical plants taken.

6. Instructions based upon a theory not sustained by the evidence, or which are substantially covered by other instructions given by the court, are properly refused.

7. Where two or more persons are charged under section 2516 Revised Statutes with wilfully committing a trespass by carrying away something which is parcel of the realty, the offence is joint and several and any one or more of the accused may be found guilty if the evidence justifies it, even though the others are not proven to have been connected in any manner with the commission of the offense.

8. An instruction to the effect that in a case of circumstantial evidence where the criminative circumstances are either denied by the defendants or are explained in such a way as to render their guilt doubtful, it is the duty of the jury to acquit the accused, is erroneous and ought to be refused.

9. An instruction that where defendants charged with criminal trespass upon realty give a natural and reasonable explanation of their possession of the property alleged to have been taken, it then devolves upon the State to prove beyond a reasonable doubt that such explanation is false, and if such explanation be not shown by the State to be false beyond a reasonable doubt, it is the duty of the jury to acquit the accused, is erroneous and ought to be refused.

10. It is proper to refuse instructions as misleading when they are based on the theory of a party as to facts in evidence and ignore the effect of other facts applicable to the relation and rights of the parties.

11. Upon the trial of an information based on section 2516 Revised Statutes, for wilful trespass upon another's land by carrying away something which is parcel of the realty, alleged to be of a value exceeding twenty dollars, the defendant may be found guilty even though the value of the property carried away be shown to be less than twenty dollars; but, in that case, the verdict should state the exact value of the property, or that its value is less than twenty dollars, in order that the court may impose the penalty prescribed for the offense where the value of the property does not exceed twenty dollars.

12. Where the defense interposed in a criminal case is an alibi, and evidence tending to prove it is introduced, and the court in its instructions makes no reference to the defense of alibi, it is error to refuse an instruction to the effect that it is not necessary that the defendants shall prove an alibi beyond a reasonable doubt; that it is sufficient if the evidence offered to prove it raises a reasonable doubt in the mind of the jury whether or not the accused was at the scene of the crime and participated therein, and that in such cases it is the duty of the jury to acquit the accused.

13. Upon the trial of an information drawn under section 2516 Revised Statutes for wilful trespass upon the land of another by carrying away pineapple plants, parcel of the realty, an instruction that before the jury can convict the accused of severing, taking and carrying away the pineapple plants charged in the information, it must be proved beyond a reasonable doubt that they took them for the purpose of converting them to their own use; that to constitute the offense charged an intention upon the part of the defendants to benefit or gain by the taking is essential, and the accused can not be convicted unless such intention is proved beyond a reasonable doubt, is erroneous and ought to be refused.

14. An accused person on trial for an offense is presumed to be innocent until his guilt is proven beyond a reasonable doubt, and he has a right to have the jury so instructed.

Judgment reversed.  
Alex. St. Clair-Abrams, for Plaintiffs in Error; William B. Lamar, Attorney-General, for the State.

See second page for other decisions.

**A Mean Interruption.**  
"Don't trifle with me, Miss McCurdy," pleaded the young man desperately. "Wait till I have finished. Do I need to tell you, after all these weeks, how completely and absolutely your image fills my heart? Have you not seen? Do you not know? Have I not betrayed myself by my looks, by the tones of my voice, by the eager joy that lights up my features whenever you appear? Must I put in words the feelings I can no more disguise than I can?"  
"Mr. Whitgood," interrupted the young woman, "are you in earnest?"  
"Glycerine McCurdy," he said, drawing himself up with injured dignity, "do you think I'm doing this on a bet?"  
—Chicago Tribune.

The men-of-war of the Romans had a crew of about 225 men, of which 174 were oarsmen working on three decks. The speed of these vessels was about six miles an hour in fair weather.

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The Discoverer of Swamp-Root at Work in His Laboratory.

There is a disease prevailing in this country most dangerous because so deceptive. Many sudden deaths are caused by it—heart disease, pneumonia, heart failure or apoplexy are often the result of kidney disease. If kidney trouble is allowed to advance the kidney poisoned blood will attack the vital organs, or the kidneys themselves break down and waste away cell by cell. Then the richness of the blood—the albumen—leaks out and the sufferer has Bright's Disease, the worst form of kidney trouble. Dr. Kilmer's Swamp-Root, the new discovery is the true specific for kidney, bladder and urinary troubles. It has cured thousands of apparently hopeless cases, after all other efforts have failed. At druggists in fifty-cent and dollar sizes. A sample bottle sent free by mail, also a book telling about Swamp-Root and its wonderful cures. Address Dr. Kilmer & Co., Binghamton, N. Y. and mention this paper.

