



Dade County Courthouse shortly after it was constructed in 1904.
HistoryMiami, x-0665-1.



Dade County Courthouse, circa 1920.
HistoryMiami, 1990-145-3.

1911

The Birth of the Eleventh Judicial Circuit

Scott J. Silverman

In 2011, the Eleventh Judicial Circuit celebrated its centennial. For one hundred years, South Florida's premiere circuit has served as the forum for countless litigants and lawyers seeking justice. Many of the cases heard within its jurisdiction have received national and international attention. Certainly, decisions emanating from the court have either directly or indirectly affected the lives of everyone in Miami-Dade County. The Eleventh Judicial Circuit's importance is unquestioned. The one hundredth anniversary of its establishment was celebrated in grand style, not only by the bench and bar, but also by the public, for which it proudly serves.

Annus Partum

1911. President William Howard Taft, twenty-seventh President of the United States, was serving his second year in office; the United States Supreme Court dissolved Standard Oil Company after declaring it a monopoly; Harlean Carpentier (later known as Jean Harlow) was born; The *Miami Herald* was in its second year of publishing newspapers; and, arguably, the most significant event in South Florida's legal history took place—the establishment of the Eleventh Judicial Circuit.

Florida's legislature created the Eleventh Judicial Circuit as part of a larger scheme to create and redistrict the various judicial circuits throughout the state. A newly adopted constitutional amendment approved by a statewide vote in 1910 gave the legislature the authority to establish judicial circuits as it deemed advisable.¹ Not to shy away from its new clout, the freshly empowered legislature passed the Circuit Court Bill at its next session in 1911. The bill created the Eleventh Judicial Circuit, two additional judicial circuits, and re-shuffled other existing circuits.

Pro Partum

Prior to the creation of the Eleventh Judicial Circuit, Dade County had a fully functioning justice system as part of a larger statewide legal system established under Article V of the Florida Constitution. Of course, that system did not resemble our current circuit's size or composition. Yet, it generally met the fundamental needs of those who used it.

When Florida became a state in 1845, Dade County was barely inhabited. Dade's boundaries stretched north to the St. Lucie River, covering the area of present day Palm Beach and Broward counties. It then "arched south along the coast nearly 150 miles to Card Sound, at the head of the Florida Keys, and reached about 50 miles inland to Lake Okeechobee."²

From 1846 until 1868, Dade County was part of Florida's Southern Circuit.³ The Western, Middle, and Eastern circuits comprised Florida's remaining judicial circuits.⁴ The legislature may have created an additional circuit—the Suwannee Circuit—in 1858 or 1859.⁵

In 1846, the Southern Circuit consisted of Dade, Monroe, Hillsborough and Benton counties.⁶ By 1861, it had expanded to include Polk (formerly the Eastern half of Hillsborough County), Hernando (f/k/a Benton County) and Manatee counties.⁷ Florida's Southern Circuit had only one circuit judge to cover thousands of square miles—a daunting task for any jurist, especially for one who had to travel to and from various counties by steam locomotive, boat or horse.

In 1868, Florida's legislature replaced the geographical circuits with seven numbered judicial circuits.⁸ Dade County was in the Seventh Judicial Circuit, along with Brevard, Volusia, Osceola, Orange, and Lake Counties.⁹ By constitutional amendment, voters approved an eighth judicial circuit in 1902.¹⁰

It took fifty years from Dade's creation before the county would host its first session of the circuit court. On May 3, 1886, Circuit Court Judge E. K. Foster of the Seventh Judicial Circuit presided over that first session in the Fort Dallas Barracks, just steps from the Miami River.

In 1911, twenty-five years later, the legislature was again ready to reform the state's judicial circuits. Its decisions would alter Dade's justice system forever.

Sausages and Circuits

By 1910, Florida and Dade County were beginning to *boom*. The 1910 census showed Florida's population at 751,139 and that of Dade County, highlighted by the growth of the young city of Miami, at 11,933.¹¹ Populations were increasing throughout Florida, and the state's judicial system needed to continue to meet the needs of its citizens.

In response to the adoption of a 1910 constitutional amendment authorizing the legislature to create new courts at such times and in such numbers as it thought advisable, the Senate established a special committee on judicial circuits.¹² After deliberations, the committee recommended the creation of five new circuits (making a total of thirteen judicial circuits) and the reapportionment of others. It suggested the transfer of Dade County from its home in the Seventh Judicial Circuit to the new Tenth Circuit where it would be joined with Palm Beach and St. Lucie counties.¹³ Specifically, the Senate special committee proposed the following judicial circuits:¹⁴

First Circuit:	Escambia, Santa Rosa, Walton
Second Circuit:	Gadsden, Leon, Jefferson, Liberty, Wakulla, Franklin
Third Circuit:	Madison, Taylor, LaFayette, Suwannee, Hamilton, Columbia
Fourth Circuit:	Duval, Nassau
Fifth Circuit:	Marion, Hernando, Citrus, Sumter, Lake
Sixth Circuit:	Hillsboro, Pasco
Seventh Circuit:	St. Johns, Clay, Volusia, Brevard
Eighth Circuit:	Alachua, Bradford, Baker, Levy, Putnam
Ninth Circuit:*	Holmes, Jackson, Washington, Calhoun
Tenth Circuit:*	Dade, Palm Beach, St. Lucie
Eleventh Circuit:*	Orange, Osceola, Polk
Twelfth Circuit:*	Manatee, DeSoto, Lee
Thirteenth Circuit:*	Monroe

