

the Senate take up Senate Bill No. 194 out of its regular order;

Which was agreed to by a two-thirds vote, and so ordered, and Senate Bill No. 194 was taken up and read a second time in full.

Mr. Williamson moved that the rules be further waived and that the Senate take up Senate Bill No. 194 out of its regular order;

Which was agreed to by a two-thirds vote and so ordered, and

Senate Bill No. 194:

A bill to be entitled an act to organize a county court in and for Citrus county, to prescribe the terms thereof and to provide for the appointment of a prosecuting attorney and for his compensation and for that of the judge of said court,

Was read the third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Baya, Blitch, Borden, Bristol, Browne, Calhoun, Farmer, Fleming, Genovar, Marks, McKay, McKinne, McKinney, McLeran, Morrow, Myers, Smith, Wadsworth, Weeks, Whidden, Williamson and Wolfe—21.

Nays—None.

So the bill passed, title as stated, and was ordered certified to the House of Representatives.

Mr. Myers moved that the Senate adjourn till Wednesday at 10 A. M.;

Which was not agreed to.

Mr. Marks moved that the rules be waived, and that the Senate take up Senate Bill No. 67 out of its regular order;

Which was agreed to by a two-thirds vote, and so ordered, and

Senate Bill No. 67:

To be entitled an act limiting the obligations of contracts and deeds secured by mortgage,

Was taken up for consideration.

Mr. Broome moved that Senate Bill No. 67 be made special order for Friday at 11 A. M.;

Which was agreed to, and so ordered.

Mr. St. Clair Abrams moved that the Senate adjourn till Wednesday at 10 o'clock A. M.;

Which was agreed to, and the Senate adjourned until Wednesday at 10 o'clock A. M.

WEDNESDAY, MAY 3, 1893.

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Messrs. Baya, Blitch, Borden, Bristol, Broome, Browne, Calhoun, Farmer, Fleming, Genovar, Grady, Marks, McKay, McKinne, McKinney, McLeran, Morrow, Myers, Perrenot, Reeves, Rosborough, Smith, St. Clair Abrams, Summers, Thomas, Wadsworth, Whidden, Williamson and Wolfe—30.

A quorum present.

Prayer by the Chaplain.

The Journal was approved.

Introduction of Resolutions, Petitions and Memorials.

The following petition was presented by Mr. Fleming, read and spread upon the journal:

To the Senate and House of Representatives of the State of Florida:

Your petitioner calls attention of your honorable body to the gross injustice done to the State and its citizens who have in good faith purchased lands from the State contiguous to the St. Johns Railroad, to which was granted alternate sections of land along said road.

Your special attention is called to the St. Johns Railroad running from Tocoi, on the St. Johns river, to St. Augustine, a distance of about fourteen miles. Said road received from the State every alternate section of land lying within six miles on each side of the road and at each terminus, which gave them over sixty thousand acres of land to build a road about fourteen miles long. These alternate sections of land were given to the road by the State to enhance the value of the other alternate sections, and those purchasing said lands predicated their purchases upon the continuous running of said road, for the law granting said charter and lands to the St. Johns Railroad in—

Eighth sub-division, sixth section, internal improvement act of 1885, says: "The entire equipment shall be of the first-class, and shall at all times be sufficient for prompt transportation of all passengers and freight ordinarily offering."

The road runs only an occasional train, sometimes once a

week, and often there is no train for a month. Said discontinuing of trains is of serious inconvenience to those parties who purchased and own lands on said road, and have very seriously depreciated the value of said lands. The people living upon the St. Johns River at the several villages between Jacksonville and Palatka, who depend upon the boats and the St. Johns Railroad to get to St. Augustine, have been seriously inconvenienced.

The owners of the steamer Hancox for the past three years have endeavored to arrange a schedule to connect with the St. Johns Railroad at Tocoï for St. Augustine, which they have positively refused. Numbers of picnic parties at St. Augustine have tried to get them to run trains to Tocoï, but they have always refused.

Within the past three months they have destroyed a portion of the Tocoï wharf, showing their determination not to run trains or make connections with steamers on the St. Johns river and prevent the inhabitants from the surrounding country from shipping their produce by the river, and they will not run their cars, so that it is an impossibility for the people around Tocoï to ship off their produce or receive their supplies.

