Franklin Repository.

Wednesday, December 27, 1865.

RECONSTRUCTION.

Two speeches have been delivered in the popular branch of Congress which present the impending struggle on reconstruction in all its aspects. Mr. Stevens has spoken in behalf of the policy that accepts the rebellious States as suicides, and dependent upon Congress for renewed life and government, and it need not be said that he presented his position with masterly ability and the eminent candor that has ever characterized him in dealing with public issues. Mr. Raymond has replied in vindication of the doctrine that secession, *however accomplished in fact*, is a legal impossibility and therefore the States lately in rebellion have never lost their rights in the Union and under the constitution they attempted to destroy. Many other speeches will be made on both sides we presume, but they will be but cumulative support to one or the other of the utterances already given by the distinguished members who are fitly recognized as the leaders of their respective doctrines.

—Let us look practically at this question of reconstruction. The President, Mr. Raymond and a few other Republicans, with all the Democrats and every one lately *in arms against the government* insist that there has been no secession because it is a forbidden crime, and this doctrine is made the foundation-stone for the re-admission of the insurgents into Congress, to participate in the determination of the penalties for their own treason and to work out the results of the war. On the other hand Mr. Stevens accepts the formal declaration of treason *that it has withdrawn from all protection* under the constitution and laws, and now that it is conquered, he would renew the life of the insurgents within the Union on *such conditions only* as will give satisfactory guarantees of future peace and Union, and protect the loyal men of all sections from the crushing evils of the treason they manfully resisted.

It is worthy of notice in considering the logical consequences of the two policies proposed, that the one advocated by Mr. Stevens can be carried to a consistent result, while that of Mr. Raymond comes in direct conflict with itself when it reduced to practical operation. Mr. Raymond says that he regards the seceded States "just "as really and truly States of the American "Union now as they were before the "war," and in another portion of his remarks, when he comes to the admission of these "really and truly States of the "American Union," he would "exact from "them" various conditions precedent to their exercising the powers and rights of sovereign States. In one sentence he insists that they are States without any limitation of their rights, and in another he proposes himself to define the terms and conditions on which they shall exercise the rights which he insists belong to them. It is clear that Mr. Raymond's logic is sadly defective, or that he does not believe his own doctrine. To assume that the rebellious States cannot impair their relations to the general government when *the President has as yet denied them any rights whatever—ruling them* with the most despotic power—is an absurdity that can not approach the dignity of an argument. On the very day that Mr. Raymond delivered his speech, the President notified the Governor elect of South Carolina that he might now assume his duties, because "in the judgment of the "President of the United States, the care "and conduct of the proper affairs of "South Carolina may be remitted to the "constitutional authorities chosen by the "people thereof, without danger to the "peace and safety of the United States." Thus does the President treat a State that Mr. Raymond declares to be "truly with-"in the jurisdiction of the constitution." If Mr. Raymond be correct, then is the President, whom he assumes specially to defend, a usurper of the most desperate and dangerous character, and Mr. Raymond is merely playing fantastic tricks before the Nation to earn the favor of an Executive whose policy he alternately approves and condemns in most discordant stains of eloquence.

—We have not stopped to look into legal abstractions in the determination of this momentous question. The President, Mr. Raymond and Mr. Stevens all agree in the practical duties to be performed. They differ in details—in the extent to which they would carry Mr. Raymond's "conditions," "guarantees" and "exactions;" but all agree that these States, or Territories, or Provinces, or conquered Belligerents, or whatsoever else they may be called, must come into the Union with some "indemnity for the past and securi-"ty for the future." The President demands in peremptory terms the repudiation of the rebel debt, and the ratification of the constitutional amendment, and then very properly submits their case to Congress. Mr. Raymond goes farther and exacts obedience to the Freedman's Bureau, and reserves to himself a "rigid scru-"tiny into the character and loyalty of "the men whom they may send to Con-"gress" before he would allow them "to "participate in the high prerogative of "legislating for the nation." Thus would Mr. Raymond vindicate the sovereignty of the States and maintain their constitutional rights as States "within the juris-"diction of the constitution." Mr. Stevens would go still farther, acting, however, on the same practical doctrine, and deny the admission of those States until the just and full fruition of the war is attained. He would amend the constitution in all respects necessary to prevent the festering *sore of treason* from again polluting the body politic, and while the President and Mr. Raymond would "exact" a limb, Mr. Stevens would on the same principle take the head of the dead carcass and create anew the States which have organized and maintained revolt, in all the departments of governmental power, for four years on principles which he regards as essential to justice and freedom.

