

State of Florida
Plff. in error

v

Andrew Patterson

Transcript.

Affirmed June Term, 1905.
JUL 29 1905

71154 JUL 27 1905

M. H. Mabry
CLERK SUPREME COURT.

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FILED
RECORDED
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IN SUPREME COURT
The State of Florida.

The State of Florida,

Plaintiff in Error,

and

Andrew Patterson,

Defendant in Error.

T R A N S C R I P T of R E C O R D

In Error to the Circuit Court of the Fourth Judicial Cir-
cuit of the State of Florida, in and
for Duval.

Filed

1905.

Clerk Supreme Court of Florida.

P L E A S in the Circuit Court of the
State of Florida, for the Fourth
Judicial Circuit, in and for the
County of Duval, in a certain
cause therein, wherein Andrew
Patterson is Petitioner, and The
State of Florida, is Respondent.

BE IT REMEMBERED, That on the 20th., day of July
A. D., 1905, came Andrew Patterson, Petitioner for Writ of
Habeas Corpus, in the case aforesaid, by Wetmore and Pur-
cell, his attorneys, and filed in the Clerk's office of
the Circuit Court aforesaid, his Petition for a Writ of
Habeas Corpus in the words and figures as follows, to-wit:

In Circuit Court, Fourth Judicial Cir-
cuit of Florida, in and for Duval
County.
In re Petition of Andrew Patterson.
Habeas Corpus.

To Hon. R. M. Call, Judge of our said Court:-

The Petitioner, Andrew Patterson of the County
of Duval and State of Florida, complaining, says that he
is detained and imprisoned in the jail of said County of
Duval by W. Bloxham Pickett, Sheriff of said County on the
charge of refusing to ride in that portion of the street
car designated and assigned to colored people, by virtue
of a certain warrant for the commitment of petitioner,
copy whereof is hereto annexed; and which detention and

imprisonment of petitioner are unjust and contrary to law.

And Petitioner further shows that the law creating the supposed offense for which he is arrested, is unconstitutional, null and void, for the reason that the said law, known as the "Avery Street Car Law" seeks to divide or separate the white and colored passengers while riding on street cars.

Said law is unconstitutional because:

1st. Section Two (2) of said Street Car act is vague and uncertain.

2nd. Said act is in violation of the Fourteenth Amendment of the Constitution of the United States of America, in that it denies to a certain class of colored citizens an equal protection of the law.

3rd. Because Section Seven (7) of the Act not only gives to a certain portion of colored people; to-wit: colored nurses having the care of white children, and colored servants in charge of sick white people, rights and immunities denied to other colored people, contrary to the Fourteenth Amendment of the Constitution of the United States of America, but also renders said law special and not general, contrary to section Twenty (20) Article Three (3) of the Constitution of the State of Florida.

4th. Said law is in violation of Section One (1) of the Fourteenth Amendment of the Constitution of the United States of America, which denies any State the right to pass any law abridging the rights and privileges of citizens of the United States of America.

5th. Said law is a denial to petitioner due process of law.

of July, 27, 1905.

(2). E. Willard.

(Real)

(3) Justice of the Peace.

✓ process of law as guaranteed by the Fourteenth Amendment of
the Constitution of the United States of America.

✓ 6th. Said law gives to one class of citizens, to-
wit: white citizens, certain rights, privileges and immu-
nities not granted thereby to colored citizens.

7th. That the law undertakes to create officers
not known to the Constitution of the State of Florida,
and empowers street railway companies to make the appoint-
ment of same; and not requiring said officers to take an
oath for the faithful performance of duty as required by
law.

To be relieved from said detention and imprison-
ment, petitioner now applies, praying that a Writ of

Habeas Corpus be directed to the said W. Bloxham Pickett,
may issue in this behalf, pursuant to such cases made and
approved, so that the Petitioner may be forthwith brought
before this Honorable Court, to do, submit to, and receive
what the law may require.

(Signed) Andrew Patterson

of Wetmore & Purcell, white passengers, having been

requested as Attorneys for Petitioner.

received from that portion of said car as assigned to white
State of Florida, ss

passengers, and as that portion of the car as assign-
County of Duval.