Your petitioner, for himself and many others, who have been seriously injured by the stopping of the trains on the St. Johns Railroad, beg that you will pass such laws as will compel the owners of the St. Johns Railroad to comply with their charter, and run trains on the same.

Respectfully,

E. T. PAINE.

Tocoï, Florida, April 20, 1893.

The petition was referred to the Special Committee on Land Grants.

The following protest presented by Mr. Farmer, was read and ordered spread upon the Journal:

To the Honorable Senate and House of Representatives of the State of Florida, in Legislature assembled:

The Chamber of Commerce of the city of Fernandina, respectfully represents unto your Honorable Body:

That we regard with disfavor the proposed legislation embodied in Senate Bill No. 168, and House Bill No. 215, the purport of which is, in our judgment, an interference with private contracts between fire insurance companies and the people. The practical result of this character of legislation in other states, has been so unfavorable, that we apprehend serious results, should such a law be here enacted.

To prohibit insurance companies, by law, from requiring

into the nature and extent of their losses, is equivalent to placing a reward upon arson and incendiarism.

Public policy demands that we protest against it in behalf of our people.

The security furnished by fire insurance policies involves all branches of business, and has become an indispensable necessity well known to every business man and property owner.

Fire insurance companies are private corporations, and they cannot and will not leave their capital exposed to the mercy of dishonest persons, protected by an unjust law; and we are reliably informed that they have already signified the necessity of terminating all business in this State, should such law be enacted.

We therefore most strenuously protest against the passage of said bills, the result of which, in our opinion, would be the withdrawal of all policies on property now insured, thus destroying the validity of all securities such as bonds and mortgages, based upon insured property.

We have the honor to be with great respect,

The Chamber of Commerce of the City of Fernandina, by

B. T. BURCHARDI,
Secretary.

H. E. DOTTERER,
President.

Also,

The following protest presented by Mr. Farmer, was read and ordered spread upon the Journal.

To the Honorable Senate of the State of Florida, Tallahassee:

Your petitioners, the Fernandina Building and Loan Association, a body corporate of the State of Florida, doing business in the city of Fernandina, respectfully represent that they have learned of measures pending in the Legislature relating to the liability of fire insurance companies, which measures are regarded by those companies as so unjust and obnoxious that they have already signified their intention to immediately retire from the State if the same becomes a law.

The business of building and loan associations, which are carried on almost wholly in the interest of the laboring classes, is so largely dependent upon good, substantial fire insurance policies, as assigned collateral security for loans, that any disturbance of this department of business would be a most serious encroachment upon thousands of existing contracts.

In view of the just and satisfactory manner in which, within our experience, all losses have been paid by the

staunch old fire insurance companies doing business in our city, we feel sure that our people have no complaints to make against them and we do not see how the business which we represent can be safely conducted without the protection which they afford us.

For these reasons we feel it a duty to our people to petition your honorable body that no legislation such as that contemplated in Senate Bill No. 168, and House Bill No. 215, relative to fire insurance companies and their policies, be enacted.

We have the honor to be obediently yours,

WILLIAM B. C. DURYEE, President,
CHAS. V. HILLYER, Secretary,
T. KIDD, Treasurer,
S. CARRIS,
GEO. H. BAER,
C. SAHLMAN,

Board of Directors.

Fernandina, Fla., April 29, 1893.

Also,

The following protest was presented by Mr. Borden, read and ordered spread upon the Journal:

To the Legislature of the State of Florida:

We, the undersigned business men and citizens of the city of Ocala, believing that the passage of Senate Bill No. 168, and House Bill No. 215, in relation to the liability of fire insurance companies in this State, on policies of insurance issued, would be inimical to the business and commercial interests of the State, and that legislation proposed thereby, would, in all probability, cause the withdrawal from the State of reliable insurance companies, inflicting serious damage and injury to many industries and enterprises, both corporate and private, respectfully petition that no such legislation as proposed by said bills, be passed.

