

THE WEEK.

In Florida, Thursday last, Gov. Drew approved an act of the Legislature requiring the State Board of Canvassers to make a new canvass of the electoral vote in accordance with a decision of the Supreme Court made in January 1871, the results of which were accepted by a Republican Congress; and the decision of December last, which extinguished the claim of Stearns to a re-inauguration and established the government of Drew, whose title to the position is now undisputed.

The first section commands "the Secretary of State, Attorney-General and the Comptroller of Public Accounts, or any two of them, together with any other member of the Cabinet who may be designated by them, to meet forthwith at the office of the Secretary of State, and form a board of State canvassers and proceed to canvass the returns of the election of electors of President and Vice President held on the seventh day of November, 1876, and determine and declare who were elected and appointed electors at said election as shown by such returns on file in the office of the Secretary of State."

In obedience to this law, the board met on Friday. Attorney-General Raney, having been of counsel for the Democratic electors, declined to act, and Mr. Corley, Commissioner of Lands and Immigration, was designated to his place. The canvass was then gone into, and all the returns found to be regular were counted, and footed up 24,434 for the Tilden electors and 24,340 for the Hayes electors.

From Louisiana our latest dispatches of any importance are of Jan. 20th which say that Packard paid a small amount of money to his Police, and promises to give his legislators a part of their money on Monday. A good deal of curiosity was excited to know how he raised his money, as he has no way to get it through the treasury. It appears that after election about \$40,000 of the campaign fund remained on hand. Part of this was paid out in bribing supervisors, and about \$20,000 of it remained. This constitutes the whole of Packard's financial resources for the support of his government.

There was no quorum in the Packard House to-day, only forty-four members being present. The speaker ex-Governor Hahn, took advantage of the opportunity to visit the legal Legislature. He was cordially received and invited to a seat beside the president, which he accepted. This visit has caused much speculation, and rumors are circulated that Hahn is about to secede from the Packard faction. The Republican officers in the country parishes continue to give in their adhesions to Governor Nichols. Natchitoches is the latest instance.

ACTION OF THE JOINT COMMITTEE.

The bill and report previously agreed upon in a conference of the two committees, were presented to each house of Congress, separately on Thursday last. They were read, ordered to be printed, and committed for the action of each chamber.

The report was signed by all the members of the committee except Morton, who, however, it is said, will not offer any strenuous objection to its passage. The committee say:

"We have applied the utmost practicable study and deliberation to the subject, and believe that the bill now reported is the best attainable disposition of the different problems and disputed theories arising out of the late election. It must be obvious to every person conversant with the history of the country and with the formation and interpretation of the Constitution, that the wide diversity of views and opinions touching the subject, not wholly coincident with the biased wishes of the members of political parties, would naturally exist. We have in this state of affairs chosen, therefore, not to deal with abstract questions save so far as they are necessarily involved in the legislation proposed. It is, of course, plain that the report of the bill implies that in our opinion legislation may be had on the subject in accordance with the Constitution, but we think that the law proposed is inconsistent with a few of the principal theories upon the subject. The Constitution requires that the electoral votes shall be counted upon a particular occasion. All will agree that the votes named in the Constitution are the constitutional votes of the States and no other, and when there have been found and identified there is nothing left to be disputed or decided. All the rest is the mere clerical work of summing up the

