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POLITICAL NOTES.

The Duncan gang of bulldozers in the third ward of East Baton Rouge maintained, on election day, their well won reputation as negro intimidators. Taking possession of a room adjoining that in which the election commissioners established the polls, by violent demonstrations, rendered more savage by frequent potations of whisky which was in plentiful supply, and by exhibitions of Winchester rifles, shotguns and other weapons, these champions of a "free, full and fair election" succeeded in carrying the poll unanimously for the reform Democracy, excepting the votes of the four Republican commissioners. A protest was made, but under threats of the the most murderous character the commissioners were compelled to continue these illegal proceedings to the end.

In the tenth and twelfth wards resolutions were passed several weeks ago requiring all tickets to be voted open and exposed, and this order was rigidly enforced.

These with many more facts condemnatory of the Democracy will be fully proven before the Returning Board, to which the beleaguered and maltreated Republicans turn appealingly for justice.

We have Democratic admissions that the West Feliciana Regulators had guards stationed at the polls "taking down the names of colored men who voted the Republican ticket, and threatening them with a visit in a few nights." Ex-Governor Wickliffe, a leading Democrat, had to personally interfere at his poll, and put a stop to this bulldozing game.

Do our distinguished visitors realize what these promised visits implied? A bitter and bloody past shows that they mean, to the poor black, murder, the torch and the lash. For nearly a year the Democracy, in their determination to crush out the Republican party in West Feliciana and the adjoining parishes, have been paying midnight visits to the colored people, and unmarked graves, homes in ashes, wasted fields and refugee widows and orphans are the damning results. Is it by these means the great men gathered here would have a President elected? If not, let them at once prepare to denounce to the American nation the barbarous atrocities of the Louisiana Democracy.

Ben James, the colored deputy marshal who was shot while conveying the ballot-box and papers to the Logtown poll, in Ouachita parish, on the night preceding the election, is reported to have made a dying declaration seriously involving leading Democrats. His was the sixth or seventh murder of Republican leaders in that parish on the eve of the election, and yet the Democrats are heartless enough to boast of their *victory!* Wait till the judgment day.

The tone of the Democratic press throughout the State exhibits a conviction that the success they claim depends upon their undisturbed enjoyment of the fruits of their intimidation of Republicans. Threats of the most direful character are fulminated in advance of any action by the Returning Board; and if these bulldozer councilors and leaders were not held in check by a wholesome dread of Federal powder, there is no doubt but the blood-thirsty promptings of their hearts would be carried into execution. We yet have a government, however, whose power and inclination to do right and protect the weak even Louisiana Democracy hold in respect.

The New York *Sun* thus allays Democratic fears concerning the Florida election. It is to be hoped it will not alter its opinion when the State is announced for Hayes:

There is no danger that the vote of Florida will be rejected or changed by fraudulent contrivances, for the election machinery of the State is in the hands of honest men who are the friends of Governor Tilden.

The Cincinnati *Enquirer* of the eleventh contains a dispatch from a number of bank and insurance directors, denying the truth of Governor Kellogg's dispatches, and asserting a Democratic victory in Louisiana. It is very likely that in this case "the wish was father to the thought." It has not been forgotten that our banks and insurance companies, not long ago, subscribed $1,000,000 to bribe the Legislature into legalizing several millions of the rebel State debt, and that only the firmness and integrity of a Republican Governor and Speaker stood between them and the fruition of their hopes. Continuance of Republican rule is an effectual bar to this nefarious and illegal scheme. Can it be wondered at, that its promoters desire a change?

The New York *Herald* thus philosophizes on the unfortunate political muddle in which the country now seems involved. Reference is made to this State:

Both parties claim the State, and when the presidential election is found to depend on the electoral votes of one State a temptation is presented which the ordinary frail virtue of political parties can not be expected to resist. The country must accept the official action of the State authorities until it is demonstrated to be wrong, and the only body entitled to pass on the sufficiency of the demonstration is a Congress of which one branch is controlled by the Republicans and the other by the Democrats, and which can not be expected to agree on a question which so profoundly affects party interests. It is to be deplored that there is a possibility of dangerous differences arising between them.

The following is an extract from a letter of one of the best informed politicians of Mississippi:

To-day (thirteenth) we have a new Congressman made. Chalmers has been "counted in" over Lynch, who, instead of getting the 18,000 majority to which he is entitled, is ruled as defeated by 5000. Show me a Returning Board that can beat that!

Chalmers is a reformer, and he goes to New Orleans to-day *to see a fair count* in Louisiana—God save the mark! And Lamar, Senator elect, depending upon the most wocsome deeds that ever disgraced civilization for a seat in the most august and dignified body on earth, accompanies him for a like pretended purpose. Magone has gone to Florida to secure another "fair count," so you may see that if the boys in blue don't now "hold the fort" the war for the Union had far better not have been waged.

