THE
"CLEARFIELD REPUBLICAN,"
PUBLISHED EVERY WEDNESDAY, BY
GOODLANDER & LEE,
CLEARFIELD, PA.
ESTABLISHED IN 1827.

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Office in Court House. ap 25,'77-1y

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ATTORNEYS-AT-LAW,
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All legal business promptly attended to. Office on Second street, in the Masonic building. jan10,'77

W. C. ARNOLD,
LAW & COLLECTION OFFICE,
CURWENSVILLE,
c26 Clearfield County, Penn'a. 7ly

THOS. H. MURRAY. CYRUS GORDON.
MURRAY & GORDON,
ATTORNEYS AT LAW,
CLEARFIELD, PA.
Office in Pie's Opera House, second floor. 9:26'74

FRANK FIELDING,
ATTORNEY-AT-LAW,
Clearfield, Pa.
Will attend to all business entrusted to him promptly and faithfully. nov1275

WILLIAM A. WALLACE. DAVID L. KREBS.
GARRY F. WALLACE. JOHN H. WRIGLEY.
WALLACE & KREBS,
(Successors to Wallace & Fielding,)
ATTORNEYS-AT-LAW,
11-12'73 Clearfield, Pa.

JOSEPH B. M'NALLY. DANIEL W. M'CURDY.
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ATTORNEYS-AT-LAW,
Clearfield, Pa.
Legal business attended to promptly with fidelity. Office on Second street, above the First National Bank. jan:1:76

G. R. BARRETT,
ATTORNEY AND COUNSELOR AT LAW,
CLEARFIELD, PA.
Having resigned his Judgeship, has resumed the practice of the law in his old office at Clearfield, Pa. Will attend the courts of Jefferson and Elk counties when specially retained in connection with resident counsel. 2:14:72

A. G. KRAMER,
ATTORNEY-AT-LAW,
Real Estate and Collection Agent,
CLEARFIELD, PA.,
Will promptly attend to all legal business entrusted to his care.
Office in Pie's Opera House. jan1'76.

H. W. SMITH,
ATTORNEY-AT-LAW,
n11:1:73 Clearfield, Pa.

WALTER BARRETT,
ATTORNEY AT LAW.
Clearfield, Pa.
Office in Old Western Hotel building, corner of Second and Market Sts. [nov21,'66.

ISRAEL TEST,
ATTORNEY AT LAW,
Clearfield, Pa.
Office in the Court House. [jy11,'67

JOHN H. FULFORD,
ATTORNEY AT LAW,
Clearfield, Pa.
Office on Market street, opp. Court House. Jan. 3, 1874.

JOHN L. CUTTLE,
ATTORNEY AT LAW.
and Real Estate Agent, Clearfield, Pa.
Office on Third street, bet. Cherry & Walnut.
Respectfully offers his services in selling and buying lands in Clearfield and adjoining counties; and with an experience of over twenty years as a surveyor, flatters himself that he can render satisfaction. [Feb. 28:6?tf.

J. BLAKE WALTERS,
REAL ESTATE BROKER,
AND DEALER IN
Saw Logs and Lumber,
CLEARFIELD, PA.
Office in Graham's Row. 1:25:71

J. J. LINGLE,
ATTORNEY-AT-LAW,
1:18 Osceola, Clearfield Co., Pa. ypd

J. S. BARNHART,
ATTORNEY-AT-LAW,
Bellefonte, Pa.
Will practice in Clearfield and all of the Courts of the 25th Judicial district. Real estate business and collection of claims made specialties. n1'71

DR. W. A. MEANS,
PHYSICIAN & SURGEON,
LUTHERSBURG, PA.
Will attend professional calls promptly. aug10'76

DR. T. J. BOYER,
PHYSICIAN AND SURGEON,
Office on Market Street, Clearfield, Pa.
Office hours: 8 to 12 a. m., and 1 to 3 p. m.

DR. E. M. SCHEURER,
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Office in residence on Market st.
April 24, 1872. Clearfield, Pa.

DR. J. P. BURCHFIELD,
Late Surgeon of the 53d Regiment, Pennsylvania Volunteers, having returned from the Army, offers his professional services to the citizens of Clearfield county.
Professional calls promptly attended to. Office on Second street, formerly occupied by Dr. Woods. [apr4,'65-tf

DR. H. B. VAN VALZAH,
CLEARFIELD, PENN'A.
OFFICE IN MASONIC BUILDING.
Office hours—From 12 to 2 P. M.
May 17, 1875.