*Proposed new judicial circuit

The committee's recommendations were not without support. The Florida State Bar Association publically endorsed the plan.¹⁵

Even before the Florida House of Representatives was able to consider the committee's proposals, *The Miami Herald* was already speculating on whom Governor A. W. Gilchrist might select as Dade's new circuit court judge.¹⁶ It was evident that the venerable and well-respected Judge Minor S. Jones of the Seventh Judicial Circuit, who currently served Dade County, would no longer continue to serve the county, since most expected Judge Jones to remain as the circuit judge of the Seventh Judicial Circuit, but that was not to be the case.

Among those mentioned by the *Herald* for likely consideration as the new circuit's first circuit court judge were Mitchell D. Price, Henry Fulton Atkinson, and Allen E. Heyser.¹⁷ All three were well known throughout Dade and Palm Beach counties.¹⁸ *The Miami Herald's* discourse was, of course, all conjecture, since the House of Representatives had yet to address the Senate's recommendations. Furthermore, serious discussions continued in Tallahassee about whether Monroe County would have its own circuit or whether it would join Dade, Palm Beach, and St. Lucie counties in the new Tenth Judicial Circuit. The *Herald* opined that should Monroe County become part of the new Tenth, then the current judge of its Criminal Court of Record, Livingstone Wellesley Bethel, would be a suitable choice as its first circuit court judge.¹⁹

By May 7, 1911, the legislative session was already half over, and a final agreement between the House and Senate on the Circuit Court Bill proved elusive.²⁰ One amendment moved Osceola County into the Seventh Judicial Circuit, but what proved to be the most controversial legislative fiat was the outcome of Senator J. B. Johnson's parliamentary wrangling.²¹ Johnson, a senator from Live Oak, Florida, garnered the displeasure of many of his lawyer colleagues when he substituted the senate committee's bill with his own.²² His bill provided for the creation of just three new judicial circuits (in contrast to the five recommended by the senate) and reshuffled some of the others.²³ In the end, it was his proposal that received the legislature's approval, as follows:

First Circuit:	Escambia, Santa Rosa, Walton
Second Circuit:	Gadsden, Leon, Jefferson, Liberty, Wakulla, Franklin
Third Circuit:	Madison, Taylor, LaFayette, Suwannee, Hamilton, Columbia

Fourth Circuit:	Duval, Nassau, Clay, St. Johns
Fifth Circuit:	Marion, Hernando, Citrus, Sumter, Lake
Sixth Circuit:	Hillsboro, Pasco
Seventh Circuit:	Orange, Osceola, Volusia, Brevard and St. Lucie
Eighth Circuit:	Alachua, Bradford, Baker, Levy, Putnam
Ninth Circuit:*	Holmes, Jackson, Washington, Calhoun
Tenth Circuit:*	Polk, Manatee, DeSoto, Lee
Eleventh Circuit:*	Dade, Palm Beach, Monroe

*New judicial circuit

Senator Johnson's decision to remove Monroe County from its own circuit was more than likely tacit recognition that railroad baron Henry M. Flagler's soon to be completed overseas rail line would eliminate the grueling journey between Miami and Key West. The new railroad extension would bring together the two cities through a comfortable and scenic train ride of a few hours.²⁴

The Miami Herald published an editorial discussing the creation of the Eleventh Judicial Circuit and the legislature's decision to refrain from creating many more circuits, noting:

Dade County has, from time immemorial, been in the seventh circuit, but if the proposed bill becomes a law, it will hereafter be in the eleventh circuit, and instead of being in a circuit with a large number of counties to the north and west, it will now be linked with only Palm Beach and Monroe counties.²⁵

To become law, a legislative enactment needs to avoid a gubernatorial veto. The Circuit Court Bill was not so fortunate. After its passage, Governor Gilchrist vetoed the bill—but all was not lost.²⁶ On May 22, 1911, the Senate voted to override the veto.²⁷ The following day, *at the governor's request*, the House did the same.²⁸

Both legislative chambers formally approved the Circuit Court Bill creating the Eleventh Judicial Circuit (consisting of Dade, Palm Beach, and Monroe counties) on May 27, 1911. The law took effect on June 10, 1911.²⁹

The First Circuit Court Judge of the Eleventh Judicial Circuit

Within a day of the legislative override, Governor Gilchrist named sixty-five year old Livingstone Wellesley Bethel of Key West as the first circuit court judge of the newly formed Eleventh Judicial Circuit.³⁰ A disappointed *Herald*, anticipating the appointment of Mitchell D. Price, a prominent Miami attorney, wrote, “The Herald had hoped and believed that Mitchell D. Price, of [Miami], would be named judge, mainly because of his great fitness for the office, and because it would be to better advantage to have the judge located as near the center of his district as possible.”³¹

Though Governor Gilchrist declined to select *The Miami Herald's* favorite son, it was not entirely upset over the governor's choice. “But the *Herald*,” the journal added, “has no criticism for the governor for not so honoring Miami and the eleventh judicial circuit. The governor acted as he believed best, and for that is to be commended.”³² The *Herald* went on to describe Judge Bethel as an “excellent [gentleman]” and “good jurist;” and acknowledged that he would “no doubt lend dignity [to his office].”³²