The cruel methods resorted to by the Feliciana Democrats to crush out Republicanism have been shown up in affidavits of the victims. These pitiful tales of "bull's doses" of lashes on the backs of the poor freedmen, garnished but too often with throat cuttings, hangings and "fillings full of bullets," have been sneeringly alluded to by the Southern Democratic press, and apparently disbelieved at the North. Yet the Democratic organ announces that the Feliciana leaders are coming to New Orleans with hundreds of affidavits from these same poor, crushed and terrorized negroes to establish their claim to a Democratic victory over the Republican party by "full, fair and free" means. What Republicans demand of the nation is a full and fair investigation of these Democratic affidavits.

The Baton Rouge *Advocate* intimates that if Hon. W. G. Lane and Judge Schorten attempt to hold office in East Baton Rouge, now that the bulldozers have secured a pretended majority at the polls, fatal consequences may ensue. When the bulldozers last tried assassination upon Mr. Lane, they threatened death to the coroner if he held an inquest on their late lamented comrades. But as Mr. Lane may not always be so well prepared for midnight visitors, we put this latest threat on record for "proof of intent."

The *Advocate* also cheerfully remarks that if the "dirty dog" Governor Kellogg attempts to induce the Returning Board to reject the bulldozers' returns—

He'd better pack his carpet-bag and be prepared to depart between two days.

A sad fatality seems to affect Democratic enthusiasm this year. It is an affliction of premature discharges. In at least four towns of this State have salute firings resulted in the death and mutilation of the prematurely enthusiastic Democratic cannoneers. Prophetical but mournful.

The attempt to implicate Governor Kellogg in the failure to hold a legal election in Grant parish falls before his peremptory order to the supervisor to return and comply with the law at all risks.

A Definition.

"James," said a father to his young son, "what is the meaning of the words universal suffrage?" The little one thought for a while and answered, "The right that a citizen has to cast his vote and have it counted out by a Radical Returning Board."—*Picayune.*

Truly a juvenile answer. If the boy had answered that universal suffrage in Louisiana means the right of a few dozen armed men to cast or control the votes of the whole parish, he would have been pretty nearly right. For we have seen that in West Feliciana the polls have been surrounded by "young men," note book in hand, taking down the names of all negroes who voted the Republican ticket, and threatening them with a visit in a day or two after the election. By the time nearly every negro voter had been frightened off, in one parish, ex-Governor Wickliffe appeared and prevailed upon the young men to cease this open intimidation, and, as the report goes, there was no more of it. Neither was there any occasion for its exercise. The negroes had already gone home, not to return, and Governor Wickliffe's sense of fairness did not extend to sending after them to tell them they were free to come back and vote as they thought proper, without being spotted. Had he done this he could lay some claim to having done a very creditable action.

Perhaps "James," whose definition the *Picayune* quotes, is not familiar with the ideas of "universal suffrage" which prevailed in some of the country parishes.

Personal.

We had the pleasure of a call yesterday from two newspaper men of Cincinnati, who are here in the interests of their respective journals. F. D. Mussey, of the *Times*, is an old acquaintance, having spent some weeks here in 1872. His letters at the time attracted a good deal of attention and comment. But time at last fully proved his facts and figures, and vindicated his judgment and sagacity. Mr. H. V. Redfield, of the *Commercial*, is pretty well known throughout the South for his correspondence, especially in Mississippi. He went last year to that State with the Boutwell committee, and gave the readers of the *Commercial* an insight into Mississippi life which most of them had probably never before had.

Colonel George W. Carter, who has taken an active part in the canvass in the North, arrived here on Monday night.

Chief Justice J. T. Ludeling is in town, stopping at the St. Charles Hotel.

More Arrivals.

The following named gentlemen arrived yesterday and are stopping at the St. Charles Hotel:

Joseph H. Maddox, Baltimore; G. W. Bingham, St. Louis; H. W. Graves, New York; Governor J. Lee Carroll, Maryland; P. H. Watson, Ohio; J. B. McCormick, Cincinnati *Enquirer;* F. D. Mussey, Cincinnati *Times;* H. V. Redfield, Cincinnati *Commercial;* C. W. Woolly, Cincinnati; Professor W. G. Sumner, New Haven, Connecticut; W. H. Gano, Illinois; M. J. Whaling, Chicago, Illinois; Hon. James A. Garfield, Ohio; Z. L. White, of the New York *Tribune;* Edward George Phelps, New Albany, Indiana; John D. Bangert and John Diamond, Philadelphia; General Galusha Pennypacker, United States army.

Pay of Deputy Marshals.

The special deputies appointed by United State Marshal Pitkin for the first, second, third, sixth and fourteenth wards of the parish of Orleans can obtain their pay in cash by appearing at the marshal's office this morning at nine o'clock.

Tilden, Reform and Fraud.