Widely as these men profess to differ *in theory, they agree in fact* when they come to the application of their theories, with the single exception that they reach different degrees of "conditions" and "guarantees." We deem it idle, therefore, for parties to divide on abstractions. Start where they may, they all come in the end to the foundation on which Mr. Stevens rests his views of reconstruction, and the sooner all departments of the governments recognize the fact and go to the practical work of reconstruction, the better. It is for Congress to define the penalties and guarantees precedent to the restoration of the States lately in revolt; and a country staggered with debt, and bereaved in almost every household by treason's causeless war, will demand that "mercy to traitors is cruelty to the Nation." The conditions and guarantees must be such as will secure lasting unity and peace—such as will afford the amplest protection to Union men of all classes and conditions in the South—such as will make treason infamous, and inaugurate thoroughly Republican Government in the regenerated Union.

FREEDOM!

The subjoined official proclamation of Mr. Seward, Secretary of State, announces to the people of the Union and to the World, that Slavery has ceased to stain the fair fame of the Republic. This consumation, so long and earnestly labored for, alike by the patriotic founders of the government and by the faithful men who in later days braved the supreme power of bondage in behalf of Freedom, comes at last hastened by the madness of its devotees, and deeply crimsoned with the blood of wanton war; but it comes in the fulness of complete triumph, with its malignant foes confessing obedience to Universal Manhood. Sad as have been the sacrifices demanded by this crowning crime of the Nation, all will now rejoice that our bereavements have not been vain, and that the deadly struggle of Treason to overthrow our free institutions has but made the great Republic of the world disenthralled and the home of regenerated Freedom. The following is Mr. Sewards proclamation:

WASHINGTON, Dec. 18, 1865.

WILLIAM H. SEWARD, Secretary of State of the United States, to all whom these presents may come, greeting:

KNOW YE, That whereas the Congress of the United States, on the first of February last, passed a resolution which is in the words following, namely:

"A resolution submitting to the Legislatures of the several States a proposition to amend the Constitution of the United States.

"*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring*, That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid to all intents and purposes, as a part of the said Constitution, namely:

"ARTICLE XIII. Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

"Sec. 2. Congress shall have power to enforce this article by appropriate legislation.'

And whereas, It appears from official documents on file in this department that the amendment to the Constitution of the United States, proposed as aforesaid, has been ratified by the Legislatures of the States of Illinois, Rhode Island, Michigan, Maryland, New York, West Virginia, Maine, Kansas, Massachusetts, Pennsylvania, Virginia, Ohio, Missouri, Nevada, Indiana, Louisiana, Minnesota, Wisconsin, Vermont, Tennessee, Arkansas, Connecticut, New Hampshire, South Carolina, Alabama, North Carolina and Georgia—in all 27 States:

And whereas, The whole number of States in the United States is thirty-six:

And whereas, The before specially-named States whose Legislatures have ratified the said proposed amendment, constitute three-fourths of the whole number of States in the United States;

Now, therefore, be it known that I, William H. Seward, Secretary of State of the United States, by virtue, and in pursuance of the second section of the act of Congress approved the twentieth day of April, 1818, entitled "An act to provide for the publication of the laws of the United States, and for other purposes," do hereby certify that the amendment aforesaid has become valid to all intents and purposes as a part of the Constitution of the United States.

In testimony whereof I have hereunto set my hand, and caused the seal of the Department of State to be affixed.

Done at the city of Washington, the 18th day of December, in the year of our Lord 1865, and of the independence of the United States of America the ninetieth. WM. H. SEWARD, Secretary of State.

A PUBLIC meeting of the citizens of Chambersburg was held in the Court House on Thursday evening last, to memoralize the legislature in behalf of the despoiled people of Chambersburg. Col. D. O. Gehr presided, and J. W. Douglas, Esq., reported a memorial to the legislature which was read and adopted. It is a temperate, able representation of the peculiar sufferings of the people of Chambersburg, and while it does not claim restitution at the hands of the State, it appeals to the generosity of a commonwealth whose treasury is overflowing, for temporary aid to unable our crushed citizens measurably to recover from the destruction of July 30, 1864. A resolution of thanks to the generous people of Carlisle, Harrisburg, Lancaster, Philadelphia, Pittsburg and other points, who kindly contributed to the sufferers immediately after the fire, was adopted, and D. O. Gehr, J. M'Dowell Sharpe, Geo. W. Brewer and A. K. M'Clure, Esqs., were selected to go to Harrisburg and present the claims of our people before the proper committees of the legislature. Speeches were made by Senator Duncan and Representative Stumbaugh heartily endorsing the movement and expressing their purpose to devoted their best energies to give it success.

WE give in to-day's paper the opinion of Hon. Jere. S. Black on the claims of Gen. Koontz to be sworn as member elect from this Congressional district. It will be seen that Judge Black goes to the root of the issue, and shows conclusively that the *prima facie* right to the seat is clearly with Gen. Koontz, and he exposes in just terms the revolutionary proceedings of certain Democratic return judges who disregarded the law to defraud Gen. Koontz out of his certificate. It is an interesting paper, and will be read with profit by all parties.

WE have seen a letter from Gov. Curtin dated in Havanna on the 16th inst., to a friend in this place, in which he says that he grows better every day and that the pain in his spine, which gave him so much distress, has entirely gone. It is probable that he will protract his visit until about the middle of January.