The *Miami Herald* was saddened that Judge Jones would no longer serve Dade as its circuit court judge, but was nevertheless satisfied that Judge Bethel would be moving to Miami. The *Herald* wrote, “Governor Gilchrist has done something good, anyhow, by giving Miami another good citizen.”³⁴

On July 3, 1911, Judge Bethel departed his home in Key West to travel to Palm Beach and Miami.³⁵ Since he was not well known by the bars in Dade and Palm Beach counties, he wanted to become “acquainted with the attorneys and others in his circuit and dispose of any legal matters that may need his attention.”³⁶

Judge Bethel expressed his opinion about the practicing attorneys in Dade and Palm Beach to the *Key West Journal*.³⁷ According to the *Journal*, “Judge Bethel stated that in his opinion, the bar of both Palm Beach and Dade counties was one of the finest he had ever seen and that its members were brilliant lawyers and clever gentlemen.”³⁸

Circuit Court Judge Livingstone Wellesley Bethel

Livingstone Wellesley Bethel was known and respected throughout the State of Florida, having been involved in public service much of his life. While he holds the great distinction of being the first circuit court judge of the Eleventh Judicial Circuit, his varied background makes him as unique today as he was almost one hundred years ago.

The future Eleventh Judicial Circuit jurist, a Bahamian, was born in Nassau, New Providence, on October 26, 1845.³⁹ He and his parents immigrated to the United States two years later, settling in Key West.⁴⁰ His father, Winer Bethel, a lawyer by profession, became the circuit court judge of the Sixth Judicial Circuit (Monroe County).

In 1869, at the age of twenty-four, Livingstone was admitted to the Florida bar. He entered public life in 1877 as the elected mayor of Key West. In 1880, W. D. Bloxham, who was the democratic candidate for governor, selected the thirty-five year old Bethel, who was still serving as Key West's mayor, as his running mate.

Bloxham's successful gubernatorial campaign brought Livingstone Bethel to Tallahassee, where he served as Florida's lieutenant governor and President of the Senate from 1881-1885.⁴¹ He "was known as the handsomest man in Florida ... a pleasant and affable gentleman of distinguished bearing, he was one of the most popular men in the State."⁴² The *Weekly True Democrat* referred to the future jurist as a "charming and dignified personality."⁴³ Yet, beneath his amiable facade was a racist. Bethel had battled for white rule of the State of Florida when, according to that same paper, "radicalism was rampant."⁴⁴

After leaving statewide office, Bethel served briefly as the United States Attorney for the Southern District of Florida. Shortly thereafter, in 1895, the governor appointed him as the judge of the Criminal Court of Record for Monroe County. He held that office for sixteen years, until he received and accepted Governor Gilchrist's invitation to serve as the circuit court judge for the newly created Eleventh Judicial Circuit.

Judge Bethel presided over the Eleventh Judicial Circuit for only three years. However, due to a lingering illness, he was unable to tend to his judicial duties during his last year on the bench.⁴⁵

By late August 1913, rumors began to swirl that Judge Bethel would resign.⁴⁶ The rumors continued into September 1914.⁴⁷ Though they ultimately proved false, Miami's Bar Association met on September 29,

1914, to discuss the effect of any resignation and Judge Bethel's possible successor.⁴⁸

On October 9, 1914, *The Miami Herald* openly called for Judge Bethel's resignation.⁴⁹ In an understanding, yet firm tone, the newspaper wrote,

The people of this district and of this county deeply sympathize with Judge Bethel in the indisposition that has kept him so long from the active discharge of his duties and which has prostrated him on a bed of illness. They have the utmost regard for him, personally, and are grieved that he has been compelled to undergo so many months of suffering. They would have it otherwise if it were in their power. They would restore him to immediate health and to his judicial activities if they could do so. But that, of course, is impossible. ...

Men are in the jails of this circuit who ought either to be freed or sent to final punishment. Business men are involved in important and costly litigation made more costly because there is no judge to hear arguments on motions and to hold trials. The whole circuit is suffering because the wheels of the courts have ceased their motion, and there is no remedy unless the distinguished gentleman who now holds the commission as judge of the circuit shall voluntarily tender his resignation to the governor, so that a judge may be appointed to care for the business of the counties of the district. The situation is fast becoming intolerable.⁵⁰

On October 21, 1914, just twelve days later, sixty-eight year old Livingstone Wellesley Bethel, the first circuit court judge of the Eleventh Judicial Circuit, succumbed to his illness at his home in Key West.⁵¹ Upon his demise, *The Miami Herald* wrote:

... In all of [Judge Bethel's] acts he was a courteous and dignified gentleman who made and retained friends by his fine character and affability. On the bench he was impartial and able. His death removes a commanding figure in the history of the state.⁵²

Judge Bethel blazed the trail for the Eleventh Judicial Circuit's judiciary. He was a pioneer and a great Floridian.

Judge Minor S. Jones: The Aftermath

While the *Miami Herald* acted graciously towards Governor Gilchrist's selection of Judge Bethel as the first circuit court judge of the Eleventh Judicial Circuit, it was overtly hostile toward his decision not to re-appoint Judge Minor S. Jones to the Seventh Judicial Circuit. Judge Jones dutifully served Dade County and the rest of the counties in the Seventh Judicial Circuit for fourteen years, and the newspaper viewed the jurist's forced retirement with disdain.