We shall hear doubtless during to-day, if South Carolina, Louisiana and Florida have declared for Hayes, that they have declared for him by fraud. But this declaration should be made in low whispers. Not one single Southern State has Samuel J. Tilden carried in the late election that has not been carried by fraud, excepting Delaware, Maryland, Virginia, West Virginia, Georgia and Kentucky. He has carried no Northern State fairly. Indiana went for him by repeaters in October, and again in November. Connecticut, New York and New Jersey all took the same course by the same influences. And when the general government, under the great enforcement act, protected three or four Southern States by means of the army, it effected two objects—one of duty and the other of retribution. If Governor Hayes has been chosen President it is an act of justice to the loyal men of the North and of rescue to the mistaken men of the South. It will secure to the first free ingress and free thought, free opinion, free education and a free press, and it will teach the latter that the best friends of the South are the generous and enlightened people of the old free States.—*Philadelphia Press.*

THE NATIONALIZERS.

The Democratic Visitors Invite the Republicans to a Conference.

The following communication was yesterday handed to Judge Matthews, at the St. Charles Hotel:

NEW ORLEANS, November 14, 1876.

To the Hon. Stanley Matthews, James A. Garfield, John A. Logan, William D. Kelley, John A. Kasson, J. Irvin Ditty, John H. Shoenberger, William M. Evarts, E. W. Stoughton, John A. Dix, and others:

The undersigned arrived here yesterday. They came in answer to a telegram from the Hon. Abraham S. Hewitt, chairman of the National Democratic Committee, dated at New York, November 10, 1876, as follows, viz:

"Citizens of New Orleans urgently request that a delegation of prominent gentlemen come there at once to counsel peace and a fair and honest return. You are earnestly requested to be one of ten or fifteen gentlemen, all widely known, to meet at Louisville, Galt House, Saturday evening, proceeding directly South, or, if more convenient, meeting at the St. Charles Hotel, New Orleans, Monday morning.

"Your prompt acceptance by telegraph is requested. This emergency appeals to your patriotism."

The undersigned are informed you have come here at the request of the President of the United States "to see that the board of canvassers make a fair count of the vote actually cast." While in the late canvass you gave your support to Messrs. Hayes and Wheeler, as candidates for President and Vice President, and the undersigned gave their support to Messrs. Tilden and Hendricks for these offices, they feel assured that all good citizens of all parties regard an honest count and true return of the votes actually cast of greater moment than the success of any candidate for office, and are ready to do all that honorable men should do to secure such return of the votes cast at the late election in the State of Louisiana, which assumes more than ever before a national importance, and upon which, in this crisis, may depend the very existence of constitutional government. The undersigned, therefore, in view of the unhappy controversies which have heretofore arisen from the action of the Returning Board of the State, where its action could not in any event change the result of a presidential election, and in view of the desire of all good men that effect should be given to the will of the majority, as lawfully expressed, respectfully ask you, or such of you as are present, to meet and confer with them, personally or through committees, as may be deemed most wise, in order that such influences as we possess may be exerted in behalf of such a canvass of the votes actually cast as by its fairness and impartiality shall command the respect and acquiescence of the American people of all parties. Yours respectfully,

Signed by John M. Palmer, Lyman Trumbull, William R. Morrison, Illinois; Samuel J. Randall, A. G. Curtin, William Bigler, Pennsylvania; J. E. McDonald, Indiana; J. R. Doolittle, George B. Smith, Wisconsin; George W. Julian, M. D. Manson, John Love, Indiana; Henry Watterson, J. W. Stevenson, Henry D. McHenry, Kentucky; Oswald Ottendorfer, New York; J. B. Stallo, Ohio; Lewis V. Bogy, James O. Broadhead, C. Gibson, Missouri; John Lee Carroll, William F. Hamilton, Maryland; W. G. Sumner, Connecticut.

Views of Senator Edmunds.

Senator Edmunds was one of a small group of Republicans at the Fifth Avenue Hotel last evening, and expressed himself as very hopeful of the result. He said to a *Tribune* reporter that unless the Republicans were cheated out of an honest count in the States yet to be heard from, he believed Hayes was elected by from one to four in the electoral college. Should Governor Hayes be elected by the vote of either of the three States—South Carolina, Florida or Louisiana—he had no doubt that there would be a great outcry from the Democrats about fraud, violence, "bayonet rule," etc., and that the question might take a serious turn when the vote was counted in Congress this winter. The Democratic House, led on by the Southern men, might threaten some revolutionary step to have the vote of one of these States thrown out.

There was, however, no way in which the House could reject the vote of any State. The right to throw out the vote of a State, upon objection being made to counting it, was taken away by the repeal of the twenty-second joint rule, which the Senate refused to renew previous to adjournment last winter. The electoral vote would now have to be announced by the President of the Senate, according to the constitutional enactment, and he had no power to throw out the vote of any State, being compelled to accept the certified return of the Governor of the State without question. Neither the Senate nor the House could in anyway interfere with a vote thus properly certified, and some authorities held that there could be no appeal in case of any question arising as to the legality of a vote, even to the courts. Mr. Edmunds said that he himself was of the opinion, however, that the courts had the right to pass upon an electoral vote in case of a contest.—*New York Tribune.*

Close Elections.