THE December number of the *United States Service Magazine* completes the 4th volume of this valuable periodical. It is of peculiar interest alike to the military profession and to the intelligent reader of our history, and cannot fail to command a very wide circulation. Its contributions popularize it to a degree never before attained by any military publication ever published in this country, and it must gradually widen the circle of its patrons until it rivals our leading literary periodicals in circulation. In the first number of the new volume will appear a fine steel portrait and a carefully prepared biography of Maj. Gen. Thomas. Price $5 per anum. Chas. B. Richardson, Publisher, 540 Broadway, New York.

THE War Department computes the number of deaths in the Union armies, since the commencement of the war, at 350,000, and of the Southern soldiers at 225,000. At Gettysburg, 23,000 of the Union army were killed, wounded or taken prisoners—the greatest loss during one battle. Grant's losses from the time he crossed the Rapidan until Lee's surrender, were 90,000. Great as these losses were, they are less than those incurred in European wars, owing to our superior medical and sanitary arrangements, and the care of the Government for its troops.

IN Kentucky, the State Senate has passed a bill removing any disability in regard to persons who had engaged in the Rebellion. The House has also pardoned all who committed treason to the commonwealth. The Legislature also defeated to veto an act which gave loyal citizens a remedy against the injustice done by guerrillas and rebels. The State of Kentucky is rapidly "reconstructing" itself.

MAJOR GREGG, Chief of Transportation, has gone on a tour through the military cemeteries at Richmond, Danville, Salisbury and Columbia, S. C., to gather information concerning the possibility of procuring, by the friends and relatives, the remains of Pennsylvania soldiers. Col. Chamberlain, State Agent at Nashville, has gone on a similar tour to Andersonville, and other military cemeteries in that district.

WASHINGTON.

The Negro Suffrage Question—Vote of the City—A Lawyer Fined for Contempt of Court—Ford's Theatre—Southern Members Gone Home—An Honest Negro—The Bill to Reimburse Penna.—Trial of Rebel Officers—Minister to Mexico.

Correspondence of the Franklin Repository.

NO. LVIII.] WASHINGTON CITY, December 23, 1865.

The election of last Thursday in this city, on the question of Negro Suffrage was just as we expected. The vote was against negro suffrage, 6,602; for negro suffrage, 36. The largest vote ever cast here was in 1860, when the total was 6,991. Then nearly all these were cast for a noted secessionist for Mayor named Barrett, who had to be arrested for open treason. The balance were cast for Mayor Wallack, who cannot boast of any particular loyalty when anything detrimental to Southern feelings and Southern institutions is introduced. There are hardly three hundred voters, who cast ballots on last Thursday, who did not vote in 1860 for Benett and Wallack. The population of Washington city is now estimated at 120,000. They are actual residents, live here and intend to live here, but owing to the peculiar rules which govern city elections here, the voting majority of this large population are deprived of a vote.

Petitions are now in circulation among these persons thus deprived of voting to take their sentiments on the question, and the result will be not less than 20,000 signers to the petition in favor of the bill, all as genuine citizens as the 6,638 who voted on last Thursday.

We know from experience that out of the 6,602 people who voted against suffrage last Thursday, that if the question were put "whether or not Jeff. Davis should be restored to his seat in the U. S. Senate," that there would not be two hundred votes *nay* out of the whole number.

The bill will be passed by Congress immediately after the assembling again on January 5th. Then we will see whether Tom Florence and the 6,602 voters can make good their word, that they have every assurance that Andrew Johnson will veto the bill. It is not likely that the President will do any such a foolish thing as to put himself in opposition to the majority in Congress.

A few days ago Lawyer Bradley, while making a statement in the trial of Marshall Brown, was stopped by Judge Olin, who charged him with *making a false statement*, and at the same time knowing it to be such. To this charge Mr. Bradley replied that the Judge lied if he said so. Then the Judge ordered Bradley under arrest. Yesterday a hearing was had, and after a vast amount of tears shed by both the Judge and Mr. Bradley, the Judge pronounced sentence on Ms. Bradley, in order to maintain the great dignity of Judge Olin and the Court. The sentence was a fine of $100 on Mr. Bradley. Mr. B. was the defender of Miss Harris, the murdress, whom it will be recollected he almost smothered with kisses after her acquittal.

As Artemus Ward says, "the scene was very affecting." Judge Olin seated on the bench crying, because he called Mr. Bradly a liar, and Mr. Bradly seated at his feet crying because he called the judge a liar. Then how nicely it was healed up to the great satisfaction of the people, only one hundred dollars fine for calling a judge a liar in open court.

We have all along thought that Ford's Theatre was to be a depository for the records of the late rebel government. Now it appears that the Surgeon General is to get it for some purpose or other. Reason why, it would not do for to have a place for southerners to come to and see the remains of their folly piled up, for it would be too much of a humiliation to them.