Andrew Patterson, the petitioner in the forego-
ing petition named, makes oath and says, that the matters

and things in the said petition contained are true to the
best of his knowledge, information and belief.

(Signed) Andrew Patterson.

Sworn to and subscribed before me this 20th., day

of July, A. D., 1905. (4) E. E. Willard.

(Seal)

(3)

Justice of the Peace.

with sufficient security, in the sum of One
C O M M I T M E N T

On failure to give Bond.

In Court of Justice of the Peace, State of
Florida.

The State of Florida

vs.

Duval County, 11th. District.

Andrew Pattison.

In the name of the State of Florida, to the
Sheriff and Constable of said County:

WHEREAS, J. C. Mason has this day made oath be-
fore me, in writing, that one Andrew Pattison, on the

19th., day of July, 1905, in the County and District

aforesaid, was a passenger on Car No. one of the North

Jacksonville Street Railway Town Improvement Company,

then and there being a colored person, and not being a

colored nurse in charge of white children, or in charge

of sick white persons, was then and there, to-wit: at or

near the Corner of Clay and Bay Streets, of said City of

Jacksonville, Florida, being and riding on that portion

of said car designated for white passengers, having been

requested and ordered by the conductor of said car to

remove from that portion of this car so assigned to white

passengers, and sit on that portion of the car so assign-

ed to colored passengers, which he, the said Andrew Patti-

son, then and there refused to do; and whereas it appear-

ed ^{to} me from an examination that there was just reason to

believe that the said Andrew Pattison was guilty of such

offense, and the said Andrew Pattison on being brought

before me on a Warrant, was required to enter into a

recognizance, with sufficient security, in the sum of One Hundred Dollars, to appear at the next term of the Criminal Court to be held in and for said County, and not to depart the same without leave, and the said Andrew Pattison having refused to find such security,

You are hereby Commanded forthwith to convey the said Andrew Pattison to the common jail of said County, and to deliver him to the keeper thereof, who is hereby required to receive the said Andrew Pattison into his custody in the said jail, and to keep him safely there until he shall find security or to be thence discharged by due course of law.

Given under my hand and seal this 20th., day of July, A. D., 1905.

(Seal)

E. E. Willard. (Seal)

Justice of the Peace, 11th. District.

(Endorsed):

In Circuit Court, Duval County, Florida. In re Petition of Andrew Pattison for Writ of Habeas Corpus. Filed July 20th., 1905, R. M. Call, Judge. Filed July 20, 1905, P. D. Cassidey, Clerk, by H. J. Cassidey, D. C. Wetmore & Purcell, Attorneys for Petitioner.

(Endorsed):

In Circuit Court, Duval County, Florida. Common Law. In re Petitioner of Andrew Pattison for Writ of Habeas Corpus.

Case No. 1114, July 23, 1905. P. D. Cassiday, Clerk. Whereas
Parcell, Whereupon a Writ of Habeas Corpus issued from
said Court aforesaid, which, with the return and endorse-
ments thereon, is in the words and figures following:

In obedience to the writ of Habeas Corpus I herewith have
the body of the said Andrew Patterson, petitioner, in and for Duval County,
Florida, in and for Duval County,
In re Petition of the said Andrew Patterson, petitioner, issued by E. E. Wil-
Andrew Patterson, Esq., District of the 20th,
July, A. D., 1905. Habeas Corpus. The State, of
July, A. D., 1905. The people of the State of Florida.
To W. Bloxham Pickett, Esq., Sheriff of Duval County,
Florida:-

You are hereby commanded to have the body of
Andrew Patterson by you imprisoned and detained as it is
said, together with the time and cause of imprisonment
and detention by whatever name said Andrew Patterson
shall be called or charged, before the Honorable R. M.
Call, Judge of our said Court, at his office on Monday
morning, the 24th., inst., at 9:30 o'clock, with this
Writ, and the said Andrew Patterson, the petitioner, to
be dealt with according to law, and have then and there
this writ, with the return thereon of your doings in the
premises.

R. M. Call,

Judge of the Fourth Judicial Circuit
of Florida, in and for Duval County.
July 20th., 1905.

(Endorsed): I, E. E. Mason, do hereby certify that the above
is in and for Duval County, Florida. Common
Law. In re Petition of Andrew Patterson for Writ of Habeas
Corpus.