The closeness of the election this year has its historic parallels. John Adams was elected in 1797 by three votes. He received 71 while Mr. Jefferson had 68. And one of Mr. Adams' electoral votes came from Maryland, and received a majority of only four. In 1801 Jefferson had 73 votes while Adams got only 65. A change of 20 electoral votes in 1812 would have elected De Witt Clinton instead of re-electing Madison. Van Buren would have been defeated in 1836 had 3000 votes changed sides in Pennsylvania, and a change of between 8000 and 9000 votes in Maine, New York, New Jersey and Pennsylvania would have prevented the election of Harrison in 1840. The 36 electoral votes of New York elected Polk in 1844, and the Democratic majority in New York was only about 5000. The change of 19 electoral votes in 1848 would have elected Cass over Taylor, and several of the States gave very small majorities. Marcus Morton was chosen Governor of Massachusetts some forty years ago by a majority of one vote, and there have been several instances in which State elections have hinged on less than 100 votes.

It is provoking to come within a hair's breadth of hitting the mark, and scarcely less so to come within a hair's breadth of missing it. The one party is never reconciled to its defeat, and the other never thoroughly enjoys a victory gained by the skin of its teeth.—*New York Graphic.*

Fair Elections.

On the question of fair elections in the doubtful States, the Cincinnati *Commercial* says:

We take it that there is just as little doubt that the votes of Louisiana and South Carolina, if cast for Hayes, will be legally cast for him, as that the votes of Mississippi and Alabama will be legally cast for Tilden. There will be a disturbance about Louisiana, but the State government of that State, whatever else it is, is the legal and only government. There will be contention over South Carolina, but there has been a fair election in that State. The United States troops are there at the call of the Governor, and have not molested anybody. Whatever may be charged as to the policy of sending the troops to that State, their record has been above reproach; and it would be a novel ground upon which to dispute the validity of a State election to allege that the presence of troops at the call of the Governor had prevented armed mobs from interfering with the exercise of the right of suffrage by peaceable citizens.

COUNTING THE VOTE.

Opinion of Caleb Cushing on the Situation.

Mr. Caleb Cushing, who is temporarily in Washington on business connected with his mission to Spain, in the course of an interview this morning at his hotel, gave the *Herald* correspondent a very intelligent view of the present complication. After an introductory interchange of remarks about the curious position of political affairs, the following conversation took place:

Question—Mr. Cushing, suppose that it should turn out that, according to the record of votes as rendered by the authorities of the several States, Mr. Hayes has 185 votes and Mr. Tilden 184 votes, and suppose that the Democratic party should protest that the return of the vote of the State of Florida, for instance, is a fraudulent one, what would be the effect of such protest?

Answer—The constitution knows nothing of parties; party conventions are wholly outside of the constitution; no act of theirs has any legal effect. The Democratic party, as such, can only act through extra-constitutional public assemblies. The possible danger, if any, in the supposed state of things is to be found in the possible action of the two houses of Congress, or rather that of the present House of Representatives, with its decisive Democratic majority. There may be conflict of opinion and action between the Senate and House of Representatives that would constitute a very serious difficulty. It is possible, though in my opinion altogether improbable, that the fourth of March next may arrive without a lawful declaration of the election of a new President, in conformity with the prescription of the constitution. For that contingency no provision is made by the constitution. Several of the State constitutions provide that the Governor and other periodically elected officers shall hold over in case of non-election or of the failure to make a legal declaration of election; but there is, unfortunately, no such provision in the constitution of the United States.

Question—What would be the remedy, and is there any remedy, in case the fourth of March should arrive without any lawful determination of the two houses of Congress in this respect?

Answer—I can imagine several remedies growing out of the necessity of things, but all of them extra-constitutional. I do not believe, however, that any such contingency will arise. The people of the United States are habituated to the practice of self government. They are distinguished among all the nations of the world by their practical good sense in the conduct of public affairs. We never have military *pronunciamientos*, such as occur so frequently in Spain and Spanish America. We are not prone to insurrections, either on a large or on a small scale. We shall do nothing to overturn the government abruptly and under a sudden impulse. We have had civil war on a large scale once, but that was entered upon deliberately and on full consideration through the action of the State governments of the separate States of the Union; there and there only lies the danger of civil war in the United States, or of any other effective action toward breaking up the machinery of the government of the United States. But in the contingency we are supposing, the State governments do not intervene. The precise question is of the action of the Democratic majority of the present House of Representatives. Will they push the matter to the last extremity, that of keeping the count open and undecided until the fourth of March, I do not believe so. I do not think we have any reason to believe they will be guilty of such conduct, which, while unpatriotic to the last degree, would be insanely inexpedient in so far as regards their party interest. For the question is not a sectional one, and does not involve a sectional division of the United States. Democrats and Republicans are mixed together in all the States of the Union, and it is quite absurd, therefore, to suppose that the Democratic House of Representatives will promote civil war, which could not be a civil war between one section of the Union and another section, but in the heart of every one of the individual States of the Union. Hence I utterly reject and discard all supposition of any such extreme action on the part of the present House of Representatives.

