

Efforts of the International Law and Order League to Prevent the Fight.

To the Editor of *The New-York Times*:

In *The Outlook* of Nov. 18 I showed that certain pugilists, driven from Minnesota, Indiana, and New-York, might decide to go to Louisiana, for that State has no statute against the prize ring. It was announced Nov. 5 that the Olympic Club of New-Orleans offered the winner in the international Corbett-Mitchell fight \$20,000 for a glove contest to be held Dec. 18.

While Louisiana has no distinctive statute on the subject, still the managers of the above contest decided to steer clear of New-Orleans on account of the efficiency of such faithful officials as Chief Justice Nicholls, who once called out the militia to prevent a fight; Judge Ellis, who is opposed to "glove contests," and Attorney General Cunningham, who completed in November the papers in a suit against the Olympic Club of New-Orleans for the forfeiture of its charter. This indicates progress since the days of Judge Marr, who is said to have been favorable to the ring.

The Corbett-Mitchell party abandoned Louisiana for Florida. One would therefore expect to find unimpeachable officials in the latter State. This assumption is strengthened by the fact that it was decided, Nov. 15, that the fight would take place at Jacksonville Jan. 25, 1894, for which a syndicate has offered \$25,000. In Florida everything depends on official honesty and efficiency. For, while we find in the statutes a general prohibition of fighting or abetting fights, with tolerably severe maximum penalties, there are no minimum penalties.

The following language may be found in Article III., Sections 2,415 to 2,419, Revised Statutes, approved Aug. 6, 1863, and re-enacted June 8, 1891:

"Whoever, by previous appointment or arrangement, meets another person and engages in a fight, shall be punished by imprisonment in the State penitentiary not exceeding ten years and by fine not exceeding \$5,000."

The penalty is less rigorous for aides, seconds, and surgeons. The pugilists are doubtless depending on a lax public sentiment and the connivance of public officers to let them off with a nominal punishment, or none at all.

If there is difficulty in Florida, it will be because of local official sympathy with lawlessness. With less definite legislation, but honest officials, Louisiana seemed to be an unsafe camping ground for this crime. What sort of public officials have we in Jacksonville? The higher officials, including the Sheriff, seem honest and able, while the attitude of the Sheriff is not yet fully known.

Mr. Corbett arrived in Jacksonville Dec. 14, was greeted with cheers, and no attempt was made to arrest him or his party. In Florida, Sheriffs, constables, and municipal officers are specially authorized to make arrests. Since it was almost certain that the local officers could not be relied on without the stimulus of a voluntary organization, the general agent of the International Law and Order League advised the utilizing of a local league. In this he was seconded by Attorney Cowles. Mr. Webber, manager of the Orange Brokerage Company and also Vice President of the Jacksonville League, invited the international to work through the Jacksonville society. The need of such work is apparent from the fact that on the evening of Dec. 19 the City Council of Jacksonville passed over the Mayor's veto, with only three opposing votes, an ordinance permitting glove contests. The attitude of the Sheriff is important, since his call for militia assistance would straighten everything out. Gov. Mitchell has determined to use, if necessary, the method which has proved so effective in other States—that of calling out the militia.

Duval is one of the three counties in Florida in which Criminal Courts are organized, and the Circuit Court would therefore have no jurisdiction in case of a prize fight. The Justice courts would have power to bind over to the Criminal Court, but not power to try the case. If appeal should be made on writ of error, (the only case in which appellate power is exercised in Florida,) no one doubts the reliableness of the Florida Supreme Court, presided over by Chief Justice Raney of Tallahassee. Gov. Mitchell informs me that he refused to sign the application for a charter for the Duval Athletic Club, because he believed it intended to give a color of legality to the Mitchell-Corbett fight.

The method of appeal to the Governor proved serviceable in Indiana. The *New-York Tribune*, Nov. 28, was incorrect in its statement that Attorney General Smith would submit to the Secretary of State, Nov. 29, the opinion that contests of "science and skill" are not unlawful, and that the Governor's action in calling out the troops was illegal. The *Tribune's* inference that the Roby Club could legally arrange for prize fights was also erroneous. The executive department at Indianapolis informs me that the Attorney General has given no such opinion, and the conclusion that prize fights can and will occur at Roby is far from the truth. One of the principals in the Roby drama has already been convicted. The Roby receivership case is still pending in the Supreme Court. An opinion will hardly be handed down before the 10th of January.

Now, the Indiana statute is as defective as the Florida law, but it did service. Let Florida learn from Indiana. Bills will be introduced, however, at the first opportunity to strengthen the Indiana statute, and Gov. Matthews is in the chair. The situation in Florida is this: There is law enough to stop the fight or to bring the lawless to justice. Attorney Cowles, appointed by myself, has been urging all along the importance of Section 1 of Chapter 66 in McClellan's Digest. He thinks that arrests under the assault section were clearly good, and he produced citations for the hearing that was held. Mitchell stirred up a prosecution in England, which furnishes the leading authority to the effect that prize fighting is assault at common law, (*Regina vs. Coney*, 8 Q. B. D. 534.) Hence he is intelligently scared.

Mayor Fletcher informs me that the object of the new contract to have the fight in Duval or St. John's County may indicate a purpose to utilize the Government reservation, Anastasia Island, near St. Augustine. The War Department is therefore interested. There is no doubt about the noble attitude of such men as Gov. Mitchell and Mayor Fletcher. But press and pulpit should assist. We have here an inter-State, a national question. On to Florida!

CLARENCE GREELEY,
General Agent of the International Law and Order League.

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