numbers, which being done, the Constitution itself declares the consequences. This bill, then, is only directed to ascertaining, for the purpose and in aid of the counting, what are the constitutional votes of the respective States, and, whatever jurisdiction exists for such purposes, the bill only regulates the method of exercising it. The Constitution, our great instrument, and security for liberty and order, speaks in the simplest language for all such cases in whatever aspect they may be presented. It declares that the Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States or any department or officer thereof." The committee therefore, think that the law proposed cannot be justly assailed as unconstitutional by any one for this reason. We think it unnecessary, whatever may be our own individual views, to discuss any of the theories referred to. Our fidelity to the Constitution is observed when we find that the law we recommend is consistent with that instrument. The matter, then, being a proper subject for legislation the fitness of the means proposed becomes the next subject of consideration. Upon this we beg leave to submit a few brief observations. In all just governments, both public and private rights must be defined and determined by the law. This is essential to the very idea of such a government, and is the characteristic distinction between free and despotic systems. However important it may be whether one citizen or another shall be the Chief Magistrate for a period prescribed, upon just theories of civil institutions it is of far greater moment that the will of the people, lawfully expressed in the choice of that officer, shall be ascertained and carried into effect in a lawful way. It is true that in every operation of a government of laws, from the most trivial to the most important, there will always be the possibility that the result reached will not be the true one. The executive officer may not wisely perform his duty, the courts may not truly declare the law, and the legislative body may not enact the best laws. But in either case to resist the act of the Executive, the courts or the legislature, acting constitutionally and lawfully within their sphere, would be to set up anarchy in the place of government. We think, then, that to provide a clear and lawful means of performing a great and necessary function of government in a time of much public dispute is of far greater importance than the particular advantage that any man or party may in the course of events possibly obtain. But we have still endeavored to provide such lawful agencies of decision in the present case as shall be the most fair and impartial possible under the circumstances. Each of the branches of the Legislature and the Judiciary are represented in the tribunal in equal proportions. The composition of the judicial part of the commission looks to a selection from different parts of the republic, while it is thought to be free from any preponderance of supposable bias, and the addition of the necessary constituent part of the whole commission in order to obtain an uneven number is left to an agency the farthest removed from prejudice of any existing attainable one. It would be difficult, if not impossible, we think, to establish a tribunal that could be less the subject of party criticism than such a one. The principle of its constitution is so absolutely fair that we are unable to perceive how the most extreme partisan can assail it unless he wishes to embark upon the stormy sea of unregulated procedure, hot disputes and dangerous results, that can neither be measured nor defined, rather than upon the fixed and regular course of law that insures peace and the order of society, whatever party may be disappointed in its hopes. The unfortunate circumstance that no provision had been made on the subject before the election, has greatly added to the difficulty in dealing with it, inasmuch as many of the people of the country, members of the respective political parties, will, perhaps, look with jealousy upon any measure that seems to involve even the probability of the defeat of their wishes; but it has led the committee to feel that their members are bound by the highest duty in such a case to let no bias or party feeling stand in the way of a just, equal and peaceful measure for extricating the question from the embarrassments that at present surround it.

In conclusion we respectfully beg leave to impress upon Congress the necessity of a speedy determination upon this subject. It is impossible to estimate the ma-

terial loss the country daily sustains from the existing state of uncertainty. It directly and powerfully tends to unsettle and paralyze business, to weaken public and private credit and to create apprehensions in the minds of the people that disturb the peaceful tenor of their ways and happiness. It does far more—it tends to bring republican institutions into discredit and to create doubts of the success of our form of government and of the perpetuation of the republic. All considerations of interest, of patriotism and of justice unite in demanding of the law-making power a measure that will bring peace and prosperity to the country, and show that our republican institutions are equal to any emergency. And, in this connection, we cannot refrain from the expression of our satisfaction that your committee, composed of equal numbers of opposing parties, have fortunately been able to do what has been in vain heretofore—almost unanimously to agree upon a plan considered by them all to be just, wise and efficient.

We accordingly recommend the proposed act to the patriotic and just judgment of Congress."

The following is the complete text of the bill:

A bill to provide for and regulate the counting of votes for President and Vice-President and the decision of questions arising thereon, for the term commencing March 4, A. D. 1877.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Senate and House of Representatives shall meet in the hall of the House of Representatives at the hour of 1 o'clock P. M. on the first Thursday in February, A. D. 1877, and the President of the Senate shall be their presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed as they are opened by the President of the Senate all the certificates and papers purporting to be certificates of electoral votes, which certificates and papers shall be opened, presented and acted upon in the alphabetical order of the States, beginning with the letter A, and said tellers having then read the same in the presence and hearing of the two houses shall make a list of the votes as they shall appear from the said certificates, and the votes having been ascertained and counted as in this act provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote and the names of the persons, if any, elected, which announcement shall be deemed a sufficient declaration of the persons elected President and Vice-President of the United States, and together with the list of votes, shall be entered on the journals of the two houses. Upon such reading of any such certificate or paper, when there shall be only one return from a State, the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely and without argument the ground thereof, and shall be signed by at least one Senator and one member of the House of Representatives before the same shall be received. When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision, and the Speaker of the House of Representatives shall in like manner submit such objections to the House of Representatives of its decision, and no electoral vote or votes from any State from which but one return has been received shall be rejected except by the affirmative vote of the two Houses. When the two Houses have voted they shall immediately again meet, and the presiding officer shall then announce the decision of the question submitted.