Questions—But suppose we do discard all idea of civil war or of the promotion of it by the present House of Representatives, still may not the difficulty drift on till the fourth of March, and so leave the country without a duly declared new President?

Answer—I do not think that will happen, for that also would be duly incompatible with the quality of practical good sense which distinguishes the people of the United States and their representatives in the two houses of Congress. We are in fact considering all the time what the Democratic majority in the House of Representatives will do. Now, if they pertinaciously differ with the Senate on the point, the effect will be in the first place to leave the government of the United States in the hands of the very persons by whom it is now administered. The failure to elect or to declare elected the new President does not dissolve the army and navy; it does not arrest the action of the Federal courts; it does not stop the collection of revenue, internal or external; it does not displace any of the heads of departments, executive commissions, foreign ministers, or any other of the employes of the government. All these persons will continue in office, and would, in my opinion, be competent for the discharge of all their duties, even in the contingency of the temporary non-existence of any President of the United States. That is not a state of things which the Democratic House of Representatives can be supposed to desire. Nor although the constitution does not expressly provide that in a case of non-election the existing President shall hold over until a new election shall have been duly effected, yet it would not be rash to argue that such is the implied meaning of the constitution. Doctrines of public law, as illustrated in the State constitutions, might well come in to raise such an implication on the face of the constitution. In that event, General Grant would continue to exercise the functions of President. If it be alleged that this is a violent construction of the constitution I reply that it would be a much more violent construction of the constitution to maintain that it intended, in certain contingencies easy to suppose, the government of the United States shall be left without any head—in what is called in some countries an acephalous condition. If any Democratic statesman shrinks from such a supposition he will shrink, in like manner, from forcing on such a contingency. While it is not to be imagined that the Democratic members of the present House of Representatives will undertake to get up civil war in every State of the Union, neither is it to be imagined that that they will pursue a course which shall necessarily result in leaving the government not only under the direction of the existing members of the Cabinet, whose functions do not expire with the change of President, and who, therefore, hold over legally, but it may be in the hands of President Grant himself. Once at least in the history of the United States it occurred that twenty-four hours elapsed after the death of the President and before the accession of another. During those twenty-four hours the government went on smoothly though in the hands of heads of departments. If it can do so twenty-four hours it can do so twenty-four days or weeks. It is true the case never has occurred of the President holding over, but that would be much less a departure from form than the non-existence of an executive head of the government. Just as it is said that nature abhors a vacuum, so it may be said that a political society abhors and repels the non-existence of government.

Question—But suppose, however improbable it may be, that the House of Representatives should, either by deliberate intention or by undeliberate intention, leave the question open until the fourth of March, when it ceases to exist as a House, and a count according to the forms of the constitution becomes impossible, would there be any remedy?

Answer—I do not admit the probability, scarcely the possibility, of such a contingency. If it occurs it is without any specific provision in the constitution. In that event it would, in my opinion, be the right and duty of President Grant to summon immediately the new Congress, and it would be the duty of the new Congress to devise a remedy which, if not in literal conformity with any provision of the constitution, yet should observe its spirit and approximate as nearly as possible to its letter. There is a law higher than all written constitutions: It is the law of self-existence, and that would be the law incumbent upon the two houses of Congress.—*New York Herald.*

BUTLER ON THE SITUATION.

Counting the Electoral Vote—The Authority to Count Involves the Right to Scrutinize.

General Butler foresees the possibility of grave complications in the counting of the electoral vote. In an interview with your correspondent this evening he expressed himself quite freely, and I herewith submit his views in full:

"It is hardly fair," said the General, "to ask me a question upon a disputed point of constitutional law without any opportunity for either reflection or verification of my views; but as I entertain no opinion that I am not always willing to express, I will give you the first view of the subject of your inquiry as it strikes me. The constitutional provision is that the President of the Senate shall, in the presence of the Senate and House of Representatives, open all of the certificates of the electors, and the votes shall then be counted. The duties of those engaged in this work would seem to be—first, that the Senate and House must come together; then the President of the Senate is to open all the certificates; then the votes are to be counted. Now, the counting of the votes implies a scrutiny of them, an examination of them to see whether they are correct or fraudulent. Whoever has the counting in charge must be convinced that they are not fraudulent, and the certificate is a correct and just one. One has only to suppose a forged certificate, which would not be counted. Whoever may be entitled to can examine the certificate to see whether it is a forged one. If they can examine the certificate, in one particular it would seem clear that they could examine it in all. Therefore, I am of the opinion that whoever has the counting of the votes must have a right to scrutinize them in every particular, and if from any cause any of them are deemed fraudulent they are to be rejected. This, however, is strengthened by the idea that this tribunal, provided by the constitution to count and scrutinize the votes, is the one of last resort, and in the matter of scrutinizing elections the houses or body who are to make the final determination have the right to make the most exact and rigid scrutiny possible, receiving such evidence as may be determining to their own minds on the questions involved there.