E. W. AGNEW & Co., and 62 others.

Also,

The following memorial was presented, read and ordered spread upon the Journal:

Whereas, it frequently occurs that applications for bond security to surety and guarantee companies doing business in the State of Florida, by various employes of railroads, and more especially by conductors in the employ of railway companies in this State, are frequently refused, and without any explanation for such refusal by said guarantee and surety companies.

And whereas such applications are often unjustly refused,

and by the refusal of said guarantee and surety companies to grant the bond and security applied for, irreparable injury is frequently done the applicant, and often causes said applicant to lose his position, or to fail in obtaining one which he may be seeking.

And whereas employes, and especially conductors of trains, are often discharged from employment by the withdrawal of the security and guarantee companies, and this is done without any reason being given or afforded such employes by said surety or guarantee companies.

And whereas all this is detrimental to the interest of the railway employes in the capacity aforementioned, in this State.

Now, therefore, be it resolved by the Order of Railway Conductors here assembled, that the Legislature of Florida be, and is hereby memorialized and petitioned to amend the present law, and enact such further laws as are necessary to compel surety and guarantee companies doing business in this State to be more cautious in the consideration of applications for surety, and make some public proclamation of the ground upon which an application is refusable, or an applicant disqualified, and upon the withdrawal of the bond or security given a conductor, or other employes of railway companies in this State, the surety or guarantee company thereby causing the discharge of such employes, to compel said surety and guarantee companies to make a statement of the grounds upon which said employe was deprived of his bond or security; and to prevent such surety and guarantee companies from depriving said employes of the security which they have afforded him, for other than the grounds stated as disqualification in the publication of rules aforementioned, excepting, of course, disqualification apparent upon the face of an unforeseen and unusual nature.

Whereas, That when railway companies or other corporations discharge employes, they shall give them the reason in full, and the cause of dismissal, and shall have a settlement within two days after discharged.

Whereas, There is no regulation at present among railway companies in this State as to the number of hours an employe is expected to work per day, and for the lack of such regulation there is an unjust discrimination by railroads among their employes.

Now, therefore, be it further resolved, that the Legislature of Florida be memorialized and petitioned to enact such laws as will regulate the employment of employes in train service on railroads, for twelve (12) hours to make a day's

work, and at least eight (8) hours rest be required between periods of active duty.

The memorial by request was referred to the Committee on Corporations.

Reports of Committees.

Mr. Wolfe, Chairman of Committee on Engrossed Bills, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, FLA., May 3, 1893. }

HON. W. H. REYNOLDS,

President of the Senate:

SIR—Your Committee on Engrossed Bills, to whom was referred—

Senate Bill No. 10:

A bill to be entitled an act to provide for the regulation of railroad schedule, freight and passenger tariffs and location and building of passenger and freight depots in this State; to prevent unjust discrimination in the rates charged for the transportation of passengers and freights, and to prohibit railroad companies, corporations, persons and all common carriers in this State from charging other than just and reasonable rates and to punish the same, and to prescribe a mode of procedure and rules of evidence in relation thereto; to appoint commissioners and to prescribe their duties and powers.

Also,

Senate Bill No. 156:

Entitled an act concerning the verification of the record of deeds and other instruments of writing.

Also,

Senate Bill No. 79:

Entitled a bill to be entitled an act for the relief of Martha W. Head.

Also,

Senate Bill No. 145:

Entitled an act to amend Section 2757, Article 13, of the Revised Statutes of Florida.

Also,

Senate Bill No. 152:

Entitled an act for the relief of Geo. H. Baer and Benjamin Cook of Nassau county, Florida.

Also,

Senate Bill No. 151:

Entitled an act relating to judgments.

Also,

Senate Bill No. 139:

Entitled an act to further define the duties of State's attorneys as to prosecutions for violation of the revenue laws of the State of Florida.

Beg leave to report that they have carefully examined same and find them correctly engrossed.

Very respectfully,

J. EMMET WOLFE,

Chairman Committee on Engrossed Bills.

Which was placed among the orders of the day.

Mr. Perrenot, Chairman of the Committee on Public Health, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, FLA., May 3, 1893. }

HON. W. H. REYNOLDS,

President of the Senate:

SIR—Your Committee on Public Health, to whom was referred—

Senate Bill No. 63,

Beg leave to report that we have considered the same, and recommend that said bill, with amendments thereto, be withdrawn.