The Southern members yet remaining in the city held a meeting on Wednesday evening and unanimously resolved to go home and remain there until after next 4th March. What they intend to do after that they did not resolve.

A lady friend of ours dropped her watch in the street the other day—and it being found by an old colored man—an oyster shucker, was actually returned to the lady by him two days after. Mayor Wallack considers this a piece of honesty unprecedented in the negro annals of Washington.

The bill to re-imburse the state of Penna. for expenses incurred to repel the rebel invasion of 1863 has again been referred to the committee on claims, where it will most likely lie burried until next session of Congress. The bill had been passed by last Congress but from some cause or other Gen. Schenck "couldn't see it," and moved for a reconsideration and a reference as above, which was carried.

Winder, Duncan and Lee, the three rebel officers, charged with inhuman treatment of Federal prisoners in their hands (similar in all respects to Wirz) during the late rebellion, are all sent South to places evidence can be obtained without the large costs attending the Wirz trial. They are to be tried by military cou[illegible] Winder is in Richmond, Duncan in Sav[illegible] and Lee at Raleigh.

We understand that th[illegible] Lewis D. Campbell, of Ohio, was on [illegible] last sent to the Senate for confirmation [illegible] minister to the Republic of Mexico. We then [illegible] for infer that Gen. Logan has declined.

It is understood here that the President has requested that the judiciary committee provide a bill at as early a day as possible for the holding of the U. S. Court in Richmond, which court it is represented will try Jeff Davis. S. C.

HARRISBURG.

Information from Gov. Curtin—His Health Much Improved—Probable Adjournment of the Legislature—Effort of the Administration to Procure a Complete List of our Martyred Dead—The Organization.

Correspondence of the Franklin Repository.

NO. XLII.] HARRISBURG, December 25, 1865.

Information was received here from Gov. Curtin on Tuesday of last week. He reached Cuba on the 12th, after a pleasant voyage, and much improved in health. The cutter touched at Charleston on the way out, and Gov. Curtin landed and visited the troops stationed there. He was most cordially received, especially by a regiment of Pennsylvanians, who made the welkin ring with welcome. He also visited the hospitals and other places of interest. It is not certain when he will return; but it is more than probable that he will be here by the 10th or 15th of January. Should he find it necessary to remain longer, the legislature will be officially advised of the fact when it meets, and an adjournment will follow for several weeks. Under our constitution all bills passed by the legislature become laws within ten days without the signature of the Governor unless vetoed, so that the legislature would be supreme should it assume to legislate in the absence of the Executive.

Before Gov. Curtin left for Cuba he made arrangements for a thorough inspection of the battle-fields and hospitals of the South, to ascertain to what extent our heroic dead may be returned to their friends for burial. Col. Gregg has gone to Richmond, Danville, Salisbury, Columbia and other points, and Col. Chamberlain, State Agent at Nashville, will make a similar tour in the South-west. When they shall have performed their duties and made report, the Governor will be able to give information to the friends of most of our martyrs as to their exact whereabouts and the probability of securing their bodies. It is a most important mission, and the result of it will be that thousands of our brave soldiers who fell in defence of our Nationality will be returned to sleep with their kindred.

The organization of the legislature excites less interest than usual, because of the fact that there will be no contest for the leading positions in either branch. Senator Fleming, of this place, will be re-elected Speaker, and Geo. W. Hamersly Clerk; and in the House Mr. Kelly, of Washington, will be elected Speaker, and Father Benedict Clerk. The Democrats of the House will probably vote for Quiggle for Speaker and Zeigler for Clerk. HORACE.

PERSONAL.

—The widow of Stonewall Jackson is in Baltimore.

—General Kilpatrick goes to Chilli on the 1st of January.

—Governor Curtin arrived at Havana on the 12th in greatly-improved health.

—Hon. Phillip Allen, formerly Governor of Rhode Island and afterward U. S. Senator, died on Saturday week.

—The Albany *Evening Journal* says: "It is rumored that Hon. Schuyler Colfax, who is a widower, is about to marry a daughter of Lieutenant Governor Bross, of Illinois."

—Ex-Attorney-General Black, of Mr. Buchanan's Cabinet, has formed a law partnership in Washington with Mr. Lamon, formerly law partner with Mr. Lincoln.

—Two Pittsburg burglers, named Howser and Bowser, have been tried in the Cambria county court, for the murder of Misses Paul and Munday, (which occurred on the 7th of June last,) and *sentenced to be hung*.

—General Logan's official declination of the Mexican *mission has just been announced*. Ex-Congressman Lewis D. Campbell, of Ohio, has been tendered the position, and will doubtless accept it. He is now in Washington.

—We learn by the Cuba of the death of Geo. Chretien Frederick, for thirty-five years King of Belgium, ruling as Leopold. He was one of the oldest of the crowned heads of Europe, as well as one of the most sagacious—a very Nestor of royalty—and was allied to several of the reigning families.