The question comes to us, Who is to count the votes? Not the President of the Senate, for he is to open all the certificates, and the vote shall then be counted. The constitution seems not to be explicit as to who is to count. But why bring together both houses if they are not to count or take any part in counting? Or are they brought together, as in the provision in Massachusetts, that the votes shall be counted in open town meeting, simply as witnesses to the opening, because the practice has been never to allow any interference with the counting by the people, they simply remaining to see that it is fairly and openly done. But surely both houses would not be called together as simply witnesses. Now we are without law on the subject, and the joint rule of the two houses has been annulled. It would seem, therefore, that both houses must agree upon some plan by means of which the counting shall be done, or they are without any guide. It would seem to follow that each house would be a check upon the other, because either house is only to withdraw from the convention and then the counting can not be done in the presence of both houses. It is difficult, therefore, to see how any vote of any State can be counted without both houses agree.

It will be observed in constitutional provisions that there is no time limited at which the houses must meet, but by law it is appointed that on the second Wednesday of February the certificates of so many of them as have been received shall then be opened, the votes counted, and the persons to fill the offices of President and Vice President as ascertained and declared, and agreeable to the constitution. But it is clear that they must meet before the fourth of March, or else there will be a lapse of the executive branch of the government, for there is no constitutional provision nor no law which allows any holding over of the President until his successor is appointed or substitutes any officer to take his place. The law which provides that in some contingencies the President of the Senate and Speaker of the House may act as President is only a provision for certain specified cases; and there are only the contingency of removal, death, resignation or inability of both President and Vice President, neither of which would be the case which we are considering. Where no President is elected, then it is provided by law that whenever the offices of President and Vice President both become vacant, the Secretary of State shall cause notification thereof to be made to the executive of every State, and shall also cause the same to be published in at least one of the newspapers printed in each State, calling for a new meeting to choose electors for President and Vice President, to be chosen at the various times therein provided. But suppose that there is no counting of the electoral votes before the fourth of March, and, if upon the counting no President or Vice President appears to be elected, then the provision is that the House shall proceed to elect a President, voting by States, each State having one vote. Would that provision go into operation in a case where it appeared that there was no election? Because there was no counting will the present House in such case proceed to elect, Mr. Tilden having a majority of the States? What is the remedy of the majority of the people if Mr. Hayes is chosen? In that case will Mr. Tilden be President? Or suppose the House do not go into an election; Congress is dissolved on the fourth of March by the expiration of the term of service of the House. As we have seen, there is no provision for the President to hold over, and no provision for his successor in the interim between that and a new election. What, in such case, is to be done?

The genius of all government is that the Executive must never lapse. The announcement is made, "the King is dead; long live the King," in the same breath. Officers under most of our State constitutions and most of the officers of Federal appointment hold until their successors are appointed. Is it not then in accordance with the genius of our institutions, and being a *casus omillus* in the constitution and laws, that the incumbent should hold over until his successor is appointed and qualified. The law, as we have seen, having made provision within a limited time for the appointment of a successor, would it not be the duty of General Grant, under such circumstances, to hold on and see to it that the laws are faithfully executed until a successor should be duly chosen and constitutionally declared elected and qualified, and would not the good sense and sound judgment by all patriotic and just men agree to such an interpretation rather than to have anarchy, confusion and perhaps civil war, with their dreadful consequences?—*Lowell Correspondence New York Herald.*

The Temperature.

The thermometer at Louis Frigerio's, No. 50 Chartres street, stood as follows November 14: At 8 A. M., 63°; at 2 P. M., 71°; at 6 P. M., 69°. Lowest point during the night of November 13, 57°.

BE JUST AND FEAR NOT

LET THE RETURNING BOARD DO ITS DUTY

BRISTOW TO KELLOGG

In answer to an invitation to be present and witness the canvass of the votes by the Returning Board, ex-Secretary Bristow has telegraphed to Governor Kellogg, as follows.

LOUISVILLE, November 14, 1876.

Governor William P. Kellogg:

I thank you for the courtesy of your invitation, but can not go to New Orleans at present. Let those who are charged by law with the ascertainment of the vote of Louisiana do their duty, under the law, fairly and fearlessly, and the country will sustain them, whatever the result.

B. H. BRISTOW.

The Count Commenced.

Louisiana is just now filled with strange Democrats professing to be anxious to see a fair count of votes. A dispatch from Thibodaux to the United States marshal yesterday says:

Democrats entered the clerk's office in Terrebonne last night and recounted the votes without authority.

The Republicans have a majority of about 600 in Terrebonne, and that ought to satisfy the Democrats.

Amusements.

Our girls will have a chance to see "Our Boys" at the Varieties Theatre matinee today. The comedy is delightful, and will be well acted.

Lieutenant Governor C. C. Antoine.