On May 27, 1911, *The Miami Herald* published a strongly worded editorial candidly informing the governor that his decision not to re-appoint Judge Jones would result in political retribution. The editorial entitled "Will be Rebuked," stated:

The action of Governor Gilchrist in not appointing Judge Minor S. Jones, judge of the seventh judicial circuit, will undoubtedly be rebuked by the people residing within the circuit, where for many years, Judge Jones has been known, honored and loved. It appears to be a direct slap at the primary selection of the people of the circuit who endorsed Judge Jones. For years he has been re-elected to office without opposition, which in itself is the greatest endorsement the voters can give a faithful servant.

So far as the Herald knows, there is but one reason why the governor did not appoint Judge Jones and that is because the venerable judge is big hearted and broad minded. If that is a fault, the world cannot be too full of men thus afflicted.

If the governor refused to appoint Judge Jones for personal reasons, he is guilty of an act that will surely be rebuked by the people of this circuit, as well as the broad minded, fair-minded people of Florida.⁵³

The *Miami Herald* remained so agitated and incensed by the governor's treatment of Judge Jones that it published another editorial two days later with even harsher criticism:

It's an even chance Governor Gilchrist will never tell why he turned down Minor S. Jones, nominee of the primary for re-appointment as judge of the seventh judicial circuit, and

appointed another [Senator J.W. Perkins]. Certainly he can give no plausible or satisfactory reason for his act. The governor is making a mess of it all the way through, and few will be sorry when he is done.⁵⁴

The third week of June 1911 marked the close of the spring term of the circuit court of Orange County. It was the last time Judge Jones would serve on the bench. Surrounded by his court officers and members of the bar, he was presented with a gold-headed cane and gold-headed umbrella. Each was inscribed with the judge's initials. Several attendees made short speeches. Judge Jones ended the event by making several comments. The *Orlando Sentinel* reported it this way:

Judge Jones stood unable to speak at first, and tears came into his eyes, and he finally spoke with great emotion. He said that he had relived his whole judicial life upon being served with notice that it was determined that he should not be reappointed, and he could not feel that he had done the slightest injustice intentionally to any man, woman or child during his judicial career; that while he doubtless had made many mistakes, yet it was a consolation to know that he had not done an intentional wrong to any man. He said that it was impossible for him to express the appreciation he felt for these tokens from the officers of the court and members of the bar. That when a man and his loved ones feel the pressing edge of grave injustice and the stinging sense of humiliation, to have such manifestations from those who know him, relieved the situation, and made glad his heart, and he would keep the gifts as a sacred treasure for himself and his wife and family. ... When he closed, there were tears in many eyes, and he shook hands with the assembled crowd, and a most pleasant social chat followed.⁵⁵

After fourteen years on the bench, his last term as the judge of the Seventh Judicial Circuit expired on June 20, 1911.⁵⁶ *The Miami Herald* described Judge Jones "as a capable; upright, impartial dispenser of the law for these years has endeared him to the hearts of his people in this county and the entire circuit." Then taking another, though indirect, swipe at the governor the newspaper added, "The great regret is that he

should be cut off so suddenly from a charge in which he was the unanimous choice of both the people and the members of the bar."⁵⁷

After receiving several critical comments from *The Miami Herald* in the course of a month and at least two negative editorials in the *DeLand News* and one from the *Titusville Star*, the governor felt compelled to respond—and he did.⁵⁸ In late June or early July 1911, Governor Gilchrist wrote a public letter to the *DeLand News* and explained his decision not to re-appoint Judge Jones. He also sent a private letter that *The Miami Herald* opted not to print, though other newspapers chose to publish.⁵⁹ In his public letter, Governor Gilchrist wrote, in pertinent part:

I was led to believe that Judge Jones was not well up with the work of his circuit. From the information I received, I did not consider him physically able to make good. The conditions of his circuit were such that any live judge should have kept up with the business of his court. I was told that Judge Jones could not hold a paper in his hand without the same shaking. In consequence of which I exercised my judgment and appointed a new circuit judge.⁶⁰

Responding to the *DeLand News*' assertion that his appointment of Senator J. W. Perkins as the new circuit court judge of the Seventh Judicial Circuit was "an effort to make political capital," the governor stated:

I consider this a reflection on the gentleman who was appointed. It is impossible for me to conceive of a judge of a circuit court using his official position to make political capital for any one. ... For information[,] I would state that Mr. Perkins did not seek this appointment. Judge Jones was not the only judge the records of whose court were looked into by myself. 'Political capital' had absolutely nothing to do with the appointment.⁶¹

Finally, Governor Gilchrist responded to the *News*' statement, "It is rumored, as a reason for Gilchrist's fool action, that he, Gilchrist, was told that Judge Jones made a remark that Gilchrist was a Jew, and that the name originally was Kill-Christ."⁶² The governor wrote, "This is the first time I have ever heard of such. If I had any Jew blood in my veins,

I would be proud to say so. My recollection is that the Jews were God's chosen people."⁶³

The *Tampa Times* found Governor Gilchrist's reasons for not re-appointing Judge Jones "decidedly more forcible and convincing than dignified."⁶⁴ The Tampa paper opined, "We do not think that the governor of the state is under any obligation to defend or apologize for his official actions in the columns of the public press."⁶⁵

The Miami Herald was not finished with the governor. It bluntly decried the chief executive's justifications for not re-appointing Judge Jones, stating in an editorial,

The Herald has never believed that the action of Governor Gilchrist in failing to appoint Judge Jones to be circuit judge after the entire circuit had joined in recommending him was either proper or right. The governor has been criticized for much, in which this paper believes that he was correct and his critics wrong. But in the refusal to follow the wishes of the people as expressed in a primary, the governor certainly did not follow out the principles as laid down by the [D]emocratic [P]arty in this state.