And that a bill to be introduced by this committee, covering the subject matter of said bill and amendments, be substituted therefor.

Very respectfully,

C. J. PERRENOT,

Chairman Committee.

Thereupon, by permission, Mr. Perrenot introduced in lieu of Senate Bill No. 63,

Senate Bill No. 195:

A bill to be entitled an act concerning county boards of health, and to provide for the disposition of funds and effects in possession of county boards of health.

Mr. Perrenot moved that the rule be waived and that Senate Bill No. 195 be read the first time by its title;

Which was agreed to by a two-thirds vote. Whereupon the bill was read the first time by its title.

Mr. Perrenot moved that the rules be further waived and that Senate Bill No. 195 be placed on the calendar of bills on their second reading without reference;

Which was agreed to by a two-thirds vote, and so ordered.

Mr. Williamson moved that Senate Bill No. 10 be made the special order for 11 o'clock A. M. Wednesday next;

Which was agreed to, and so ordered.

Mr. McKay moved that the rules be waived and that the Senate take up Senate Bill No. 79 out of its regular order;

Which was agreed to by a two-thirds vote.

Whereupon,

Senate Bill No. 79:

A bill to be entitled an act for the relief of Martha W. Head, Was read the third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Baya, Blich, Bristol, Browne, Calhoun, Farmer, Fleming, Genovar, Grady, Marks, McKay, McKinne, McKinney, McLeran, Morrow, Perrenot, Reeves, Rosborough, Smith, Summers, Thomas, Wadsworth, Weeks, Whidden and Williamson—25.

Nays—Messrs. Borden, Broome, St. Clair Abrams and Wolfe—4.

So the bill passed, title as stated, and was ordered certified to the House of Representatives;

Mr. McKinne moved that Senate Bill No. 172 be made the special order for 4 o'clock to-morrow;

Which was agreed to, and so ordered.

Mr. Williamson gave notice that he would to-morrow move a reconsideration of the vote by which Senate Bill No. 10 was made the special order for 11 o'clock A. M. on Wednesday next.

On motion of Mr. McKinne, Mr. Wadsworth was excused until to-morrow on account of sickness.

Special Order of the Day.

Pursuant to the order of the Senate made on the 29th ultimo, at 11 o'clock the Senate proceeded to the considera-

tion of proposed amendments to the Constitution of the State of Florida.

Senate Joint Resolution No. 99:

Proposing an amendment to the Constitution of the State of Florida,

Was read the second time in full.

Mr. Wolfe moved that the rules be waived, and that the joint resolution be read the third time;

Which was agreed to by a two-thirds vote, and the joint resolution was read the third time.

Pending its passage—

Mr. Borden asked unanimous consent to amend the joint resolution.

Whereupon,

Mr. Broome moved that the joint resolution be placed back on its second reading for the purpose of amendment;

Which was agreed to, and so ordered.

Mr. Borden offered the following amendment:

In section 2, line 6, after the words "on the" strike out all to the word "after" in line 7, and insert "fourth Tuesday after first Monday in April."

Mr. Borden moved that the amendment be adopted;

Which was agreed to, and the amendment was declared adopted.

The joint resolution with the amendment was ordered engrossed for its third reading.

Senate Joint Resolution No. 42:

Proposing an amendment to section 4, of article 11, of the Constitution of the State of Florida,

Was read the second time in full.

Mr. Blich moved that the rules be waived, and that the joint resolution be read the third time;

Which was agreed to by a two-thirds vote and the joint resolution was read the third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Baya, Blich, Borden, Bristol, Browne, Calhoun, Farmer, Fleming, Genovar, McKay, McKinne, McKinney, McLeran, Morrow, Myers, Rosborough, Smith, St. Clair Abrams, Thomas and Williamson—20.

Nays—Messrs. Reeves and Grady—2.

So the Joint Resolution, having received the required three-fifths vote, passed, title as stated, and was ordered certified to the House of Representatives.

Senate Joint Resolution No. 97:

Proposing an amendment to Section 4 of Article 3 of the Constitution of the State of Florida, fixing the per diem and mileage of members of the Legislature,

Was read the second time in full.