Governor Antoine reached the city last Sunday after his long and successful canvass. Unfortunately he was greeted by the sight of the ruins of his home, destroyed by fire while he was on his way to it. But his usual cheerful temper has not deserted him, and he proceeds to make the best of it.

Governor Antoine's services in the past campaign can not be overestimated by the Republican party. Wherever he has gone he has been well received, and the result of his efforts has been shown by the largely increased Republican vote. The Shreveport *Telegram*, of November 6, contains the following manly and honorable letter of advice to the people of Caddo:

To the Republicans of Caddo Parish:

On Tuesday next you will once more be called upon to participate in a general election, the importance of which can scarcely be estimated. I have no fears but that you will do your duty like men who have the interest of our common country at heart, as you have ever done in the past. It will not be amiss, however, to address a few words of caution for your earnest consideration. Great and serious responsibilities rest upon you, and I address myself particularly to colored Republicans, and your conduct upon election day will show whether you are worthy of the confidence which is now placed in you. I entreat you to so conduct yourselves that no shadow of blame can be attached to you, and prove that you appreciate the inestimable boon of the elective franchise—the right to vote for men of your choice—bestowed upon you by the great Republican party of the nation. Avoid dram drinking, keep sober and go like freemen to the polls and deposit your ballots for the straight-out Republican ticket. When you have done this, retire peaceably to your homes with the proud consciousness that you have discharged your duty in a proper manner. Don't stop to engage in political discussions and wrangling, which may lead to the most serious consequences. Any disturbance, quarreling or fighting on election day would probably lead to the sacrifice of hundreds of human lives. To avoid so lamentable an issue is imperatively necessary, for should it occur it will be fatal to every hope of the Republicans of Caddo parish. If insult is offered you—and there are fears that your political enemies will endeavor to create a disturbance to further their own ends—submit to it without resentment, and be careful not to offer any insult ourselves, but go quietly and peaceably to and from the polls. I reiterate that a disturbance or a riot will be fatal to the interests of the Republican party in this parish, and again warn you that in the present feverish and excited state of public feeling any disorderly conduct will serve as a beginning which will spread so quick and fast as to put it beyond mortal power to check it until many victims shall have been sacrificed to the fiery ardor of reckless and unthinking men. In view of these things, and the serious responsibilities resting upon you, I hope I will not appeal to you in vain. Be careful in everything you do and say; stand firm by the Republican party, to which you owe so much; see that you get the right ticket and vote for the regular nominees of the party, and when the polls are closed on the seventh of November a glorious Republican triumph in Caddo parish will have been achieved in spite of all the efforts of your opponents, who are battling so hard to defeat you. Republicans, remember your duty and faithfully discharge the same.

C. C. ANTOINE,
Lieutenant Governor of Louisiana.

Duke Gwin.

A New York special to the Chicago *Tribune*, November 9, says:

In the way of sensation the *Tribune* tomorrow gives the statement of a gentleman long and intimately connected with the Tilden movement, that the real organizer of Tilden's campaign for the Presidency was not Tilden himself, but a man who has only once appeared on the surface in the course of the struggle of two years during which Mr. Tilden has been suffering from the Presidential fever. This was ex-Senator William M. Gwin, of California, familiarly known as "Duke" Gwin from his connection with the movement of Maximilian in Mexico. "Duke" Gwin, while Senator in Congress from California, before the rebellion, was well known as a rampant secessionist, and was more than once under arrest for treason. He joined the secession movement, and was at times prominent in the diplomatic movements of the Confederates. After the conclusion of the war he fled to Mexico for safety. He has never lost any of his bitterness of feeling, and is to-day as great a rebel as ever. It was asserted that the first suggestion of running for the Presidency was made to Tilden by Gwin after Tilden had been elected Governor. The two men began to work to that end, even before Tilden was fairly in the executive chair. Gwin, under constant advice and consultation with Tilden, had been intrusted with all the important preliminary operations of the campaign.

It was Gwin who had visited the several Southern States and organized the united movement in the St. Louis convention which resulted in Tilden's nomination without serious opposition, except from blatant Tammany politicians. Gwin had also been intrusted with the employment of confidential agents, who communicated with the various State organizations. All the details of canvassing the settlements of voters in the various States, and particularly in this State and city, were reported through Gwin to Tilden. All the money passed through Gwin's hands. Of course Tilden never consented to pay any money during the movement. If Gwin, it was added by the narrator, were to tell all he knew about the organization of the movement of a united South to elect an old Buchanan secessionist to the presidency, it would certainly startle the people, if it did not instruct the politicians.

BY TELEGRAPH.

WASHINGTON.

Cabinet Meeting.

WASHINGTON, November 14.—A full Cabinet meeting, the first time in several weeks.

At the White House.

Secretary Cameron, Senator West and Caleb Cushing called on the President today.

Mail for Havre.

The Postoffice Department gives notice that a mail will leave New York city the eighteenth, per Canada, for Havre, via Plymouth.