When goaded to where he found himself driven to give reasons for his failure to carry out the wishes of the people, the governor resorted to an attack on Judge Jones.⁶⁶

As if it was Judge Jones' surrogate, *The Miami Herald* went on to counter the governor's public letter point by point.⁶⁷

Still smarting from the governor's decision not to re-appoint him, Judge Jones mounted his own response. Replying directly to the governor's written explanations and comments, Judge Jones fashioned his own letter to the editor. In his July 5, 1911, letter to the *DeLand News* (*The Miami Herald* published the entire letter its own paper July 17, 1911), Judge Jones demonstrated neither respect nor deference for the governor, stating:

Even in response to a multitude of letters deprecating [Governor Gilchrist's] frantic but unprovoked animosity toward me and assuring me of regard and sympathy, I returned no word of complaint. I really felt that the course and cowardly gibes of a vulgar boar [Governor Gilchrist] hundreds of miles away could reflect

no dishonor on me personally, and as the people had already perceived that the attack on me was a covert and tentative stab at the primary system, I thought it would be foolish. ... But when I am pursued vindictively to my very hearthstone surely I am justified in saying something in my own defense.⁶⁸

In a lengthy discourse, Judge Jones recounted, in detail, his Southern and family heritage. He wrote about his father and uncle, Judge William Jefferson Jones, the first chief justice of the Supreme Court of Texas in the days of the republic, who were both vigorous and long lived, and who both suffered “with a defect of the motion nerves known to doctors, I think, as *paralysis agitans*.”⁶⁹ [emphasis added] He explained that in the fall of 1864, when he entered the Confederate navy, an able medical man examined him, and even with “the hereditary nervous defect of [his] family,” he was allowed to enter the service.⁷⁰ Judge Jones went on to describe his father’s close, personal relationship with Confederate President Jefferson Davis, and his father’s imprisonment by the Union. He also detailed his appointments by Governors Perry and Bloxham to the county and circuit courts.⁷¹

Judge Jones refuted Governor Gilchrist’s suggestion that he was physically incapable of making good as a circuit court judge. He proudly noted that he only left the circuit’s jurisdiction twice in fourteen years, and then only at the request of the governor to hold court elsewhere.⁷² He also claimed that during his tenure as the circuit’s judge, he only missed two terms of the circuit court, but made them up during his vacation time.⁷³ He worked hard, and when out of his own county, he held court from 8 a.m. until midnight.⁷⁴ He tried law cases during the day and chancellery cases at night.⁷⁵

Judge Jones called the governor’s statements about him [in his public and private letters] slanderous. The jurist wrote:

The attack on my [physical] condition is another slander.

The charge that I am ‘old and ignorant and incompetent’ is another slander.

The charge that I am a ‘palsied old imbecile without strength to hold my hat or write my name.’ is another slander.

The charge that ‘age and weakness had made me so ill-tempered and captious that it was disagreeable for the bar or court

to come about me' is still another slander. I never spoke an ill word to a court officer in my life and I have never been unjustifiably impatient with a member of the bar in my life.

Lastly, Judge Jones denied calling Governor Gilchrist "a Jew."⁷⁶ He explained:

I heard a drummer say in the San Juan hotel in Orlando that [Governor Gilchrist] was an apostate Jew; that his true name was Keilchrist. I mentioned this incident to two or three members of the bar only to show how far the rancor of partisan politics would sometimes go. I did not say it myself, and I want it known that I could not disparage a faithful people by so divulging a statement.

Finally, the dueling Gilchrist/Jones letters to the editor came to a close and the editorials ceased.

After leaving the bench, Judge Jones returned to his home in Titusville, where he practiced law.⁷⁷ He died eleven years later in July 1922.

The Dade County Bar paid tribute to the deceased jurist at a ceremony held at the Dade County Courthouse on July 21, 1911.⁷⁸ Circuit Court Judge H. Pierre Branning (who succeeded Judge Bethel as the second circuit court judge of the Eleventh Judicial Circuit), spoke about Judge Jones saying, "Abraham was the friend of God; that Jesus was the friend of sinners, but that Judge Jones was the friend of everyone."⁷⁹ The event concluded with the bar's decision to send G. A. Worley, as its representative, to the funeral to present a wreath.⁸⁰ The Dade County Bar adopted this resolution:

Whereas, that grim messenger that knocks with impartiality upon the portal of the palace and the door of the hovel hath summoned the Honorable Minor S. Jones, former judge of this circuit, to join that innumerable caravan that moves toward the pale realms of shade where each must take his chamber in the silent halls of death, and