WILLIAM M. HENRY, JUSTICE OF THE PEACE AND SCRIVENER, LUMBER CITY. Collections made and money promptly paid over. Articles of agreement and deeds of conveyance neatly executed and warranted correct or no charge. 23ly'73

JAMES H. LYTLE,
In Kratzer's Building, Clearfield, Pa.
Dealer in Groceries, Provisions, Vegetables, Fruits, Flour, Feed, etc., etc.
apr14'75-tf

HARRY SNYDER,
BARBER AND HAIRDRESSER.
Shop on Market St., opposite Court House.
A clean towel for every customer.
Also manufacturer of
All Kinds of Articles in Human Hair.
Clearfield, Pa. may 19, '75.

JOHN D. THOMPSON,
Justice of the Peace and Scrivener,
Curwensville, Pa.
Collections made and money promptly paid over. feb22'71tf

JOHN A. STADLER,
BAKER, Market St., Clearfield, Pa.
Fresh Bread, Rusk, Rolls, Pies and Cakes on hand or made to order. A general assortment of Confectionaries, Fruits and Nuts in stock.—Ice Cream and Oysters in season. Saloon nearly opposite the Postoffice. Prices moderate.
March 16, '75.

CLEARFIELD REPUBLICAN.

GEO. B. GOODLANDER, Proprietor. PRINCIPLES, NOT MEN.

VOL. 51—WHOLE NO. 2,530. CLEARFIELD, PA., WEDNESDAY, JULY 25, 1877. NEW SERIES—VOL. 18, NO. 29.

Cards.

JUSTICES' & CONSTABLES' FEES—We have printed a large number of the new FEE BILL, and will on the receipt of twenty-five cents, mail a copy to any address. my23

RICHARD HUGHES,
JUSTICE OF THE PEACE
—FOR—
Decatur Township,
Osceola Mills P. O.
All official business entrusted to him will be promptly attended to. mch29, '76.

FRANCIS COUTRIET,
MERCHANT,
Frenchville, Clearfield County, Pa.
Keeps constantly on hand a full assortment of Dry Goods, Hardware, Groceries, and everything usually kept in a retail store, which will be sold, for cash, as cheap as elsewhere in the county.
Frenchville, June 27, 1877-1y.

THOMAS H. FORCEE,
DEALER IN
GENERAL MERCHANDISE.
GRAHAMTON, Pa.
Also, extensive manufacturer and dealer in Square Timber and Sawed Lumber of all kinds.
Orders solicited and all bills promptly filled. [8jy18'72

REUBEN HACKMAN,
House and Sign Painter and Paper Hanger,
Clearfield, Penn'a.
Will execute jobs in his line promptly and in a workmanlike manner. apr4,'67

G. H. HALL,
PRACTICAL PUMP MAKER,
NEAR CLEARFIELD, PENN'A.
Pumps always on hand and made to order on short notice. Pipes bored on reasonable terms. All work warranted to render satisfaction, and delivered if desired. my23:1ypd

E. A. BIGLER & CO.,
DEALERS IN
SQUARE TIMBER,
and manufacturers of
ALL KINDS OF SAWED LUMBER,
9-7'72 CLEARFIELD, PENN'A.

JAS. B. GRAHAM,
dealer in
Real Estate, Square Timber, Boards,
SHINGLES, LATH, & PICKETS,
9:1073 Clearfield, Pa.

WARREN THORN,
BOOT AND SHOE MAKER,
Market St., Clearfield, Pa.
In the shop lately occupied by Frank Short, one door west of Allegheny House.

ASHLEY THORN,
ARCHITECT, CONTRACTOR and BUILDER.
Plans and Specifications furnished for all kinds of buildings. All work first class. Stair building a specialty.
P. O. address, Clearfield, Pa. jan.17-77tf.

R. M. NEIMAN,
SADDLE and HARNESS MAKER,
Rumbarger, Clearfield Co., Pa.
Keeps on hand all kinds of Harness, Saddles, Bridles, and Horse Furnishing Goods. Repairing promptly attended to.
Rumbarger, Jan. 16, 1877-tf.

JAMES MITCHELL,
DEALER IN
Square Timber & Timber Lands,
jel1'73 CLEARFIELD, PA.

J. R. M'MURRAY
WILL SUPPLY YOU WITH ANY ARTICLE OF MERCHANDISE AT THE VERY LOWEST PRICE. COME AND SEE. [Jn5-73y:]
NEW WASHINGTON.

Livery Stable.
THE undersigned begs leave to inform the public that he is now fully prepared to accommodate all in the way of furnishing Horses, Buggies, Saddles and Harness, on the shortest notice and on reasonable terms. Residence on Locust street, between Third and Fourth.
GEO. W. GEARHART.
Clearfield, Feb. 4, 1874.

S. I. SNYDER,
PRACTICAL WATCHMAKER
AND DEALER IN
Watches, Clocks and Jewelry,
Graham's Row, Market Street,
CLEARFIELD, PA.
All kinds of repairing in my line promptly attended to. April 23, 1874.