—William G. Moorhead, Esq., late President of the Philadelphia and Erie Railroad Company, who has but recently returned from Europe, was on Friday evening the recipient of a handsome service of plate, comprising dinner and tea sets, which was presented to him by the board of managers of that road as a testimonial of their esteem for his eminent services in bringing forward that road to successful completion. The affair came off at the Continental Hotel, Philadelphia, a large party of Mr. Moorhead's friends being present. Hon. Ellis Lewis made the presentation speech, to which Mr. Moorhead replied. In the course of his remarks he took high ground in favor of the extension of the interests of Pennsylvania by means of more thorough railroad facilities.

—Thomas Corwin, whose death took place at Waghington on Monday week, though for several years past removed from active politics, was nevertheless for a long period a conspicuous and successful participant in national affairs. He was born in Bourbon county, Kentucky, on the 29th of July, 1794, being, therefore, over seventy-one years of age at the time of his death. Educated in the midst of the rude frontier life of the generation succeeding the revolution, he imbibed and illustrated many of the characteristics of the original and daring people among whom he was born. To this circumstance may be attributed that natural eloquence, humor and imagination which made him for many years the most powerful and popular orator of the Western country, and for a time the dictator and controller of the party to which he belonged. He filled many important positions. Admitted to the bar of Ohio in 1817, he was chosen to the Legislature from his county in 1822, and from the Warren (Ohio) congressional district in 1831, serving in that capacity until 1840, when he was elected Governor of Ohio, which station he held for two years, being defeated in 1842 by Wilson Scannon. In 1845 he was elected to the United States Senate by the Whigs of the Legislature of Ohio, and was called from that body in 1850 into the Cabinet, as Secretary of the Treasury, by President Fillmore. Here he took a line of departure from the extreme anti-slavery men, and from that period he has been classed among the Conservatives. In October, 1858, he was elected Representative in Congress from Ohio, in which body he acted as chairman of the Committee on Foreign Affairs. Being re-elected, he served but a short time, when he was appointed minister to Mexico by President Lincoln. Some of the speeches of Mr. Corwin were surpassingly beautiful. He never took rank among the Clays and Websters of the Whig party, but seemed rather to delight in the graces and adornments of forensic speaking than in solid argumentation. He was a gentleman of uncommon wit, retentive memory, and high intellectual versatility. He took the deepest interest in the questions arising out of the war, and although, as we have said, not in sympathy with the radical element, was one of the most devoted and unselfish patriots of our day.

POLITICAL INTELLIGENCE.

—*California ratified the constitutional amendment* on the 18th.

—The Southern Congressmen in Washington have had a meeting and resolved to go home immediately.

—The North Carolina Legislature has adjourned. No laws for the government or protection of the freedmen were passed.

—*Colorado has chosen for her first representatives* in the United States Senate John Evens and Jerome B. Chaffee, both Republicans.

—*A majority of the Virginia Legislature* wish to hold a new election for U. S. Senators, but are restrained by a fear of offending the President. The favorite candidates are R. M. T. Hunter and *John Randolph Tucker*.

—The Clerk of the House of Representatives has received certificates of the election of Southern members only from North Carolina, 7; Louisiana, 4; Mississippi, 2; Tennessee, 7; Virginia, 6; and Arkansas, 1. Some of these have been referred to the Select Committee.

—Mississippi has ratified the Constitutional Amendment with conditions and reservations.—Her Legislature declares that their assent shall not be construed into an abridgment of the precious doctrines of State Sovereignty, nor into a consent that Congress may abolish Slavery in any *State that refuses to ratify*.

—Provisional Governor Parsons, of Alabama, has been relieved by the President, and directed to turn over the papers and property of the State to the Governor elected by the people. Secretary Seward, in notifying the latter, tenders the co-operation of the government in effecting the early restoration of the prosperity of the State.

—Cornelius Cole has been chosen U. S. Senator from California for a full term of six years from the 4th of March, 1867, when the term of the Hon. John A. M'Dougall will expire. Mr. Cole was a member of the last House, and an earnest and able Unionist of the Republican stamp. Mr. M'Dougall is a Democrat. We believe this is the first election of a U. S. Senator whose term commences with the next Congress.

—Several Senators and Representatives, who lately had conversations with the President, state that the *President does not intend to force any* issue with Congress, but to obtain from whatever might lead to a conflict between the Legislative and the Executive branches of the Government. A more cordial feeling is gaining ground and it is expected that a good understanding will be preserved.

MILITARY INTELLIGENCE.

—General W. W. Irwin, President of the Board of Military Claims, says that a large number or claims that have been adjudicated by the board are in the office of the Auditor-General, awaiting the post office addres of the claimants, and persons making inquiry about such claims should address that office.

—Major General Robert O. Tyler has been assigned by Major General Hancock, commanding the Middle Department, to the command of the District of Pennsylvania, in addition to his duties as commander of the District of Delaware and the Eastern Shore. His headquarters will be in Philadelphia. General Tyler relieves Major General Humphreys, who, we understand, will be assigned to very important duty in the South-west.

