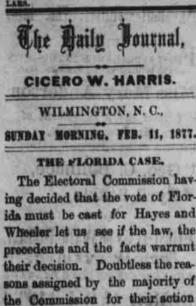
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THE WEEKLY JOURNAL (Friday) ONI DOLLAR AND A HALF.

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were sent out from Washington yesterday and will be found in the news columns of the Journal. That the reader may have before him bath the arguments, and decide for himself how far the ruling of the tribunal is from what it should have been let him examine the following brief of oute:

In his great speech of last week. Senator Jones, of Florida, stated fully the law under which the returns are canvassed and the powers and duties of the canvassing board were defined-both the original law of 1871, and the mendments made by the Legislature in 1872. Neither the orig inal law nor the amendments profeas to confer any judicial powers upon the board. This had been expressly determined by the Supreme Court in 1871, as to the original law, and that decision has been reaffirmed by the same Court in its application to the law, as it now stands, by its recent opinion in the "mandamus case against the State board. In the case of State "ex rel." Bloxham vs. Board of Canvassers, (15 Fla. Reps., 73,) the Supreme Court says:

ing the returns from nine coun- judge having been excluded by ties so as to make the votes stand the Radicals from participation in 23,849 Republican and 22,923 the canvas, which was made to Democratic, throwing out, upon show a majority of 941 for Hayes? one pretent or another of "irrogu In the cause of the county of harity" in the returns, over 500 Clay, one precinct had been omit-Republican votes and 1,500 Dem- ted for reasons certified by the cratic, and thus creating a ficti- county canvassers. The returns tious majority of 926 for Hayes, showed 287 votes for Tilden and At the same time, and by the 122 for Hayes, and was included same process of manipulation, the in the first canvass by the Board. Board created a majority for In the second canvass Clay was Stearnes and the Radical State ticket, and also declared both the Radical Congressmen elected.

Subsequently another canvass of the returns was made by the same Board, by order of the Su preme Court, which resulted in a reduction of the majority of the Hayes electors from 926 to 206, and gave the State ticket and one Congressmen to the Democrats. In this second canvass they threw out the returns from Baker and rule when a Democratic majority Clay counties, which they had previously counted for Tilden, and changed the result so as to still give Hayes a majority-the reduced majority of 206 instead of 926. Why they did this, and how they did it, Senator Jones shows in the following conclusive manner, after quoting the judgment cents. of the Supreme Court, which simply directs a recanvasa of the votes for Governor, and particularly a recanvass of the returns from the counties of Hamilton, Jackson and Manatee and Monroe -no other counties being in dis-

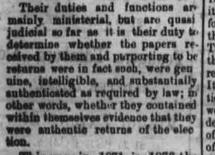
Under this judgment, the canvasa-ers had nothing to do with the electo-ral vote. They were tied to a naked compliance with the order requiring em to canvass the returns for the office of Governor. The legality of the recanvass resulted from the judg-ment of the Supreme Court, which commanded it in the interest of the uitor who invoked its jurisdiction. The Court had no power to compel or the Board to allow the proceedings to go beyond the case made by the plead-ings. And how does this case stand ings. And now does this case stand before the country? The votes given for Drew and the Presidential Electors were first canvassed by the State Board judicially, Democratic majorities in four counties were reversed or thrown out by the Board, which gave the State and electoral tickets to the Republicans. Clay and Baker counties wore counted for the Democrats. Drew applied to the Supreme Court and ob-tained a writ of mandamus to compel the canvassers to recanvass and count the returns from the four counties for the office of Governor. The writ issued and directed a recanvass. The majorities for the Democrats in the re-jected returns, added to those conceded in the first canvas, would show a majority of votes for both Tilden and Drew. The Board, instead of confining ts action to a recanvass of the returns for Governor, went on and recanvassed the returns for electors. It gave to Tilden the benefit of the majorities in the four counties, the canvass of whose returns was alone prayed for by Drew. It took away from Tildes his majori-ties in Clay and Baker counties, which were conceded, in the first canvass, under a judgment directing a recanvass of the entire vote of the State in favor of Drew; and it did this for the express purpose of preventing the judg-ment of the Supreme Court of Florida, based as it was upon law and justice, which gave Drew his office, from being set up as a precedent in behalf of the Tilden electors, who had been deprived Tilden electors, who had been deprived of their rights by them. Yes, Mr. President, Clay and Baker counties were, in the first canvaas, counted for the Democratic tickets, both State and national, and both showed majorities for those tickets. The returns from four other counties were thrown out. When the canvassers were required to recanvass the returns from the four rejected counties, instead of following the mandate of the Su-preme Court they went and took up the returns from Clay and Baker that they had previously counted in favor of the Democratic tickets, and, whiles including the others for Tilden and Drew, threw out the returns from Baker and Clay. The first canvass of the votes of Baker was based upon the full canvass of four precincts, all the county contained, signed by the clerk of the court and a justice of the peace, the county judge refusing to participate in the can vass at the clerk's office. It showed 238 votes for Tilden and 143 for Hayes. This return the Board counted, and rejected the county judge's return of two precincts only, showing 180 votes for Haves and 89 for Tilden, as fraudulent, and because it omitted two precincts: Upon the second canvass the Board threw out the return first counted upon the ground sufficiently known to them before, that it was not signed by the county judge, and substituted the county judge's return, although the county. At the same time they counted for Hayes the return from the Republican county of Duval, although in like manner vane, changed the result by alter. justice of the peace-the county

thrown out because of the omission of the returns of that one precinct, giving a Democratict ma jority of 27! Yet, as shown above. the county 'judge's return for Baker, omitting two precincts, was, at the same time and with the same fraudulent intent, substitu ted for the full and true return for Baker, which gave a majority to the Tilden electors. Thus the Board in every case applied one was to be gotten rid of, and re versing it when a Radical majority was to be saved.

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This was in 1871; in 1876 the same Court says of the further provision added by the Legisla ture in 1872 that the Board shall not include in the count returns which are "so irregular, false, and fraudulent that the Board cannot ascertain from them the true state of the vote:"

That the clear effect of this clause in the statute is that a return of the character named shall not be includ ed in the determination and declara on of the Board; and that it has ower to determine the bong file haracter of the returns dehors their cs. It is not within the power of in Board to refuse to count others whole of the return or must reject is in toto. We will also say that the powers here conferred are min-isterial powers. It is true that in some respects these powers are something more than simple coupt ing or computing, but they are pow-ors which necessarily appertain to the discharge of every ministerial duty of this character. Their exist ence is no obstacle to the control of much effects by populations from a ot it in toto. We will also say that such officers by mandamus from a coust having jurisdiction of the sabjoot matter.

Such being the law and the construction of the law by the highest Court of the State-a construction which the Supreme Court of the United States would recognize as binding as though incorporated in the text of the statute-Senator Jones proceeds to show how the Canvassing Board acted in the discharge of its duty under the law. The votes from the thirty-nine counties in Florida at the late election, acthe office of the Secretary of State. it professed to include only half cording to the returns on file in were 24,440 Democratic and 24,-849 Republican, on the Electoral Heket, showing a majority for the Tildon Electors of 91 votes. The State canvascers, in their first can. signed only by the clerk and a

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