SEC. 2. That if more than one return, or paper purporting to be a return, from a State shall have been received, by the President of the Senate, purporting to be the certificates of electoral votes given at the last preceding election for President and Vice-President in such State, unless they shall be duplicates of the same return, all such returns and papers shall be opened by him in the presence of the two Houses when met as aforesaid, and read by the tellers, and all such returns and papers shall thereupon be submitted to the judgement and decision, as to which is the true and lawful electoral vote of each State, of a commission constituted as follows, namely: During the session of each House on the Tuesday next preceding the first Thursday in February, 1877, each House shall by *viva voce* vote appoint five of its members, who, with the five Associate Justices of the Supreme Court of the United States to be ascertained as hereinafter provided, shall constitute a commission for the decision of all questions upon or in respect of such double returns named in this section. On the Tuesday next preceding the first Thursday in February, A. D. 1877, or as soon thereafter as may be, the Associate Justices of the Supreme Court of the United States now assigned to the First, Third, Eighth, and Ninth circuits shall select, in such manner as a majority of them shall deem fit, another of the associate justices of said court, which five persons shall be members of the said commission, and the person longest in commission of said five justices shall be the President of said commission. The

members of said commission shall, respectively, take and subscribe the following oath:

I, —, do solemnly swear (or affirm, as the case may be) that I will impartially examine and consider all questions submitted to the commission of which I am a member, and a true judgment give thereon, agreeably to the Constitution and the laws. So help me God.

—which oath shall be filed with the Secretary of the Senate. When the commission shall have been thus organized it shall not be in the power of either house to dissolve the same or to withdraw any of its members, but if any such Senator or member shall die or become physically unable to perform the duties required by this act, the fact of such death or physical inability shall be by said commission, before it shall proceed further, communicated to the Senate or House of Representatives, as the case may be, which body shall immediately and without debate proceed by *viva voce* vote to fill the place so vacated and the person so appointed shall take and subscribe the oath hereinbefore prescribed and become a member of said commission. And in like manner if any of the said Justices of the Supreme Court shall die or become physically incapable of performing the duties required by this act, the other of the said Justices, members of the said commission, shall immediately appoint another Justice of said Court a member of said commission, and in such appointments regard shall be had to the impartiality and freedom from bias sought by the original appointments to said commission, who shall thereupon immediately take and subscribe to the oath hereinbefore prescribed and become a member of said commission to fill the vacancy so occasioned. All the certificates and papers purporting to be certificates of the electoral votes of each State shall be opened in the alphabetical order of the States, as provided in section 1 of this act, and when there shall be more than one such certificate or paper, as the certificates or papers from such State shall so be opened, excepting duplicates of the same return, they shall be read by the tellers, and thereupon the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and be signed by at least one Senator and one member of the House of Representatives before the same shall be received. When all such objections so made to any certificate, vote or paper from a State shall have been received and read, all such certificates, votes and papers so objected to, and all papers accompanying the same, together with such objections, shall be forthwith submitted to said commission, which shall proceed to consider the same, with the same powers, if any now possessed for that purpose by the two houses acting separately or together, and by a majority of votes decide whether any and what votes from such 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, and may therein take into view such petitions, depositions and other papers, if any, as shall by the Constitution and now existing law be competent and pertinent in such consideration, which decision shall be made in writing, stating briefly the ground thereof, and be signed by the members of said commission agreeing therein; whereupon the two houses shall again meet, and such decision shall be read and entered in the journal of each house, and the counting of the votes shall proceed in conformity therewith, unless, upon objection made thereto in writing by at least five Senators and five members of the House of Representatives, the two houses shall separately concur in ordering otherwise, in which case such concurrent order shall govern. No votes or papers from any other State shall be acted upon until the objection previously made to the votes or papers from any State shall have been finally disposed of.

SEC. 3. That while the two Houses shall be in meeting, as provided in this act, no debate shall be allowed and no question shall be put by the Presiding officer except to either House on a motion to withdraw, and he shall have power to preserve order.

SEC. 4. That when the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or upon objection to a report of said commission, or other questions arising under this act, each Senator or Representative may speak to such objection or question ten minutes, and not oftener than once; but after such debate shall have lasted two hours, it shall be the duty of each House to put the main question without further debate.

SEC. 5. That at such joint meeting of the two Houses, seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators, in the body of the hall upon the right of the presiding officer; for the Representatives, in the body of the hall not provided for the Senators; for the tellers, Secretary of the Senate and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform. Such joint meeting shall not be dissolved until the count of the electoral votes shall be completed and the result declared, and no recess shall be taken unless a question shall have arisen in regard to counting any such votes or otherwise under this act, in which case it shall be competent for either House acting sepa-

ately in the manner hereinbefore provided to direct a recess of such House not beyond the next day, Sunday excepted, at the hour of 10 o'clock in the forenoon; and while any question is being considered by said commission either House may proceed with its legislative or other business.

SEC. 6. That nothing in this act shall be held to impair or effect any right now existing under the Constitution and laws to question, by proceeding in the judicial courts of the United States, the right or title of the person who shall be declared elected or who shall claim to be President or Vice-President of the United States, if any such right exists.