COFFROTH VS. KOONTZ.

The following legal argument drawn by Hon. Jeremiah S. Black, read before the Committe on Elections in Congress last week, is exhaustive of the question. It presents the facts and the law in a manner that precludes successful controversy, and as a lesson for the revolutionary return judges of several counties of the district, it has peculiar value. We subjoin the opinion:

The election laws of Pennsylvania provide in substance as follows:

1st. Two inspectors and one judge shall be chosen to conduct the election in each district.

2. The inspectors, or in case of their disagreement, the judge shall "*decide* on the qualifications of any person claiming the right to vote," and the vote shall be received or rejected, according to such decision.

3. After ballots are received and counted, and the number cast for each person publicly declared; a certificate thereof shall be made and signed by the inspector and judge, which certificate shall be kept by the judge until the third day after the election, when he shall produce it at a meeting composed of judges from all the districts of the county assembled at the Court House.

4. The judges from all the districts being met and organized, by the appointment of a president and two sworn clerks, the votes "as they *shall appear by said certificates* to have been given," must be added together, and thereupon a return shall be made and signed by *all the judges*, and attested by the clerks. This return shows the aggregate number of votes in the county given for each person, with respect to each office, as certified by the inspectors and judges of the several districts.

5. The county board is expressly forbidden to reject or omit from their computation any vote which shall appear by the certificate to have been given, except where the certificate is too defective to be understood, and in that case an exact copy of the defective paper shall be certified and appended to the return, and the original shall be filed in the Prothonotary's office.

6. Where two or more counties compose a congressional district, a certificate of the votes given for the several candidates for Congress shall be made out, signed by all the judges, and attested by the clerks, which certificate shall be put in charge of one of the judges, who shall produce it at a meeting of one judge from each county to be assembled on the 7th day after the election at a place in the district designated by law.

7. By these judges (one from each county of the district) the votes given in the several counties shall be added together, the person having the largest number shall be ascertained; duplicate returns duly certified shall be made, one to the Prothonotary of the county where the meeting is held, and one to the Secretary of the Commonwealth. They are also to sign and send a certificate of election to the candidate chosen.

The mode of taking, counting and returning the soldiers' votes is as nearly as possible like that prescribed for elections at home. It was manifestly intended that no difference should exist between the two, except what was made necessary by the differ[illegible] circumstances of the cases. The judges of [illegible]n are to be chosen at the camp or hospital wh[illegible] the votes are given, they are to certify and count the number of votes given for each person, the certificates are to be sent by mail directly to the Prothonotary of the county where the voters belong, and the county board of return judges must meet a second time to receive and count them. But the duty of the returning officers is precisely the same as it is in respect to votes given at home. It is declared (Page 996, acts of 1864) that all the provision of the general election law not supplied by, inconsistent with, or inapplicable to the system of 1864, shall apply to elections held under the latter act. It is also specially provided (page 994) that the return judges at their second meeting, shall include in their enumeration the votes *so returned*, and proceed *in all respects in like manner*, as is provided by law in cases where all the votes shall have been given at the usual place of election."

It is plain from all this, that the returning officers have nothing but a mere ministerial duty to perform, with respect either to the home vote or the soldiers' vote. It is true that a judge while he is presiding at an election must hear and decide the questions of law and fact, upon which a citizen's right to a vote may depend. But after he has received or rejected all the votes that are offered at the proper time and place, his judicial duties are ended, and his decisions upon any particular case cannot be reversed by himself, much less by the judges of other districts. His certificate, with that of the inspectors (the whole three are called judges in the act of 1864,) is conclusive upon the county board. It would be an inexcusable violation of the written law, for that board to reject the certificate of the election officers, unless it be so perfectly senseless that, assuming it to be true, the number of votes cast for the several candidates cannot be ascertained from it. Even then it is not to be rejected, but merely omitted from the count *ex necessitate rei*, and sent forward for the inspection of others who may be able to spell it out more successfully. But I have not heard that one case of an unintelligible certificate has ever arisen in the State.

It may happen, indeed, that judges and inspectors will decide erroneously upon the rights of citizens and soldiers. It is by no means impossible that corrupt, fraudulent and false certificates of election may be made by them. But these are wrongs which the county board or the district board of election judges are powerless to remedy. The jurisdiction to go behind the certificate is not given to the body whose business it is merely to count up and add together. In the case of a legislative officer, the constitution vests that power in the House to which he demands admission, and there the law of the State leaves it. In the case of a county officer, the statute gives the authority of reviewing the conduct of the judges and investigating the truth of their certificates to the courts.