Whereas, the members of the Dade County Bar feel that by his departure they have sustained a personal loss and that the

state of Florida has lost one of its ablest, wisest and most honorable attorneys and citizens, and

Whereas, we as members of said bar greatly deplore his death and sympathize with his family in their bereavement, therefore be it

Resolved, That we, the members of the Dade County Bar, hereby extend to the family of the said Minor S. Jones our heartfelt sympathy in this their home of bereavement, and assure them that we share the loss which has fallen so heavily upon them, and commemorate the memory of the said, Minor S. Jones as a man of honor, integrity, ability and kindness of nature and as a judge of sterling character, learning and judgment, be it further

Resolved, That a copy of this resolution be furnished to the family of the said Minor S. Jones, that a copy thereof be furnished to the Miami Metropolis and The Miami Herald, and that a copy thereof be spread upon the minutes of the circuit court in and for Dade county, Florida.

G.A. WORLEY, chairman of the Bar meeting,
H. PIERRE BRANNING,
A.D. PENNEY,
R.H. SEYMOUR,
MITCHELL D. PRICE,
Committee from Dade County Bar.⁸¹

Governor Gilchrist's one term as governor ended in 1913.

Today

The legislature created the Eleventh Judicial Circuit in 1911, in part, to better serve the people of Dade County. With one hundred years of history, the Eleventh Judicial Circuit continues its long tradition as a beacon for those who seek justice.

Starting with a single circuit court judge, Livingstone Wellesley Bethel, the Eleventh Judicial Circuit has grown into one of the most highly respected and important legal jurisdictions in the country in our day.

Today, the Eleventh Judicial Circuit has 124 circuit and county court judges working within its borders. Each is dedicated and sworn to provide justice to the people of Miami-Dade County.

For those who seek fairness, impartiality, and wisdom in the resolution of their legal claims and concerns, the Eleventh Judicial Circuit is there to proudly and professionally serve. For nearly a century, this has been its legacy, its pride, and its pleasure. It will also be its future.

Endnotes

- 1 Florida Constitutional Amendment to Article V, Section 35 (Adopted by election on November 8, 1910), provided: "No Courts other than herein specified shall be established in this State, except that *the Legislature may provide for the creation and establishment of such additional Judicial Circuits as may from time to time become necessary*, and for the appointment by the Governor and confirmation by the Senate of additional Circuit Judges therefor, whose terms of office and general jurisdiction shall be the same as is herein provided for the Circuit Judges herein already provided for, and may clothe any Railroad Commission with judicial powers in all matters connected with the functions of their office." [emphasis added]
- 2 Jeanne Bellamy, "Newspapers of America's Last Frontier," *Tequesta: The Journal of the Historical Association of Southern Florida* Number XII (1952): 1.
- 3 FL. CONST. OF 1838, ART. V, §5 (1838) ("The State shall be divided into at least four convenient Circuits, and until other Circuits shall be provided for by the General Assembly, the arrangement of the Circuits shall be the Western, Middle, Eastern and Southern Circuits. ...")
- 4 L. Thompson, *A Manual or Digest of the Statute Law of the State of Florida, of a General and Public Character, in Force at the End of the Second Session of the General Assembly of the State on the Sixth Day of January, 1847* 53 (Boston 1847). The Western Circuit was comprised of Franklin (court met at Apalachicola), Calhoun, Jackson (court met at Marianna), Washington (court met at Roache's Bluff), Walton (court met at Eucheeanna), Santa Rosa (court met at Milton) and Escambia (court met at Pensacola) counties; the Middle Circuit was comprised of Hamilton, Madison, Jefferson, Leon, Gadsden, and Wakulla counties; and the Eastern Circuit which was comprised of Orange (court met at Mellonville), St. Lucie (court met at Mellonville); Marion (court met at Ocala), Alachua (court met at Newnansville), Columbia (court met at Alligator), Nassau (court met at Nassau County Courthouse), Duval (court met at Jacksonville), and St. Johns (court met at St. Augustine).

- 5 The author is unable to verify the creation of this circuit. However, there is a reference to it in the Florida state case reporter dated 1858-1859.
- 6 L. Thompson, *A Manual or Digest of the Statute Law of the State of Florida, of a General and Public Character, in Force at the End of the Second Session of the General Assembly of the State on the Sixth Day of January, 1847* 53 (Boston 1847); See also, Act of Mar. 9, 1844, Sec. 2, Pamp. 17; During this time frame, the circuit judges of the Southern Circuit were as follows: George W. Macrae (1846-1848); Joseph B. Lancaster (1848-1853); Thomas F. King (1853-1865); James Gettis (1865-1867); and vacant (1867-1868).
- 7 1860 Fla. Laws Chapter 1,201-[No. 108.]
- 8 Florida Constitution 1868, Article VI, Section 7, provides: "*There shall be seven circuit judges appointed by the Governor and confirmed by the Senate, who shall hold their office for eight years. The State shall be divided into seven judicial districts, the limits of which are defined in this Constitution, and one judge shall be assigned to each circuit. Such judge shall hold two terms of his court in each county within his circuit, each year, at such times and places as shall be prescribed by law. The chief justice may in his discretion order a temporary exchange of circuits by the respective judges, or any judge, to hold one or more terms in any other circuit than that to which he is assigned. The judge shall reside in the circuit to which he is assigned.*" [emphasis added]
- See also, Rowland H. Rerick, *Memoirs of Florida* (Atlanta, Georgia: Southern Historical Association, 1902) 106.
- 9 The circuit court judges of the Seventh Judicial Circuit who served Dade County were: John W. Price (1868-1877); William Archer Cooke (1877-1885); Eleazor K. Foster (1885-1887); John D. Broome (1887-1898) and Minor S. Jones (1898-1911).
- 10 On November 4, 1902, Florida voters approved an amendment to Article V, § 8 of the Florida Constitution. The amendment authorized the legislature to increase the number of judicial circuits from seven to eight, and provided, in pertinent part: "*This section shall not be operative until the Legislature shall have divided this State into eight circuits, as hereinbefore provided for; and the seven Circuit Judges holding office at the time of such division shall continue to exercise jurisdiction over their several existing circuits as constituted at the time of such division, until the Judge of the additional circuit shall have qualified. ...*"[emphasis added]
- 11 "Reapportionment of Circuits and Counties," *The Miami Herald* 22 February 1911: 7.
- 12 *Ibid.*: *Supra*, Florida Constitutional Amendment to Article V, Section 35 (Adopted by election on November 8, 1910).