SEC. 7. That said commission shall make its own rules, keep a record of its proceedings and shall have power to employ such persons as may be necessary for the transaction of its business and the execution of its powers.

SCHENCK'S PULMONIC SYRUP, SEA WED Tonic, and Mandrake Pills.—These deservedly celebrated and popular medicines have effected a revolution in the healing art, and proved the fallacy of several maxims which have for many years obstructed the progress of medical science. The false supposition that Consumption is incurable deterred physicians from attempting to find remedies for that disease, and patients afflicted with it reconciled themselves to death without making an effort to escape from a doom which they supposed to be unavoidable. It is now proved, however, that Consumption can be cured, and that it has been cured in a very great number of cases (some of them apparently desperate ones) by Schenck's Pulmonic Syrup alone; and in other cases by the same medicine in connection with Schenck's Sea Wed Tonic and Mandrake Pills, one or both, according to the requirements of the case.

Dr. Schenck himself who enjoyed uninterrupted good health for more than forty years, was supposed at one time to be at the very verge of death, his physicians having pronounced him to his fate. He was cured by the afore-said medicines, and, since his recovery, many thousands similarly affected have used Dr. Schenck's preparations with the same remarkable success.

Full directions accompany each, making it not absolutely necessary to personally see Dr. Schenck unless patients wish their lungs examined, and for this purpose he is professionally at his principal office, Corner Sixth and Arch Streets, Philadelphia, every Monday, where all letters for advice must be addressed.

Schenck's medicines are sold by all druggists.

Advertisements New This Week.

ADMINISTRATOR'S NOTICE. In the estate of Martha M. Vance, late of Liberty twp. dec'd. Letters of Administration in the said estate having been granted to the undersigned all persons owing said estate, are requested to make immediate payment, and all persons having claims against said estate are requested to present them without delay. J. A. WORDEN, Administrator. Jan. 24, 1877. 4w6

ADMINISTRATOR'S NOTICE. In the estate of O. P. Washburn, late of Liberty, twp. dec'd. Letters of Administration in the said estate having been granted to the undersigned all persons owing said estate, are requested to make immediate payment, and all persons having claims against said estate are requested to present them without delay. J. A. WORDEN, Administrator. De Bonis Non. Jan. 24, 1877. 4w6

ADMINISTRATOR'S NOTICE.—In the estate of Parker Gage, late of Liberty, twp. dec'd. Letters of Administration in the said estate having been granted to the undersigned, all persons owing said estate are requested to make immediate payment, and all persons having claims against said estate are requested to present them without delay. WALTER FULLER, Administrator. Jan. 24, 1877. 4w6

EXECUTOR'S NOTICE.—Whereas, Letters testamentary to the estate of Rufus Smith late of Franklin, twp. dec'd, having been granted to the undersigned, all persons indebted to said estate are requested to make immediate payment, and all persons having claims against the same, are requested to present them without delay. W. C. SMITH, Executor. Jan. 24, 1877. 4w6

ASSIGNEE'S SALE

—OF—
PERSONAL PROPERTY!

The undersigned will offer at public sale at the premises of Justice Hickock, in Rush township, on

Wednesday, February 7th, 1877,

commencing at 10 o'clock a. m., the following property:

One Colt, Lumber Wagon, Light Sleigh, Harness, Plows, and a variety of farming tools and implements of all kinds too numerous to mention.

TERMS: All sums under \$5, cash; \$5 and upwards ten months' credit with interest and approved security. GEO. LITTLE, Assignee of J. Hickock. January 24, 1877.—4w6

MONUMENT FUND LECTURE

Copied.

The first Lecture of the Course will be given in the

COURT HOUSE,

Friday Evening January 26th, 1877,

—BY—

CAPT. H. F. BEARDSLEY.

Who will deliver his Lecture entitled

"CUSTOM!"

"Horatio.—Is it a custom?"

"Hamlet.—Ay, marry! but to my mind, though I am native here and to the manner born, it is a custom more honored in the breach than in the observance."—Shakespeare.

LECTURE TO COMMENCE AT 7:30.

Admission, Reserved Seats, — 35 cents. Season or course tickets are entitled to reserved seats. Tickets for sale at Deane's and Stevens' book stores. Montrose, Jan. 24.—4w1

VALUABLE FARM FOR SALE.

The subscriber offers his farm for sale, located in Silver Lake, containing 300 acres, and as fine a dairy or stock farm as there is in the county—unimpaired in fertility and productiveness of soil, either for grain or grass. Good buildings and fine fruit. Call on or address H. H. SKIFFER, or

W. H. COOPER, Montrose, Pa.

Jan. 17.—4w3m