The judges are required not to decide how many votes were *given*, at the election, for one candidate or another, but merely to say how many are *certified* to them, not to receive or reject returns, according to their discretion, but simply to look at all that are produced, add them together, and sign their names to a paper which declares the result. This duty is so perfectly plain in all questions upon which there might be difference of opinion, is so completely excluded from their cognizance, that the law has made no provision for the case of a disagreement among them. The certificate which they make *must be signed by all the judges. They must act as a unit.* A mere majority has no more right than a minority to reject a part of the returns and then certify the balance as being the whole vote of the county. The certificate of a county board not signed by *all* the judges who composed it, is utterly void. Such is the letter of the law, and such is its obvious intent and meaning. The *argumentum ab inconveniente*, is of no force against the unequivocal words of a written statute, and if it were, it *might be used both ways here: for although it be* true that reckless persons, by refusing to sign, may spoil the proper evidence of an election, it is also true that if the power existed in a portion of the judges to establish by their naked certificate what the others declare to be false, such power would be habitually abused in times of political excitement. It was wise in the legislature to require unanimity, and thus make it impossible for either party to defraud the other. When the members of a county board divide on a question of arithmetic, it is right to reject the statements of both. There can be no natural presumption in favor of either, for one is as likely to be true as the other.

But the election is not defeated by this spoliation of the evidence. Rejecting all partial certificates as being lawless, and therefore destitute of any claim to attention, proving nothing, and disproving nothing, we pass backwards until we come to documents, which bear upon their face the legal appearance of truth, and out of them arises that presumption which constitutes a *prima facie* title to the seat.

This Congressional District is composed of the counties of Somerset, Bedford, Fulton, Franklin and Adams, and Mr. Koontz and Mr. Coffroth were the only persons voted for.

The board of district judges (one from each county) generally does, and would always, if properly constituted, furnish sufficient evidence of the elections, for its duty is to cast up all the votes and certify which candidate has been chosen by the majority of the people. But in this case there were two *district boards*, both of which met at Chambersburg on the same day. They were both without authority. In both of them were members who had been delegated by, and bore certificates from only a part of their county boards. In one of them Somerset County was not represented at all. One judge from Fulton county was in both boards, and certified the election of both candidates. The body which returned Mr. Koontz has the advantage over the other in this, that it counted all the votes given in the district of which there was any evidence. But it must be acknowledged that its certificate does not prove that fact or any other, for this, like the certificate of the opposing party, is of no-effect, null and void.

A little fuller statement of the facts seems necessary here, to show the composition of these district boards.

In *Bedford* and *Adams*, the county boards divided, signed separate returns, and appointed different persons to the district board.

In *Franklin*, the county board signed the return unanimously, and on the first day of meeting, unanimously appointed one of their number to take it up to the district board; but on the second day, part of them determined to appoint another man to represent them at Chambersburg, while the others adhered to their first choice. So this board had one return, but two men to carry it.

In *Fulton*, the county board was unanimous in the return, and agreed upon the member to whom is should be entrusted. There was no attempt to revoke his appointment, but for some reason not known he made himself a member of both the bodies claiming to be district boards.

In *Somerset* there was no division on any subject, and the person appointed to take the return to Chambersburg, went there with it, and joined the body which he probably thought the legal one, refusing to unite with the other. The result was that Somerset had one undisputed and regular return, sent by one man, who submitted it to one board. Fulton had one return, and one man to take it; but he took it to both places. Franklin had one return, but two representatives, who divided and went to different places. Bedford and Adams county each had two returns and two representatives who joined different bodies at Chambersburg. The Koontz body (let me call it so for distinction) had five members and was a full board, but two of them had returns only partially signed, and had their appointment only from a part of their county board. One of them had a full return, but a part of his county board had revoked (if a part could revoke) his authority.—The other two were regularly authorized and produced regular returns.

The Coffroth board had but four members, two of them irregularly appointed, and bearing partial returns, one with a full return, but an irregular appointment, the fourth had been entrusted by his whole county board, with lawful authority, and a full return, but he had previously delivered it to the other board. One county was not represented at all.

Both of these bodies being illegally constituted, organized, not only without law, but against law, it is not necessary to inquire which of the two is entitled to the least respect, for neither is entitled to any at all. The whole trouble grew out of the preposterous notion that majorities are omnipotent everywhere. I maintain that where the majority of a county election board transcends its merely ministerial duty of counting the votes, undertakes to decide upon the legality of the township returns, by throwing out a part of them, and so provokes a split with those who cannot concur, the proceeding becomes revolutionary, and the power of the body to give any certificate at all, is destroyed. I do not doubt therefore, that the Governor and the Attorney General were right in refusing all credence to the certificates given by these district boards. We are obliged to fall back upon the other evidence presented.