Mr. St. Clair Abrams moved that further consideration of the joint resolution be indefinitely postponed;

Which was not agreed to.

Mr. St. Clair Abrams moved that the rules be waived, and that the joint resolution be read the third time;

Which was agreed to by a two-thirds vote, and the joint resolution was read the third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Baya, Blich, Borden, Bristol, Broome, Fleming, Genovar, Grady, Marks, McKay, McKinney, McLeran, Reeves, Smith, Thomas and Whidden—16.

Nays—Messrs. Browne, Calhoun, Farmer, McKinne, Morrow, Myers, Rosborough, St. Clair Abrams, Williamson and Wolfe—10.

So the joint resolution not receiving the requisite three-fifth vote failed to pass.

Senate Joint Resolution No. 44:

Proposing an amendment to Section 9 of Article 16 of the Constitution of the State of Florida,

Was read the second time in full, together with the amendment offered by the Committee on Constitutional Amendments;

Which was as follows:

Strike out the words "prosecution occurs" after the words "paid by the counties where the" and insert in lieu thereof the words "crime is committed."

Mr. Myers moved that the amendment of the committee be adopted;

Which was agreed to, and the amendment to the Joint Resolution was declared adopted, and the Joint Resolution with the amendment was ordered engrossed for its third reading.

Mr. Reeves moved that 100 copies of all the proposed amendments to the Constitution, which had not been passed, be printed before being passed to the third reading;

Which was agreed to, and so ordered.

Senate Joint Resolution No. 43:

Proposing an amendment to section 9, of article 12, of the Constitution of the State of Florida,

Was read the second time in full and ordered engrossed for its third reading.

Senate Joint Resolution No. 18:

Proposing amendments to the Constitution of the State of Florida,

Was read the second time in full, together with the amendments offered by the Committee on Constitutional Amendments.

Mr. Wolfe moved that the amendments of the committee be considered seriatem;

Which was agreed to, and so ordered.

The first amendment was read as follows:

Article 1. Amend by striking out all of Article 1.

Mr. St. Clair Abrams moved that the amendment be adopted;

Which was agreed to, and the amendment was declared adopted.

The second amendment was read as follows:

Article 2. Amend by striking out all of Article 2.

Mr. St. Clair Abrams moved that the amendment be adopted;

Which was agreed to and the amendment was declared adopted.

The third amendment was read as follows:

Article 3. Amend by striking out the words "or a commissioner of appeals."

Mr. St. Clair Abrams moved that the amendment be adopted;

Which was agreed to, and the amendment was declared adopted.

The fourth amendment was read as follows:

Article 5. Amend by adding after the words "cases at law" the words "in which the amount involved exceeds five hundred (\$500) dollars."

Also,

Amend Article 5 by adding after the words "pertaining to criminal law" the words "and of appeals from the Circuit Court in all cases of felony in counties where no district criminal courts are established."

Mr. St. Clair Abrams moved that the amendment be adopted;

Which was agreed to, and the amendment was declared adopted.

The fifth amendment was read as follows:

Article 6. Amend by striking out all of article 6.

Mr. St. Clair Abrams moved that the amendment be adopted;

Which was agreed to, and the amendment was declared adopted.

The sixth amendment was read as follows:

Article 9. Amend so as to read "there may be established, in the discretion of the Legislature, in any of the judicial circuits of the State district criminal court, each district be composed of the several counties of the judicial circuit in which the courts may be established, and to be numbered the same "

And Article 9 by striking out all after the words "dollars per annum" to the words "until its next session," inclusive.

Mr. St. Clair Abrams moved that the amendments be adopted;

Which was agreed to, and the amendments were declared adopted.

The seventh amendment was read as follows:

Article 12. Amend by striking out all after the words "for four years," and substitute "his compensation shall be fixed by law."

Mr. St. Clair Abrams moved that the amendment be adopted;

Which was agreed to, and the amendment was declared adopted.

The eighth amendment was read as follows:

Article 13. Amend by adding after the words "in open court," the words "except as may be otherwise provided in this Constitution."

Mr. St. Clair Abrams moved that the amendment be adopted;

Which was agreed to, and the amendment was declared adopted.