NEW BOOT AND SHOE SHOP.
The undersigned would inform the public that he has removed his Boot and Shoe Shop to the room lately occupied by Jos. Dearing, in Shaw's Row, Market street, where he is prepared to attend to the wants of all who need anything in his line. All work done by him will be of the best material, and guaranteed to be first-class in every respect. Repairing promptly attended to. All kinds of Leather and Shoe Findings for sale.
JOHN SCHIEFER.
Clearfield, Pa., July 18, 1877-6m.

WHOLESALE LIQUOR STORE.
At the end of the new bridge,
WEST CLEARFIELD, PA.
The proprietor of this establishment will buy his liquors direct from distillers. Parties buying from this house will be sure to get a pure article at a small margin above cost. Hotel keepers can be furnished with liquors on reasonable terms. Pure wines and brandies direct from Insley's Vinery, at Bath, New York.
GEORGE N. COLBURN.
Clearfield, June 18, 1875-tf.

Clearfield Nursery.
ENCOURAGE HOME INDUSTRY.
THE undersigned, having established a Nursery on the 'Pike, about half way between Clearfield and Curwensville, is prepared to furnish all kinds of FRUIT TREES, (standard and dwarf,) Evergreens, Shrubbery, Grape Vines, Gooseberry, Lawton Blackberry, Strawberry, and Raspberry Vines. Also, Siberian Crab Trees, Quince, and early scarlet Rhubarb, &c. Orders promptly attended to. Address,
J. D. WRIGHT,
sep20-68-y Curwensville, Pa.

ANDREW HARWICK,
Market Street, Clearfield, Pa.,
MANUFACTURER AND DEALER IN
HARNESS, SADDLES, BRIDLES, COLLARS,
and all kinds of
HORSE FURNISHING GOODS.
A full stock of Saddlers' Hardware, Brushes, Combs, Blankets, Robes, etc., always on hand and for sale at the lowest cash prices. All kinds of repairing promptly attended to.
All kinds of hides taken in exchange for harness and repairing. All kinds of harness leather kept on hand, and for sale at a small profit.
Clearfield, Jan. 19, 1876.

JOHN H. FULFORD,
GENERAL INSURANCE AGENT,
Clearfield, Penn'a.
Represents all the leading Fire Insurance Companies of the country:

Queen	$10,000,000
Royal Canadian	5,000,000
Home, New York	5,754,214
Lycoming, Muncy, Pa	5,509,452
Franklin, Philad'a	3,566,656
Phœnix, Hartford	1,857,592
Hanover, New York	1,426,955
Home, Col., O	815,398
Atlas, Hartford	506,843
Providence, Washington	510,000

Persons about effecting an insurance on property of any kind, should call at my office, on Market street, opposite the Court House, and see my list of companies and rates before insuring.
JOHN H. FULFORD,
Clearfield, Pa., Oct. 27 '75-1y

THE ELECTORAL CONSPIRACY

JUDGE BLACK'S VIEW OF THE CASE.

[*Concluded from last week.*]

The board, getting hold of the returns under the election law, proceeded to alter them in such manner as to bring out a result totally false. They averred that the Republican or carpet-bag candidate for Governor, Lieutenant Governor, and for Electors of President and Vice President, and all State officers had a majority of the votes, and finally declared their election in formal certificates. It was not a mistake. As a mere blunder it was impossible. If they had been "fools as gross as ever ignorance made drunk," they could not have been led into any error about it. It was without doubt the work of a pre-arranged conspiracy to cheat the people of the State and the Union. The proofs, direct and circumstantial, that it was dishonest, corrupt, and fraudulent, are so numerous and so irresistibly strong that no man can stand up and deny it, unless, in the language of Mr. O'Conor, he "has lost the faculty of blushing." In branding this transaction with utter and irredeemable infamy the Democracy have not spoken without the books—for is it not written on all the records of Congress? Is it not reported by numerous committees? Is it not attested by clouds of witnesses? Is it not proved by papers which the conspirators themselves have made?

The action of the returning officers in this whole business was unsupported by legal authority. The Legislature of the State did not, because it could not, give them power to disfranchise qualified electors. They lacked, therefore, the general jurisdiction which they assumed. But that is not all; they proceeded in the very teeth even of the void statute which they professed to follow. That statute pretends to give them no such authority as they exercised over any return to which a protest or statement or charge of intimidation is not attached when it is sent in by the Supervisor of Registration or the Commissioner of Election, and the charge so attached to the return must be supported by the affidavits of three citizens of the proper parish.