In three of the counties, (Somerset, Fulton and Franklin) there was no division in the county boards. In each of them all the judges signed the same certificates, showing fairly and fully the whole vote in the townships, camps and hospitals, for each candidate. These certificates are without doubt, good and legal evidence of the result in those counties. But no certificate from Adams or Bedford was signed by *all* the judges, as the law *requires*. Therefore we are *obliged to go* back one step further, and see if there be any evidence behind that point which raises a presumption *in favor of either party. The certificates* of the election from the judges and inspectors of the several districts, camps and hospitals must be examined, and the number of votes for each candidate ascertained from them. If these, as returned to the county boards of Adams and Bedford added to those which are lawfully certified by the county boards of Somerset, Fulton and Franklin, exhibit a majority for Mr. Koontz, he is *prima facie* entitled to the seat, and if not, not.

I repeat, that the vote should be taken as certified by the county boards in all those counties where the boards were unanimous. In the two counties where the boards divided and failed to make a legal certificate, the original certificate of the judges and inspectors must be resorted to. The duty of the county boards was to send these same returns up in the convenient form of an aggregate certificate, but that not being done, a court in the case of a county officer, and Congress in the case of a member, *must take the returns in their elementary condition*.

A certificate, however regular it may be, whether it comes from the district board, a county board, or the primary officers of election, is no more than *prima facie* evidence of the facts certified. It may be contradicted by proof, but proof for that purpose can be heard only in a contest where the parties confront one another.

The candidate in whose favor a presumption is raised by the naked certificates, has *prima facie, a right to the seat*, and can lawfully call on his adversary to begin the contest, by proving that the returns are fraudulent, false, or erroneous.

Receiving the unanimously certified returns of Franklin, Fulton and Somerset for true, rejecting the acts of the county board in Bedford and Adams as nullities, and looking at the original certificates for the vote of the last named counties, Mr. *Koontz appears to be elected*. If Mr. Coffroth can show that the returns are false, or the votes against him illegally cast, he has a right to do so, but he can have no *prima facie* title based upon evidence which he has not yet given, and which is not admissible except in the course of a regular contest.

What I have said here about the duty of a county board, a district board, or a committee of Congress to receive the returns as they are certified, does not apply to papers, purporting to be returns, but known or believed to be mere forgeries, nothing of that kind is alleged in this case, so far as I know, or have heard. J. S. BLACK.

COL. JORDAN'S REPORT.

Few persons have any thing like a just conception of the onerous and responsible duties discharged by Col. Francis Jordan, Military Agent for Pennsylvania at Washington. Under the laws of our State he is instructed to collect bounties, back pay, procure pensions, &c., for soldiers and their families free of charge, and he has most energetically and faithfully performed this duty. As a matter of public interest we copy his report entire:

HEADQUARTERS MILITARY AGENCY OF PA., Washington City, Dec. 16, 1865.

To His Excellency, Andrew G. Curtin, Governor of Penna.:

SIR: In compliance with your recent request, I have the honor to submit the following annual report of the transactions of this Agency for the past year, ending on the 15th December, inst.

The happy termination of the war since the last yearly report, and the consequent disbanding of the armies, and breaking up of nearly all the hospitals, have greatly modified the character of the labors devolving upon this agency, whilst the amount of work to be done has not materially changed.

The duties are so miscellaneous, that any complete classification of them in any reasonable space is hardly practical, yet an arrangement of the principle ones under the following heads may be found advantageous:

I.—COLLECTION OF PAY, BOUNTY & PENSIONS.

The act of the Legislature, making it the duty of this agency to collect the pay, bounty and pensions for our soldiers, and for the relatives of such as are deceased, free of charge, was approved on the 4th of May, 1864. As soon as practical thereafter, I prepared the books, forms and blanks necessary to the organization of this branch of duties. The first claim was filed on the 6th of June, 1864; and a total of 729 applications had been entered at the date of my last annual report.

Since then 1,920 applications have been filed for arrears of pay, bounties, &c., and 1,075 have been audited, and certificates issued, or money paid, as follows:

To fathers of dec'd soldiers, 385, amounting to	$87,141 66
To mothers " " 88, "	18,762 16
To widows " " 149, "	31,327 22
To brothers and sisters of deceased soldiers, 8, amounting to	2,101 02
To widowed mothers and wives of prisoners, 14, amounting to	1,407 36
To discharged soldiers, 431, amounting to	81,831 81
Total	$222,571 23

Of the total number of these claims filed this year and last year, one hundred and two have been rejected, and one thousand three hundred and thirty remain yet undisposed of.

In addition to the above, three hundred and fifty-three applications for pensions have been prepared and filed. One hundred and twenty-six have been allowed, and certificates issued therefor as follows:

To widows 74, amounting to	$9,458 84
" mothers 4, "	1,397 59
" invalids, 48, "	2,090 63
Totals, 126	$12,947 06

Of the total number of claims filed for pensions this year, and last year, three hundred and fifty-nine yet remain to be finally acted upon by the pension office. One hundred and ninety certificates for pay and bounty were received from soldiers and their representatives, and the money collected upon them and paid over, amounting to forty-five thousand one hundred and forty-one dollars and eighty-five cents.

Thirty-five pension vouchers were also received and collected for the parties entitled thereto, amounting to two thousand one hundred and eighty-three dollars and six