The ninth amendment was read as follows:

Article 14. Amend by striking out all of said article and substituting the words "the salary of the district attorney shall be paid quarterly by the State."

Mr. St. Clair Abrams moved that the amendment be adopted;

Which was agreed to, and the amendment was declared adopted.

The tenth amendment was read as follows:

Article 21. Amend by striking out all of article 21.

Mr. St. Clair Abrams moved that the amendment be indefinitely postponed;

Which was agreed to, and the amendment was declared indefinitely postponed.

Pending further consideration of the joint resolution, Mr. Browne, Chairman of Committee on Privileges and Elections, submitted the following report;

SENATE CHAMBER,
TALLAHASSEE, FLA., May 3, 1893. }

TO THE HON. W. H. REYNOLDS,

President of the Senate:

SIR—Your Committee on Privileges and Elections, to whom was referred—

The contest of J. D. Martin against A. W. Weeks, from the twenty-fifth Senatorial District,

Beg leave to report that they find in the conduct of the election numerous irregularities and frauds and that, although there were upwards of two hundred and fifty pages of testimony submitted to the committee, there is nothing therein to show positively in whose interest the various frauds were perpetrated.

In Washington county, the contestee's majority is shown by the canvassers' report to have been thirty-eight, and in Calhoun county, to have been ten; making a total majority over contestant of forty-eight.

In precincts 1, 3, and 8, Mr. Weeks received one hundred and forty-nine majority; and the testimony discloses that, in these precincts, there were sixty-one illegal votes cast.

The Committee pursued its investigations into all of the precincts in Washington county, with the following result:

Precinct.	Illegal.	Martin.	Weeks.
1	19	19	90.
2	6	26	22.
3	21	15	33.
4	1	15	1
5	8	18	17.
6	6	24	10.
7	50	108	42.
8	21	3	65.
9	5	11	3
10	7	14	8
11	10	9	12
12	4	13	10
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	158	275	313.

This makes a total of one hundred and fifty-eight illegal votes cast in the twelve precincts in Washington county, out of an entire vote of five hundred and ninety, or more than twenty-five per cent. of the entire vote cast.

In Precinct 7, Mr. Martin's majority was 58, and there were 50 illegal votes cast.

Neither the contestee nor the contestant have made any effort to show for whom the illegal votes in the various precincts were cast, notwithstanding the law permitted them to require the persons casting the illegal votes to state for whom they voted.

In view of these facts, it is absolutely impossible for the committee to determine for whom the largest number of illegal votes were cast, and consider that where the testimony discloses that more than one-fourth of all persons voting in the county voted illegally, and that such illegal voting was done in the precincts in which the contestant received a majority as well as in those in which contestee received a majority, the committee believe that to permit either the contestee or the contestant to occupy a seat in the Senate would make the successful one the beneficiary of fraud committed in his interest.

Had the frauds in Washington county been so slight as not to effect the result in Calhoun county, the committee might have felt justified in throwing out the entire vote of Washington county alone, and basing their report upon the result of the election in Calhoun county, but such was not the case, as the vote in Calhoun county was light and the majority small. Mr. Weeks received but ten majority.

The committee, therefore, are absolutely unable to determine who was elected Senator from the 25th Senatorial District, and believe that the Senate cannot countenance fraud in any manner, and that the action of this Senate shall be a warning to those who hope to be benefited by fraudulent practices in elections, respectfully report:

That the seat be declared vacant, and that the people of the 25th Senatorial District be permitted to elect a senator whose seat shall in no wise be tainted with fraud.

The committee would further report that they recommend that Mr. Weeks receive his compensation as senator during the time he has served, and his mileage both ways; and that

Mr. Martin receive an equal amount to defray the expenses of his contest.

Respectfully submitted,
JEFF. B. BROWNE, Chairman,
W. H. BRISTOL,
J. H. MCKINNE,
C. J. PERRENOT,

Committee.