Wanting this, the board was absolutely without the pretence of power to touch the return from any parish or polling place, except for the purpose of compiling it and adding it as true to the others. By the election law of Louisiana the board has no more authority to examine or decide a question of intimidation which is not raised by the election officers than a private individual would have to steal it from the records and burn it. So stands *the law*. The *fact* is established by conclusive evidence that from every one of the Democratic parishes the returns came up without any charge, statement or protest. In all those cases they were, therefore, without color of jurisdiction. [If any one doubts this proposition, let him look at Senator Bayard's elaborate exposition of it, where he will find it established by such unanswerable reasoning and such a wealth of authority that perversity itself will admit the law to be as he lays it down.] But the conspirators could not afford to be balked of their game by the failure of the local officers to make a false charge of intimidation. These votes must be excluded *per fas aut nefas*, and the returning board must do it; that was what the board was made for. The returning officers went upon the principle *aut veniam aut faciam*. They *made* the protests which they could not *find*; affidavits which no creature in the parishes was base enough to back with his oath were fabricated in the Custom House, and used by the board with a full knowledge that they were mere counterfeits. The exclusion of returns on the ground of intimidation was in every case dishonest, for in none was there a particle of evidence to justify it. When nothing else would serve the purpose, they did not scruple a resort to plain forgery. Of the return from Vernon parish every figure on the whole broad sheet was altered with elaborate pains under the especial direction of Wells. Perjury and subornation of perjury entered largely into the business. There is hardly any species of the *crimen falsi* for which the law has a punishment that did not become an elementary part of the Great Fraud which was committed when the defeated electors and State officers of Louisiana were falsely certified as chosen by the people.

It seems necessary and proper—but it is difficult—to say what judgment should be on the conduct of the distinguished Republican gentlemen, headed by Senator Sherman, who went to Louisiana to see the count made. Were they accomplices in the crime of the returning board? Whoever wishes to answer this question fairly must remember that he is speaking of men who stand high, not for talents alone, but for all the virtues which win public confidence and inspire general respect. All presumptions are in their favor; nothing can be justly concluded against them except from the clearest proof. It must, therefore, be considered as settled that they had no connection with the forgeries of particular return papers or with the perjuries of the Custom House; if Wells was bought with anything beyond the promise of "recognition," they had nothing to do with the bribery; no knowledge of these specific offences has been traced to them. But they might have caused a true count of the votes if they had wished it; one word of honest reprobation from them would have paralyzed the rascality of the returning board. If they had complied with the request of the Democrats to use their joint influence for justice and truth, the conspiracy would have broken up in an hour. They did undoubtedly know what everybody else knew, that the Tilden electors had been duly appointed by a majority of nearly eight thousand votes legally cast; they could not help but see that at least. And they must have known that no just reason and no legal authority existed to alter this result or falsify the record which proved it. Yet they refused to open their lips for the right of the people to choose their own agents; asserted the constitutional power of the returning officers to disfranchise qualified voters; comforted these miscreants with the assurance of their defence; did, in fact, defend them even to the extent of pronouncing extravagant eulogies upon them; in short, encouraged, aided, and abetted by every means in their power the perpetration of the Great Fraud, and after it was done held it up as a righteous act.

These gentlemen probably have some excuse for their behavior which has not yet appeared. The Presidency, all the jobs and offices in the Union, and four years of exemption from the hand of Tilden's sweeping reform, depended upon the game they were playing. The stake being so heavy and the dice ready loaded to their hand, the temptation to a foul throw was very severe. Perhaps it is too much to expect that a body of politicians in these degenerate days should act with scrupulous honesty like the men who filled high stations in early times. The false philosophy of Seneca, that all immoralities are justified when done *regnandi causa*, gains ground upon us rapidly. The rules which meet with universal observance in private affairs are set at naught in political action. Election frauds are practised by men who would not cheat in a horse-trade; bogus returns are palmed off as true by those who would scorn to pass counterfeit money; and Christian statesmen are not expected to know that stealing the vote of a State comes within the prohibition of the Eighth Commandment.

But they do not measure their conduct by a safe standard if they think it right, under any circumstances, to cheat a self-governing nation by nullifying the legal vote of its people. No matter how little respect they may have for the judgment of the mass, conceding that our naturalization laws are too liberal and negro suffrage wholly unwise, it must still be remembered that this right of voting lies at the foundation of our political structure. We have no public institutions that are not built upon that. Our Ship of State has no other keel, and the perfidy that scuttles the bottom exposes cargo, crew, and passengers to utter destruction. Besides, we have all agreed with one another that the will of the whole people as a collective body shall be spoken by the major number of individuals; we promised and swore that we would be governed by that will. If we violate this solemn compact, we are covenant-breakers and can expect only to be turned out among "the nations which know not God." Moreover, taking the lowest possible view of the subject, and considering a Presidential election as a mere game of skill or hazard, he must be regarded as a political black leg who snatches and makes off with the stakes he has lost according to the rules.