**Vigilance.**  
Stubb—Is that new prison guard vigilant?  
Penn—I should say so. Why, some one told him the gas was escaping, and he grabbed his gun.—Chicago News.

In the Court of the County Judge of Leon County, Florida.—In Probate.

In the Estate of Butler Reed, Deceased.  
WRITTEN SUGGESTION HAVING BEEN filed in said court that the estate of Butler Reed, deceased, is insolvent, all persons having claims against said estate are hereby notified to appear and file said claims in the court of the County Judge of Leon County, Florida, on or before the first day of May, A. D. 1900. Done and ordered this first day of November, A. D. 1900.  
[SEAL.]  
R. A. WHITFIELD,  
County Judge.

**List of Names Stricken from Registration Book, Leon County, Fla.**

PRECINCT No. 17.	PRECINCT No. 18.
Fleming, Abram	Costa, James
Moody, Jackson	Crowder, R. F.
Moore, F. J.	Furfield, Henry
McFall, J. L.	French, J. R.
Newberry, W. T.	Falkins, J. F.
	Fountain, W. L.
	Gray, Allen
	Harris, A.
	Miller, S. J.
	Refoe, Jerry
	Ross, Mose
	Smith, David
	Smith, Isaiah
	Thompson, Henry
	Manor, S. J.
	Nicholson, Rolt
	Pope, J. L.
	Pope, J. T.
	Penny, Houston
	Storry, F. S.
	Smith, John G.
	Thomas, Wade
	Thomas, Wm.

By order of the Board of County Commissioners for Leon county, Florida.  
L. C. YAEGER, Chairman.

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A WONDERFUL  
**Household Medicine.**

Cures Neuralgic, Rheumatic, Nervous or Spasmodic Pains, Toothache, Headache, Backache, Sprains, Bruises, Lameness, Cramp Colic, Diarrhoea, Dysentery, Stings of Insects, Swellings of all Kinds, Stiff Neck, Soreness, Sore Throat, Sick Stomach or Sea Sickness. In cases of Bad Coughs, Colds or Pneumonia, it affords

**QUICK RELIEF.**  
**No Cure, No Pay.**

**SWEET HERB LIVER REGULATOR**

FOR—  
Biliousness, Constipation, Heartburn, Indigestion, Headache, and all Ailments resulting from a Disordered Liver, such as Loss of Appetite, Despondency, Blues, Weakness, Tired Feeling and Inactivity of the Mind.

It stimulates and purifies the Blood.

**Japanese Eye Water**

Cures Sore or Inflamed Eyes, Granulated Eye Lids, and is soothing and strengthening to Weak Eyes.  
**Sold on a Guarantee—No Cure, No Pay.**

Never pains the eye to use it, but is guaranteed to cure sore eyes quicker than any other remedy ever used.

**IMPORTANT**  
**To Horse Owners and Stock Dealers.**

**Walker's Dead Shot Colic Cure FOR MULES AND HORSES.**

It is guaranteed to relieve any case of colic in mules or horses in ten minutes. It is the world's great specific for colic. It can be administered by any one who has intelligence enough to know how to dress a horse.

It is manufactured purely from the extract of roots and the distillation of herbs, and is therefore harmless. It is also a valuable liniment. It is sold upon our iron clad guarantee to cure colic quicker than any known remedy, or the one from whom you bought it is authorized by us to refund your money. If your medicine dealer does not keep it, ask him to order it for you; or upon receipt of price, \$1.00 per bottle, we will send it to you by express, prepaid to your express office.

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THE FLORIDA CLASSICAL LITERARY COLLEGE.

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Thursday, September 27, 1900.

One hundred and seventy-seven students from sixteen Florida counties and five states were enrolled last season.

Two full years' instruction in each of the following languages, taught by an eminent professor who has recently returned from a two-year course of study in Europe, viz: German, French, Spanish and Italian.

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