Mr. Borden, from the same committee, submitted the following minority report:

SENATE CHAMBER,
TALLAHASSEE, FLA., May 3, 1893. }

HON. W. H. REYNOLDS,

President of the Senate:

SIR—The minority of your Committee on Privileges and Elections, to whom was referred the contested election of J. D. Martin vs. A. W. Weeks, of the 25th Senatorial district, begs leave to submit the following report:

Having heard all the evidence presented in said contest, and also counsel for contestant, and contestee for himself, the minority must insist that contestee was duly elected Senator from the 25th Senatorial district, because—

First. McCreary on Elections, section 462, says, that in a case where the number of bad votes proven is sufficient to affect the result, and in the absence of any evidence to enable the court to determine for whom they were cast, the court must decide upon one of three following alternatives, viz:

1. Declare the election void.
2. Divide the illegal votes between the candidates in proportion to the whole vote of each.
3. Deduct the illegal vote from the candidate having the highest vote.

Although it is shown by the evidence before your committee that illegal votes were cast in each and every district in Washington county, the minority of your committee insists that, if the first rule was applied in its broadest and most sweeping sense, it would only permit them to recommend that the election in Washington county should be declared void, and as the returns from Calhoun county remain unchallenged, and said returns show a majority for contestee of all the legal votes cast and counted, he is thereby duly elected Senator from the 25th district. The rule certainly could not apply to districts where no votes were challenged and no illegal voting proved, for, if it did apply, would not

such application make the election in a Congressional district, or even of the entire State, void? The logical application of the rule would only make void the election in the district where such illegal voting was proved, and nowhere else, and the remaining unchallenged districts by their vote should determine the result of the election.

Second—Apply the second rule or alternative that is “divide the illegal votes between the candidates in proportion to the whole vote of each,” and observe the result.

The returns from Washington county show that A. W. Weeks received 313 votes, and that J. D. Martin received 275 votes, making a total of 588 votes cast for both in Washington county. The evidence before the committee shows that in Washington county 156 illegal votes were cast, but does not show for whom they were cast. The illegal vote thus shown is 26.53 per cent. of the entire vote cast for both.

The result of this method is thus illustrated:

Total vote for A. W. Weeks..... 313
26.53 per cent. of 313 (Week's total vote)..... 83.03

Legal vote for Weeks..... 229.97
Total vote for J. D. Martin..... 275
26.53 per cent. of 275 (Martin's total vote).... 72.35

Legal vote for Martin..... 202.05

By this Weeks' majority is 27.92 votes.

Add to this the unchallenged majority of 10 in Calhoun county, and Week's majority in the district is 37.92 votes.

Third. The third alternative, and last also, mentioned by McCreary, is, “Deduct the illegal vote from the candidate having the highest vote.” Let us apply this rule, thus:

District.	Weeks.	Martin.	Illegal vote.	Weeks.	Martin.
1	90	19	19	71	19
2	22	26	6	22	20
3	33	15	21	12	15
4	1	15	1	1	14
5	17	18	8	17	10
6	10	24	5	10	19
7	42	108	49	42	59
8	65	3	21	44	3
9	3	11	5	3	6
10	8	14	7	8	7
11	12	9	10	2	9
12	10	13	4	10	9

Total after purging, 242 190

This method shows Weeks' majority in Washington county to be 52 votes, and with the unchallenged majority of 10 in Calhoun county, Weeks' total majority is 62 votes.

From these facts alone, and there are many more of strong force, the minority of your committee insists that the contestee was elected, and is entitled to retain the office to which the returns show he was elected.

Respectfully submitted,

W. J. BORDEN,

Member of the Committee.

The Senate thereupon, on motion of Mr. Williamson, adjourned until 10 o'clock A. M. Thursday, May 4, 1893.

Confirmations.

W. H. Milton, Marianna, Florida, to be State's Attorney in and for the First Judicial Circuit of the State of Florida.

THURSDAY, MAY 4, 1893.

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Messrs. Baya, Blitch, Borden, Bristol, Broome, Browne, Calhoun, Farmer, Fleming, Genovar, Grady, Johnson, Marks, McKay, McKinne, McKinney, McLeran, Morrow, Myers, Perrenot, Reeves, Rosborough, Smith, St. Clair Abrams, Summers, Thomas, Wadsworth, Whidden, Williamson and Wolfe—31.

A quorum present.

Prayer by the Chaplain.

The Journal was approved

On motion of Mr. Borden, Mr. Weeks was excused until Monday next.