Another question arises here, which the muse of history may answer at her leisure: Is there any justification of General Grant's conduct in this business? Within two or three days after the election it became perfectly well-known to the whole country that in Louisiana there had been a full poll, and a large majority for the Tilden electors. No reason was suggested by anybody for falsifying this result. The apprehension that it would be falsified in the return arose solely out of the fact that the election machinery of the State was in the hands of mere knaves who were just base enough to do it; and these were General Grant's own knaves, whom for years he had kept in their places by lawless force. It was then that he said no man could afford to be President by a fraud, and sent a committee to see that a true count was made. This was fair-seeming enough, but he did not row the way he was looking. Every one of his committee favored the fraud, and their report, which he endorsed and sent to Congress, was a defence of it from beginning to end. He had supported and enforced frauds of the same kind several times before, and now his troops were at New Orleans avowedly to protect the carpet-baggers while they were repeating them on a large scale. Besides, when Chandler promised the fraudulent Governor of Florida to send troops and money to that State after the election—troops and money to count the votes—he declared in one of his dispatches that the President had been consulted. Still further, while his party in Congress were holding up the fraud, he answered the arguments in favor of Tilden's right by ordering to the capital all the cavalry, artillery and infantry within reach. Whether these circumstances be sufficient or not to convict him of participation in the fraud, let the world judge.

When the wrong was accomplished at New Orleans—when the returning board had suppressed the Democratic majority, and Kellogg certified what he knew to be false, that he himself and seven other men of the same sort were chosen by the people as electors of President and Vice President; when these false pretenders actually met as electors, made out and sent to Washington their own vote to be counted as the vote of the State—nobody, except those engaged in it, had the least belief that such a swindle could ever succeed. Democratic denunciation was loud, to be sure, but quiet, unpartisan people laughed at the folly of it. A little while afterwards the aspect of things changed materially. The country was astounded to discover that the commanders of the Republican forces had made up their minds to carry it through if they could. It would be unjust to say that this resolution was unanimous. Several members of the lower House expressed their decided opposition to it. An unascertained number of Senators, including the ablest Republicans in the body, are well understood to have been altogether averse; but not seeing the way of resistance open, they were silent and permitted the dead-weight of their influence to lie on the fraudulent side of the scale. Some of the foremost journals of the administration party denounced it in unequivocal terms, as did also the whole independent press. The great lawyers of the Republican party would not endure it; for instance, Mr. Carpenter, of Wisconsin, and Mr. Field, of New York, who had voted against Tilden, assailed the foul conspiracy with the whole force of their logic and eloquence. But the fraud was defended by men whom the party was accustomed to obey, the mutinous were brought under control, the indifferent were quickened into active participation, and "lewd fellows of the baser sort" rushed to the work as to a labor of love. So it came to pass that a great political party, comprising American citizens of all the best classes, was thrown with nearly its whole momentum of weight and velocity upon the side of a manifest and most notorious swindle. To the immortal honor of the Democracy not one of its men in any part of the country shrunk from his duty or wavered in his allegiance to the truth.

But how was the object of the conspiracy to be accomplished? The House of Representatives was Democratic, and without its consent, expressed or implied in some form or another, the Senate could not give effect to a false count. The first intention was to claim that the President of the Senate had power to determine absolutely and arbitrarily what electoral votes should be counted and what not. This was the great rallying point until Mr. Conkling took it up, and in a speech of surpassing ability, utterly demolished and reduced it to invisible atoms. It became settled, therefore, that the two Houses must count the votes, and this clearly implied the power to inquire and determine what were votes. It could not be denied that the voice of the House of Representatives was at least as potential as that of the Senators; and it was not supposed that the House would suffer a fraud so glaring as this to be thrust down the throat of the country "against the stomach of its sense." But if the two bodies would declare inconsistent results of the count, and proclaim the election of different Presidents, a state of things might come which would subject our institutions to a strain severe enough to endanger them greatly. It was in these difficult circumstances that a mixed commission of fifteen was proposed, consisting of five Senators, five Representatives, and five Judges of the Supreme Court. The mode of appointing them made it certain that fourteen would be equally divided between the parties; and as the fifth Judge would be named by the consent of his brethren on both sides, he might be expected to stand between them, like a daysman, with a hand as heavy on one head as the other. The Democrats consented to this in the belief that no seven Republicans could be taken from the Court or from Congress who would swear to decide the truth and then uphold a known fraud; if mistaken in that opinion of their adversaries' honesty, they felt sure at all events, that the umpire would be a fair-minded man. They were bitterly disappointed; the commission went eight to seven for the Great Fraud and all its branches; for fraud in the detail and in the aggregate; for every item of fraud that was necessary to make the sum total big enough—eight to seven all the time.

We must look at the state of the case as it went before the commission. Tilden and Hendricks had 184 electoral votes clear and free of all dispute, one less than a majority of the whole number. They also had in Louisiana *eight*, and in Florida *four*, appointed by the people, but falsely certified to Hayes and Wheeler by the Governors. In Oregon they had *one* certified by the Governor, but against whom a popular majority had been cast for an ineligible candidate. To elect Hayes it was necessary that each and every one of these thirteen votes should be taken from Tilden and given to Hayes. As this required many distinct rulings based upon contradictory grounds, the path of the commission was not only steep but crooked.