The Resigned Postmaster.

The Postmaster General has received the resignation of H. N. Sollace, postmaster at Bridgeport, Vermont, elected presidential elector.

THE SITUATION.

The South Carolina Supreme Court and the Board of Canvassers.

CHARLESTON, November 14.—The Supreme Court, a full bench, issued a rule requiring the Board of Canvassers to answer Thursday, why writs of prohibition shall not be issued restraining them from judicial functions, and confining them to ministerial functions only.

Later.

Nothing has transpired since the action of the Supreme Court this morning. Democrats are cheerful. Everything quiet. Republicans concede that Hampton is elected. The action of the Board of Canvassers renders it impossible to get figures of returns.

Another Account.

COLUMBIA, S. C., November 14.—A motion was made by the Democratic counsel before a full bench of the Supreme Court, praying that writs of prohibition and mandamus be granted, restraining the Board of State Canvassers from exercising judicial functions in the election of electors, members of the Legislature, members of Congress and solicitors, and confining them to ministerial functions only, and restraining Dunn, Cardozo and Hayne, candidates for Controller, Treasurer and Secretary of State, and nominees for re-election to those offices, from sitting as judges of their own election. The court issued a rule requiring the Board of Canvassers to answer on Thursday why writs should not be issued. The Board of Canvassers had decided themselves that they had no jurisdiction over the election of Governor or Lieutenant Governor, and hence no question was raised respecting them.

The Nationalizers in South Carolina.

The following prominent Democrats, ex-Governor Parker, of New Jersey; Senator Randolph, of New Jersey; Hon. Montgomery Blair, of Maryland; Hon. A. H. Stuart, of Virginia, and Hon. S. V. Cox, are here. All quiet, and the Democrats are cheerful.

General Ruger in Florida.

NEW YORK, November 14.—The *Times'* Tallahassee special says General Ruger had arrived there yesterday afternoon, and taken command of the troops.

Senator West's Opinion.

WASHINGTON, November 14.—The *Star* says Senator West reached the city this morning. Soon after his arrival he received a dispatch from a person whom he says is entirely reliable, saying that Louisiana had gone Republican by at least 1500 majority, even if the disputed parishes are thrown out.

FOREIGN.

The Russian Army to be Mobilized.

LONDON, November 14.—The *Post*, in a conspicuous paragraph, confirms the report that Russia is about to mobilize her army. It is stated Russia intends, after January, to levy all her taxes in gold. This increases her tariff twenty per cent. Most of the special correspondents take a gloomy view of the situation.

The *Post's* Berlin dispatch reports Russian journals as saying war is determined on.

A Reuter telegram from St. Petersburg says the Czar has ordered the mobilization of part of the Russian army. A circular of Prince Gortschakoff, the Russian Premier, to Russian representatives abroad, explaining this measure, says: "The Czar does not wish war, and will, if possible, avoid it. He is, however, determined that the principles of justice which have been recommended as necessary by the whole of Europe shall be carried out in Turkey under efficacious guarantees."

A special dispatch from Berlin to the *Pal Mall Gazette* says Russia has given large orders to Berlin houses for military exports. Should Russia persist in her warlike policy, there is reason to believe she will be perfectly isolated. Germany is understood to be pledged to an observance of neutrality as against Austria, with an engagement to watch the Polish provinces presumably to assist in repressing any Polish rising.

The Eastern Question.

The *Times* to-day has a strong pro-Russian leading editorial article on the Eastern question. It first notices the slow progress toward an agreement about the conference, and it bases the facts, which are clearly not promising for success, but declares that the worst symptom is a disposition to prescribe beforehand. The conditions are incompatible with the ideas of negotiation and compromise. It cites as thus inconsistent with the idea of the conference stipulation, that there must be no limitation of the Sultan's sovereign will; but those who labor for peace, it says, will not lose heart because the prospect is not perfectly clear.

The *Times* condemns the past British policy and says if Austria and Great Britain had known their interests last year they would have arrested and extension of this difficulty by promoting what was then a comparatively easy settlement. It then proceeds to forecast the future in this wise: Supposing the armistice expire without a conference or the conference fails, the Czar would declare war, disavowing the probably of a desire to add to the Russian dominions or any other object than securing a good government for Sclavonic brethren. Many would say this was mere hypocrisy and falsehood, but it is clear that England could find no pretense for interference until much more had happened than the outbreak of such a war for such an avowed purpose. The time might come when we, declaring to the Sultan our regret at the inevitable partition of his dominions, might be obliged to demand that he should resign Constantinople to a power able to take care of it.

The *Times* says it does not suppose it would come to this. The Czar would stop before he provoked a crisis calling for England's intervention, with Servia aggrandized and independent, and with Roumania independent and aggrandized south of the Danube in exchange for territory ceded to Russia on the north. He would stop well contented with what he had done in a work the completion whereof must be left for another time. But what a result this would be of a policy having for its first note the maintenance of the empire. What we have described is the probable course of events to