Writ. Filed July 25, 1905. P. D. Cassidey, Clerk. Wetmore & Purcell, Attorneys for Petitioner.

(Endorsed): In obedience to the within Writ I herewith have the body of the said Andrew Patterson, and respectfully show to the Court that the said Patterson is held by me under and by virtue of a commitment issued by E. E. Willard, Justice of the Peace, 11th., District on the 20th., day of July, A. D., 1905. thereof this the 24th., day of July, A. D., 1905. and the said writ is held by me in the custody of the Sheriff Duval County Fla. and the said Andrew Patterson is held in there

And upon the same day, to-wit: the 24th., day of July, A. D., 1905, the Commitment under which the prisoner is held, was filed in evidence, in the words and figures as follows, to-wit:-

C O M M I T M E N T

On Failure to give Bond.

In Court of Justice of the Peace, State of Florida. Duval County, 11th., district.

The State of Florida

vs.

Andrew Patterson.

IN THE NAME OF THE STATE OF FLORIDA, TO THE SHERIFF OR ANY CONSTABLE OF SAID COUNTY:

WHEREAS, J. C. Mason has this day made oath before me, in writing, that one Andrew Patterson on the 19th day of July, 1905, in the County and District aforesaid

was a passenger on Car number one of the North Jacksonville Street Railway Town Improvement Company, then and there being a colored person, and not being a colored nurse in charge of white children, or in charge of sick white persons was then and there, to-wit: at or near the corner of Bay and Clay Streets in said City of Jacksonville Florida being and riding on that portion of said car designated for white passengers having been requested and ordered by the conductor of said car to remove from that portion of the car so assigned to white ^{Passengers} ~~persons~~ and sit on that portion of the car so assigned to colored passengers which ^{he} the said Andrew Patterson then and there refused to do.

And whereas, it appeared to me from an examination that there was just reason to believe that the said Andrew Patterson was guilty of such offense, and the said Andrew Patterson on being brought before me on a Warrant was required to enter into a recognizance, with sufficient security in the sum of One Hundred Dollars to appear at the next Term of the Criminal Court to be held in and for said County, and not to depart the same without leave, and the said Andrew Patterson having refused to find such security.

You are hereby commanded forthwith to convey the said Andrew Patterson to the common jail of said County and deliver him to the keeper thereof, who is hereby required to receive the said Andrew Patterson into his custody in the said jail and to keep him safely there until

he shall find such security or be thence discharged by
due course of law.

Given under my hand and seal this 20th., day
of July, A. D., 1905.

(Seal)

E. E. Willard. (Seal)

Justice of the Peace, 11th., District.

(Endorsed):

In Justice Court, Duval County. State of

Florida, vs. Andrew Patterson. Commitment. Filed Jul.

25, 1905. P. D. Cassidy, Clerk. E. E. Willard, Justice
of the Peace.

And afterwards, to-wit: on the 25th., day of July, A. D., 1905, the said Petition coming on for final hearing, the Court made and entered an Order discharging defendant from the custody of the Sheriff, in the words and figures as follows, to-wit:-

In the Circuit Court Fourth Judicial Circuit, in and for Duval County, Florida.

Andrew Patterson,

Petitioner

vs.

Habeas Corpus.

W. B. Pickett, as Sheriff,

Respondent.

Order discharging Petitioner and granting Writ of Error.

This cause coming on to be heard on petition for writ of Habeas Corpus filed by Andrew Patterson and return of W. B. Pickett, Sheriff of Duval County, upon Writ of Habeas Corpus issued upon said petition; and after argument by counsel for the said petitioner and the State of Florida, the Court being duly advised in the premises, it is considered by the Court that the said petitioner, Andrew Patterson be and he is hereby discharged from the custody of the said W. B. Pickett, Sheriff of Duval County, Florida.

And upon application of the said W. B. Pickett, Sheriff of Duval County, Florida as respondent, it is further considered by the Court that the said respondent be and he is hereby granted a writ of error to the

Supreme Court of the State of Florida, returnable to a day in the June Term, 1905, of the said Court, to-wit: to Friday, July 28th., 1905, the said Court being now in session, from the above judgement discharging the said petitioner from the custody of the said respondent, W. B. Pickett, as Sheriff of Duval County, Florida.