The great and important duty cast upon the commission by a special law and by a special oath of each member was to decide, in the case of contested votes from a State, "whether any and what votes from each State are the votes *provided for by the Constitution* of the United States, and how many and what persons were *duly appointed* electors in such State." It is not denied that the sole power of appointing electors for the States of Louisiana and Florida is in the people. It was then and still is an admitted fact that the people had exercised the power of appointment in the prescribed and proper way; they did *duly* make an appointment of electors, and their act was *duly* recorded, and so made a perpetual memory. This thing was not "done in a corner;" it was "seen and known of all men." That each of the two States named had duly appointed Tilden electors at a regular election called for that purpose on the 7th of November, in pursuance of law, was a part of their history as much as the fact that they were States of the Union. All the members of the commission knew it as well as they knew the geographical position of Tallahassee or New Orleans. It needed no proof; but if specific evidence had been required, there was the record, from which the truth glared upon them as clear as the sun. They shut their eyes upon the record, and refused to see "how many and what persons were duly appointed electors" by the people, but listened eagerly to the evidence (*aliunde* though it was) which showed "how many and what persons" had been designated by the returning officers. It was ultimately held (*eight to seven*) that the appointees of the returning board were *duly* appointed, and the appointees of the people were *unduly* appointed. Did the Eight suppose that the legal power to make such an appointment was vested by law in the returning boards? Did they think it was *not* vested in the people? No, that is impossible. But they may have conscientiously believed that the interest of their friction would be well served by Hayes's election. They may have been prompted a by virtuous admiration of carpet-bag government, and were sincerely anxious to save it from Tilden's reform.

But this decision in favor of fraud which so shocked the common sense and common honesty of the nation was not made without some attempt to justify it. The Eight gave reasons so many and so plausible that Kellogg and Wells must have chuckled with delight when they heard them. One argument very seriously urged was that it would be troublesome, require a great deal of time, to ascertain who was duly appointed by the people. It was much easier to accept the false vote and say no more about it. To decide how many and what persons got certificates from the returning board was a short and simple process; but to push the inquiry behind that—to inquire whether the certificate was honest, to look for the evidence which would show who were *duly* appointed—*hic labor hoc opus est*. The Seven reminded the Eight, but reminded them in vain, that the *due appointment* which nobody in the world, except the people, had the least right to make was the very thing which they were there to find out; and they could not be excused from a duty to which they were pledged and sworn; by the mere inconvenience of performing it. Besides, the Eight knew very well that there was no difficulty in it; it was but looking at the record of the appointment as the people made it up; they could read it as they ran; the truth was plainer than the lie; the honesty of the case was as easily seen as the fraud. But no persuasion could influence them to cast even a glance at actual appointment. What did they think this commission was made for? Why was this great combination of learning and statecraft set up? According to the Eight its sole purpose was, not to determine any matter in dispute between the parties, but merely to declare that the returning boards had certified for the Hayes electors; which everybody knew already and nobody ever denied. If its object was what the law said—to decided who were duly appointed—then the Eight succeeded in making it merely a splendid abortion, because, among other reasons, it was too much trouble to make it anything else.

But the commission, following the lead of counsel for Mr. Hayes, insisted that the certificate of the proper State officer ought to be regarded as conclusive *evidence* of the appointment made by the people. It is undoubtedly true that the State has a right to speak on this subject through her own organs, and when she does so speak, her voice should be regarded as true. But what officer is her proper organ? The Governor being her political chief, and his certificate being required by act of Congress, it would not have been unreasonable to hold that it was conclusive unless tainted with fraud. The Hayes electors had the Executive certificates in Louisiana and Florida, and this in regard to those States gave the eight a legal advantage. But they threw it away, abandoned the attestation of the Governor as worthless, claimed no faith or credit for it, and pronounced it open to contradiction, no matter how honestly it may have been given. What was the meaning of this phenominal ruling which apparently opened the door of investigation even wider than the Democrats asked? It was understood by everybody. The commission was hedging for Oregon. The eight were reaching across to the Pacific for the one vote there, which was just as important as the twelve on the gulf of Mexico.

But having gone behind the Governor's certificate for the sake of correcting errors, could there be any possible justification for stopping before the truth was reached? If the head of the Commonwealth, whose attestation is required by federal law, went for nothing whenever it was contradicted, how could the conclusiveness be asserted of a paper made by subordinate officers unknown outside of the State and powerless even by the local law to make a certificate of more than *prima facie* validity? Yet the Electoral Commission (eight to seven) decided that the Governor's certificate might be set aside for a mere mistake of law or fact, while that of the Returning Board would stand, though known to be founded on falsehood and saturated all through with corruption.