- 13 Ibid.; "The Judgeship [sic] Plum is Wanted by Several," *The Miami Herald* 28 April 1911:8.
- 14 Ibid.
- 15 "Half of the Session Now Over with Five Hundred Bills Filed," *The Miami Herald* 8 May 1911: 1.
- 16 "The Judgeship [sic] Plum is Wanted by Several," *The Miami Herald* 28 April 1911: 8.
- 17 Ibid.; Mitchell D. Price would serve as an Eleventh Judicial Circuit Court judge in 1924 for just one year; Henry Fulton Atkinson would serve as the judge of the Criminal Court of Record for Dade County from 1909-1914 and as an Eleventh Judicial Circuit Court judge from 1923-1939; Judge Allan E. Heyser was Dade County's first county court judge serving from 1883-1909).
- 18 "New Court Officers," *The Miami Herald* 25 May 1911: 2.
- 19 Ibid.
- 20 "Half of the Session Now Over with Five Hundred Bills Filed," *The Miami Herald* 8 May 1911: 1.
- 21 Ibid.
- 22 Ibid.; "State Senate Passed the Bill Creating Three New Circuits," *The Miami Herald* 5 May 1911: 1.
- 23 "Half of the Session Now Over with Five Hundred Bills Filed," *The Miami Herald* 8 May 1911: 1; "State Senate Passed the Bill Creating Three New Circuits," *The Miami Herald* 5 May 1911: 1
- 24 See, "The New Circuit," *The Miami Herald* 8 May 1911: 2.
- 25 Ibid.
- 26 "By Request of Governor House Ignored his Veto," *The Miami Herald* 24 May 1911: 1.
- 27 Ibid.; Governor Gilchrist explained his veto, "In my opinion, conditions in this State do not justify the creation of three additional circuit courts. The business of the courts for several years can be satisfactorily administered without putting the State to the expense of eleven circuits, as contemplated by this bill." Florida House Journal 1633 (1911). As it applied to Dade County and the Eleventh Judicial Circuit, the governor further noted, "Monroe being a maritime county, has very little civil business. That county has a Criminal Court of Record. So has Dade County. There does not seem to be justification for making a circuit of Monroe, Dade and Palm Beach Counties, as is contemplated in the bill."
- 28 "By Request of Governor House Ignored his Veto," *The Miami Herald* 24 May 1911: 1; On May 23, 1911 Governor Gilchrist wrote a letter to T. A. Jennings, the Speaker of the House of Representatives, requesting the House override his veto. In his letter, the governor explained,

"Since returning the said bill to the Senate without my approval, I have been visited by a delegation consisting of most of the members of the House of Representatives from the counties in the southern portion of the State, and I was informed by these gentlemen that the House of Representatives would probably fail to pass the said measures over my veto; but that, as a result of said measure failing to become a law, owing to the congested condition of the business of the House, and the large number of important measures pending therein, it will very probably be impossible to secure the enactment of another satisfactory measure along the lines indicated in my veto message, or along other lines deemed advisable by the Legislature, and that the failure to secure the creation of at least on additional circuit in the southern portion of the State would result, owing to the congestion of business in the existing circuit in that territory, practically in denial and delay of justice, in violation of the constitution guaranty.

"Therefore, while I still maintain that the position taken in my veto message was for the best interests of the State, and offers the proper solution of the question involved, I am moved by the conditions indicated above to request and now have the honor to request that the House of Representatives will pass the said bill when received over my veto in the manner prescribed by the Constitution."

Florida House Journal 1631 (1911). On May 23, 1911, after the Speaker presented the governor's letter to the House, it voted to pass the Circuit Court bill, 53-9, over the governor's veto. *Id.* at 1635.