Done and Ordered this 25th., day of July, A. D. 1905.

R. M. Call,

Judge.

(Endorsed):

Filed, Jul. 25, 1905. P. D. Cassidy, Clerk.

And afterwards, to-wit: on the 25th., day of July, A. D., 1905, came the Respondent by his attorney, and filed Notice of issuance of Writ of Error, with receipt of service upon Petitioner's attorneys, in the words and figures as follows, to-wit:-

In the Circuit Court, Fourth Judicial Circuit, in and for Duval County, Florida.

In re Petition of Andrew Patterson
for Writ of Habeas Corpus.

To Wetmore & Purcell,
Attorneys for Petitioner, Andrew Patterson.

You will please take notice that a writ of error has been granted and issued to the Supreme Court of the State of Florida returnable to Friday, July 28th., 1905, from the order of the Judge of the Circuit Court of the Fourth Judicial Circuit of the State of Florida in and for Duval County, Florida, made and rendered July 25th., 1905 discharging the Petitioner in the above entitled cause from the custody of the Sheriff of Duval County, Florida.

Herewith is handed you copy or order made by the Judge of the above styled Court discharging the said petitioner from custody and making Writ of Error returnable to the Supreme Court on July 28th., 1905.

W. J. Bryan.

Attorney for the State of Florida.

Received a copy of above at 4:05 P. M. July 25th
A. D., 1905.

Wetmore & Purcell.

(Endorsed): Filed Jul 25, 1905 P. D. Cassidey, Clerk.

And upon the same day, to-wit: the 5th., day of July, A. D., 1905, Respondent by its attorney filed with the Clerk of the Circuit Court for Duval County, Florida, its Assignment of Error, in the words and figures as follows, to-wit:-

In the Circuit Court, Fourth Judicial Circuit,
in and for Duval County, Florida:

State of Florida, Plaintiff in Error

vs.

Andrew Patterson, Defendant in Error.

Assignment of Error.

Now comes the Plaintiff in Error by W. J. Bryan its attorney and assigns the following ground of error, to-wit:-

The Judge of the Circuit Court of the Fourth Judicial Circuit of the State of Florida, in and for Duval County, Florida erred in habeas corpus proceedings brought before him instituted by the petition of the defendant in error, Andrew Patterson for Writ of Habeas Corpus in making his order of July 25th., 1905, discharging said petitioner, defendant in error here, from the custody of the Sheriff of Duval County, Florida.

W. J. Bryan,

Attorney for Plaintiff in Error.

(Endorsed): Filed Jul. 25, 1905. P. D. Cassidy, Clerk.

And upon the same day, to-wit, the 25th., day of July, A. D., 1905, the Respondent, by its Attorney, and filed with the Clerk of the Circuit Court for Duval County, its Directions for the Making of Transcript, in the words and figures as follows, to-wit:-

In the Circuit Court, Fourth Judicial Circuit in and for Duval County, Florida.

In re Petition of Andrew Patterson
for Writ of Habeas Corpus.

The Clerk of said Court will please make up transcript of record in the above entitled cause instanter, in compliance with the provisions of Rule 103 for the Government of Circuit Courts in Common Law actions adopted at the April Term of the Supreme Court A. D., 1873 and oblige.

W. J. Bryan.

Attorney for State of Florida.

(Endorsed):

Filed, Jul. 25, 1905. P. D. Cassidey, Clerk.

STATE OF FLORIDA

County of Duval.

I, P. D. CASSIDY, Clerk of the Circuit Court of the State of Florida, Fourth Judicial Circuit in and for the County of Duval, do hereby certify that the foregoing pages, numbered from one to fourteen, inclusive constitute a true copy of all of the proceedings and a correct transcript of the record of the judgement in the case of Andrew Patterson, Petitioner for Writ of Habeas Corpus, and the State of Florida, Respondent, as appears upon the files and records of my office.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of said Court this 26th., day of July, A. D. 1905.

P. D. Cassidy
Clerk Circuit Court Duval County Fla.

By *P. D. Cassidy* Deputy Clerk.