The unvarying preference of the eight commissioners for the false over the true becomes very striking at this point. When they got behind the Governor's papers, they found lying *aliunde* two other sets of documents, one of which was a record of the actual appointment made by the people, the other was a mere fabrication of the returning board without any semblance of truth; they embraced the latter with all the ardor of sincere affection, and rejected the former with all possible marks of their dislike. [The point contended for by Mr. Hayes's counsel, and decided in their favor by the commission, was that no evidence could be received except the report of the returning board as to the actual result of the election. The commission positively refused the offer of Mr. Tilden's counsel to prove the facts, and would not recieve or look at the evidence showing that by the precinct and county certificates on which the board acted the majority was for the Tilden electors. Yet the *Congressional Record* of February 6, 1877, p. 29, represents that Mr. Hayes's counsel on the trial read to the tribunal several alleged computations of the vote cast at the election, to show that the Hayes electors had in fact the majority. These computations, so read, were taken from a report made to the House of Representatives, by the Republican majority of its committee. If this be true, then the commission received evidence *aliunde* to bolster up the certificate of the returning board, while it refused to look at that which would have overthrown it by proving its entire falsehood. Mr. O'Conor thinks that this misrepresents the facts of the trial, and that it is an interpolation upon the record intended to prevent the truth of history.]

To give the decree of the returning board the conclusive effect claimed for them, it was necessary to hold that they were legally invested with judicial powers, and that their jurisdiction, whether rightly or erroneously exercised, was absolute over the whole subject matter. In Florida the statute which creates the board gave it nothing except ministerial powers, and the Supreme Court of that State solemnly pronounced its claim of judicial authority to be altogether unfounded. But the electoral commission would not be influenced by either the written or the unwritten law. The commission conceded to the Louisiana board all the judical power it needed to sanctify its disfranchisement of the people in the face of the constitution, which expressly forbade it. This general jurisdiction was not all they bestowed on those boards; they declared in substance that it might be well exercised in particular cases where it was not invoked according to the law which gave them being, as, for instance, where a Louisiana parish sent up its return without a protest, statement or affidavit.

The eight commissioners did not stop there. They went much farther. They practically justified and sustained all the infinite rascality of the returning boards. They not only refused to take voluntary notice of the atrocious frauds perpetrated by them but they excluded the proofs of their corruption which the Democratic counsel held in their hands and offered to exhibit. These commissioners choked off the evidence, and smothered it as remorselessly as Wells and his associates suppressed Democratic returns. And this they put on the express ground that to them it was all one whether the action of these boards was fraudulent or not. They would suffer no proof of corruption to invalidate the right claimed by a Hayes man to put in a vote of a State for his candidate.

This monstrous and unendurable outrage was resisted to the utmost. All of the *Seven* implored and protested against it. Judge Clifford, the President of the commission, laid it down as a maxim of the common law that fraud vitiates whatever it touches, and proved it undeniably. He might have proved more. It is not merely a maxim of the common law; it belongs to all countries and all ages; no code can claim it exclusively; it pervades all systems of jurisprudence; it has its home in every honest heart; it is the universal sentiment of all just men; it applies to all human dealings. Judge Field looked in the face of the majority, and told them plainly that their disregard of this great principle was "as shocking in morals as it was unsound in law" and added: "It is elementary knowledge that fraud vitiates all proceedings, even the most solemn; that no form of words, no amount of ceremony, no solemnity of proceeding, can shield it from exposure, or protect its structure from assault and destruction." But the Eight were as deaf as adders to the voice of reason and justice. They would not permit the Fraud to be assaulted, much less to be destroyed. They stood over it to shield it, protect it, and save it, interposing the broad ægis of their authority to cover it against every attack.

The Eight persistently denied their power or that of Congress to do what they were commanded by the law to do,—that is, decide who were *duly appointed*. They would only decide that certain persons were named as electors by a returning board. They would not understand that the appointment by the people might be one thing, and the action of the returning board another, or that the latter, even as evidence of the former, was worthless if it was fraudulent.

They insisted that the returning board certificate must be received with all the honors; to question its verity would be usurpation upon State rights which they (the Eight) were most careful to preserve intact and unimpaired. "But," said they, "if a returning board behaves unfaithfully, the State herself, by her own authorities, must see to it and correct the wrong." Thereupon came Florida, and showed that she had, in fact, made the correction. All the departments of her government—her legislature, her courts and her executive—had at different times examined and revised the action of her returning board; pronounced it false, fraudulent and void; declared that the Tilden electors were duly appointed, and left the Hayes candidates without a shred of authority to vote for the State. There stood the State herself, upright before the august commission, with all the evidence in her hand, protesting against the fraud and demanding that no vote should be received except the vote of her own electors duly appointed by her people. But the commission answered that *under the circumstances* of this case she had no right to defend *herself* against the fraud of a returning board any more than she had to *be defended* by the federal authorities. Whatever she might do, or decide, or resolve upon, the Great Fraud was her master and she must submit. So it appeared, after all the fine speeches about State rights, that Florida had but one right—the right to be cheated out of her vote by the same knaves who had already robbed her of her property. That right was sacred and intangible, and the commission promptly put her in full possession of it.