- 29 1911 Laws of Florida, Chapter 6198-(No.79)
- 30 "Key West Gets Judgeship Plum," *The Miami Herald* 25 May 1911: 1.
- 31 "New Court Officers," *The Miami Herald* 25 May 1911: 2.
- 32 *Ibid.*
- 33 *Ibid.*
- 34 "Not Exactly," *The Miami Herald* 8 June 1911: 2.
- 35 "Judge Bethel Here" *The Miami Herald* 4 July 1911:1; "Judge L.W. Bethel Visiting the Circuit," *The Miami Herald* 3 July 1911: 5.
- 36 *Ibid.*
- 37 "Judge L.W. Bethel Returns from Trip," *The Miami Herald* 2 October 1911: 8.
- 38 *Ibid.*
- 39 George M., Chapin, *Florida, 1513-1913, Past, Present and Future* (Chicago: S.J. Clarke Publishing, 1914) 667.
- 40 *Ibid.*
- 41 *The Weekly True Democrat*, 31 January 1908: Judge Bethel's role as the Lieutenant Governor of Florida was more honorary than remunerative. As the Lieutenant Governor, Judge Bethel made \$500 a year. His job functions

- included presiding over the state senate and making political speeches. "Interesting Gossip about Judge Bethel, State Senator Crill, Burton Party and the Founder of Carrabelle, one of the Coming Cities of West Florida," *The Pensacola Journal* 23 September 1906:1.
- 42 "Interesting Gossip about Judge Bethel, State Senator Crill, Burton Party and the Founder of Carrabelle, one of the Coming Cities of West Florida," *The Pensacola Journal* 23 September 1906:1.
- 43 *The Weekly True Democrat*, 31 January 1908.
- 44 Ibid.
- 45 "Judge Bethel Should Resign," *The Miami Herald* 9 October 1914: 4; "Judge Bethel is Much Improved," *The Miami Herald* 2 July 1913: 8. (Judge Bethel suffered a "stroke of apoplexy" during the last week of June 1913); "Judge Bethel Ill: No Circuit Court," *The Miami Herald*, 24 May 1913: 8 (Judge Bethel cancelled court, due to a sudden illness.).
- 46 "W. H. Taylor Esq. of Key West, is Judicial Timber," *The Miami Herald* 24 August 1913: 10 ("that Judge L.W. Bethel, of the Eleventh Judicial circuit of Florida, will resign that office, seems to be a foregone conclusion, according to the Jacksonville Metropolis of Friday.").
- 47 "Resignation of Judge Bethel," *The Miami Herald* 30 September 1914: 8.
- 48 Ibid.
- 49 "Judge Bethel Should Resign" *The Miami Herald* 9 October 1914:4
- 50 Ibid.
- 51 "L.W. Bethel, Judge 11th Circuit, Expired in Key West," *The Miami Herald* 22 October 1914: 8.
- 52 Ibid.
- 53 "Will be Rebuked," *The Miami Herald* 27 May 1911: 2.
- 54 Editorial *The Miami Herald* 29 May 1911: 2.
- 55 "Judge Minor S. Jones Honored," *The Miami Herald* 25 June 1911: 7.
- 56 "Judge Jones Will Practice Law," *The Miami Herald* 2 July 1911: 12.
- 57 Ibid.
- 58 Ibid.; "Governor Gives Reasons for Not Appointing Jones," *The Miami Herald* 6 July 1911: 3; "Hon. M.S. Jones," *The Miami Herald* 4 June 1911:2. - Quoting from the *Titusville Star*:
 "The friends of Hon. M. S. Jones all over Florida, and particularly in Brevard county and in the seventh judicial circuit, were highly indignant and felt that they had been outraged, when they learned last week that the governor had ignored the endorsements Judge Jones had received and had appointed Judge J.W. Perkins of DeLand, to be judge of the circuit court for the seventh circuit. ...
 "The governor has always made a great parade about appointing only such officers as the people want, but he either allowed his own personal feelings

or political matters to interfere in this instance and the friends of Judge Jones will not soon forget this matter.”

- 59 “Refutes the Governor,” *The Miami Herald* 15 July 1911: 2. (Governor Gilchrist’s private letter was, in the words of *The Miami Herald*, an “unwarranted attack.”)
- 60 “Governor Gives Reasons for Not Appointing Jones,” *The Miami Herald* 6 July 1911: 3.
- 61 Ibid.
- 62 Ibid.
- 63 Ibid.
- 64 “Governor Gilchrist,” *The Miami Herald* 7 July 1911: 2. (Quoting from the *Tampa Times*).
- 65 Ibid.
- 66 “Refutes the Governor,” *The Miami Herald* 15 July 1911: 2.
- 67 See, “Refutes the Governor,” *The Miami Herald* 15 July 1911: 2.
- 68 “Judge Jones Makes Reply to Letter of Gov. Gilchrist,” *The Miami Herald* 17 July 1911: 7.
- 69 Ibid.; *Paralysis Agitans* is known today as Parkinson’s disease.
- 70 Ibid.
- 71 Ibid.
- 72 Ibid.
- 73 Ibid. (After contracting malaria, Judge Jones missed one term of the circuit court in Dade County. He missed another term in Orange County due to a family member’s illness.)
- 74 Ibid.
- 75 Ibid.
- 76 Ibid.
- 77 “Judge Jones Will Practice Law,” *The Miami Herald* 2 July 1911: 12.
- 78 “Dade County Bar Pays Tribute to Judge M. S. Jones,” *The Miami Herald* 22 July 1922: 6.
- 79 Ibid.
- 80 Ibid.
- 81 Ibid.