In the case of Florida there was one piece of evidence offered which not only commended itself strongly to the consideration of just men, but, being supported by certain artificial rules of pleading and practice it was expected to find acceptance in the narrowest mind on the bench. This was the record of a judicial proceeding commenced in a Florida court by writ of *quo warranto* at the suit of the State upon the relation of the Tilden electors against the Hayes electors. The parties came into court and pleaded, and the issue made between them was, whether one set or the other (the relators or the defendants) were duly appointed electors of President and Vice President by and for the State of Florida. Evidence was taken, the cause was debated by counsel on both sides, and after consideration it was adjudged by the courts against the defendants and in favor of the State, that the relators *were* duly appointed and the defendants *not*. This fact, thus determined by the court, was precisely the same fact afterward controverted by the same parties before the commission. When submitted to the latter tribunal, it was *res judicata*; not only true, but fixed and settled beyond the reach of contradiction. The judgment was not impeached for fraud or reversed for error. It was in full force and virtue. It was not denied that the court which made the adjudication had entire and complete jurisdiction both of the subject matter and of the parties. By all reason and all authority the commission was bound to respect this judgment as conclusive evidence. But to have done this would have made Tilden President and defeated the purpose of all the frauds in Louisiana and Florida both. They did not do it; they allowed the judgment to have no effect at all. They but looked to see what it was and immediately swept it out of sight. They put it far from them and then proceeded to pronounce a different judgment which suited the Hayes men better. How *could* they break all the bars of legal authority which fenced them about? What starting hole *did* they find to escape from the corner into which they were driven and penned up by the law of the land? We shall see.

They said the judgment of the court was *too late*; it was pronounced after the Hayes electors had met and made out their votes, and sent them to the President of the Senate. Here were two sets of electors, each claiming the exclusive right to vote for the State, and both of them actually sent up their ballots. One of them was duly appointed, and had the authority claimed; the other set was necessarily composed of mere pretenders, who were not duly appointed, and, having no authority, their vote was a mere nullity. Which party was right, and which was wrong? The conflict must be settled somehow. Where was the jurisdiction to determine it? Undoubtedly, and by universal admission, the power was in the courts of the State from which both claimants professed to derive their authority. The proper State court did determine it; but the commissioners said that however competent the jurisdiction of the court, it was too late in making its decision, and then they proceeded, in the exercise of a jurisdiction exactly similar, to decide the same question of fact and law the other way. Now comes the query: If the court's decision was worthless because it was *late*, what was the value of the commission's judgment, which was LATER? The Eight did actually, not in words, but in substance and effect, give vent to the bald absurdity that it was too late in January to decide the dispute in favor of Tilden, but net too late in February to decide in favor of Hayes.

Another thing they said: This judgment, though it proved the fact that the Hayes claimants were not duly appointed, and had no title to the office of electors, did not invalidate the acts previously done by them while they were *de facto* in the exercise of the powers they usurped. There is a just and necessary rule of law which declares that the validity of acts regularly done by an officer shall not depend on the title by which he holds the office. You may remove a Sheriff by a *quo warranto* without destroying the titles of all who purchased land at his sales, or a judge without vacating his decrees, or a treasurer without saying that his payment of a public debt is not satisfaction; but where a person assumes a special authority to do a particular thing the validity of the act *does* depend on the authority to do it. This latter rule applies here. These electors claimed a right to vote for the State under a special appointment given to do that one act. When a competent court adjudicated as matter of fact that the Hayes electors had no appointment, it was a logical and legal necessity which declared the unauthorized votes to be null and void. If this were not the principle, then any impostor, or any number of impostors, might send up their ballots, and one would be as good as another.

But again, let it not be forgotten that the Tilden electors had also voted at the same time in the same way. Why did not this fact make as much weight for them as for the others? It will excite the wonder of the world to learn that, in the opinion of the Eight, a person who voted under an appointment given him by the people according to law could not even be a *de facto* elector, but another person who had nothing to claim by except the false, fraudulent and void declaration of a returning board was good *de facto*, if he was good for nothing else. This doctrine of *de facto* sanctification, saving acts which have no other "relish of salvation in them," and making the votes of unauthorized men as good as if they came from persons duly appointed, cuts a great figure throughout the whole case. It is not applicable, but the Eight apply it everywhere, and, strange to say, they never use it when it does not make in favor of some fraud or other. One who votes according to the public will of the State legally expressed through the ballot-boxes is *de facto* nothing. But if he was def