

New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES OFFICIAL JOURNAL OF NEW ORLEANS NEW ORLEANS, DECEMBER 9, 1876.

The Thompsons are a bad lot.

Nothing is too much for a bad nature.

Short reporters are known as local evils.

Eli Perkins was a fellow of infinitesimal wit.

It is not an ill wind that blows anybody good.

Republican discovery—Katherine B. Hal yes.

Morrisey has declared election bets a long way off.

Insuring oil paintings is a sort of picture-risk business.

Politicians take exercise now by jumping at conclusions.

After all, Mr. Tilden is more sinning than sinning against.

Democrats protest against everything except taking a drink.

Bates does not care who a man is if he does not like mince pie.

Brigham Young is advertising for sealed proposals for more wives.

Tweed is no better than he was, and of course he does not go out.

A promising sculptor has become sickly over a pale coat of thought.

For an honest man "It is sweet to hear the watchdog's honest bark."

Mark Twain is writing a comedy, and is never more serious in his life.

Lady Macbeth is a tiresome part to play. She goes off "To bed; to bed."

Of all men who ever received a popular majority Tilden is most unpopular.

The prodigal son's father revealed his affection by killing the fatted calf.

Turkeys are stuffed in life, and stuffed after death; with them it is all stuff.

The music of the future played \$15,000 out of Wagner's pocket at Bayreuth.

Hotel runners are not content in the running expenses of first class hotels.

The British Quarterly says Herbert Spencer is greatly overrated. It does not say where.

The candidate who emptied his barrel on elections says he got very poor returns for his money.

The insipid Bill Arp is still Arping on the situation through the columns of the Courier-Journal.

The trouble with most Sunday weather is that it is either too warm or too cold for church going.

The new grand stand at the race track affords ample accommodations for all who attend the races.

There are lawyers and lawyers. The latter are sound on the law, and the former are all sound.

Vanderbilt has been sitting up chatting with his physician. He is likely to outlive another doctor.

If Holmhold is not put in an insane asylum soon he will start a new palatial drug store in New York.

Our local Democrats appear to have a "Look on Human Understanding." They can not realize that they are beaten.

Stokes is not a stickler for squatter sovereignty in the real estates of this world. He says he wants no Man's field.

A sarcastic writer in the Picayune suggests that Mr. McEnery should appoint a day of humiliation and thanksgiving.

The showman who said he had the skeleton of a fine minstrel organization under way had only engaged the bone player.

The papers speak freely of Bayard Taylor's "Boys of Other Countries." The great traveler should feel ashamed of himself.

Brignoli has been showing his teeth to a reporter. There was an absurd story about the false singer had a false set of teeth.

The discriminating Democrat is one who will borrow \$5 from a Republican, get drunk and curse the whole Republican party.

Wade Hampton telegraphs to his son in this city that everything is all right in South Carolina. That is what Republicans all know.

"One intemperate man may ruin the cause of Louisiana." Last evening's Democrat. Evident confession at last of McEnery's Monroe doctrine.

Nichols proposes now to enter that joint discussion with Packard about the governorship. Packard will reply from the executive chair next month.

Dr. Buckner says the Indian converts behave well when they are in a church. That is certainly an improvement on the conduct of many civilized converts.

A distinguished stranger has discovered that the Picayune illuminations are confined to the outside of its office. He says he gets no enlightenment from the paper itself.

Fashion papers are discussing the great question as to the proper time of taking young girls out of short clothes. Bed time, when they are put in long gowns, will do.

The South Carolina judge is variously commented on by the Democrats. Some say, "Oh, righteous judge!" and others say "Holy Moses!" But they have no idea of the fundamental principles which underlie Democracy.

The Omaha Republican corrects an error in original poetry by saying: "In the third line of the third stanza read 'trusted' instead of 'busted.'" After all the error is not so great as might be supposed, for every business man who has trusted has sooner or later been busted, and it is not worth while to disturb poetry for a little thing like that.

WHO WILL MAKE UP THE ELECTORAL ROLL.

The experience of all the States has long since established the fact that there must be reserved somewhere the power to scrutinize the popular vote and discriminate between that cast in conformity with law and that imposed by force or fraud. Every State has acknowledged the necessity of copying the provision of the Federal constitution, which provides that each house of the Legislature "shall be the judge of the election returns and qualification of its own members." The House of Representatives has gone so far under this authority as even to inquire into the validity of the State government which has accredited occupants or claimants of seats in that body. It is even claimed at this time that Congress has the power to inquire, by committee, into the legality of State elections. It there be, then, a necessity for an authority which may examine into the legality of all election returns there can certainly be none in which it can be so important as in the preparation and report of the electoral roll of the presidential election.

The great question is rapidly drifting into a position in which some judicial authority must intervene to decide between certified and contestant electors. It, therefore, becomes proper to inquire, it may be, somewhat in advance of events—

1. Whether there be any such discretion vested in any authority of the Federal government.

Upon turning to the Federal constitution we find that the whole electoral returns shall be sealed, and transmitted direct to the president of the Senate. This officer shall, in the presence of each of the houses, open all the certificates, and "the votes shall then be counted." This, in our opinion, devolves upon the president of the Senate the judicial discretion indispensable to determine the contest between the claimants of electoral representation. We derive this authority from two indisputable facts. 1. That there has been no authority conferred in any other agency. 2. That when a duty has been conferred upon any department of the Federal government, that duty is always accompanied by a power adequate to its execution.

That the exercise of this judicial discretion by some authority is indispensable to the choice of a President, may be made obvious. It will be granted that no State is entitled to count two sets of votes; and, of course, that when the claim of two sets of votes is presented, one or the other must be null, and, therefore, no vote. When, therefore, the constitution says that after the President of the Senate shall have opened the certificates, the votes shall then be counted—[our italics]. There must have been an investigation and decision antecedent to the count. Nothing can be counted but a vote. A certificate is not a vote, and there must be a judicial discrimination exercised to determine between the bogus and the true. Were there not the precedent decision, then would the pretended and real certificates be poured before the two houses in one indiscriminate mass; nor does any one pretend that either or both Houses have any right to examine or adjudicate.

If, then, this judicial discretion be, from the nature of popular election, indispensable to an expression of the constituent will; if there be no other judicial agency, it must follow that the officer invested with the duty of submitting the electoral returns is the only authority intended to exercise this duty. We do not care to place the performance of this high trust upon the admitted authority of a Speaker, or even of a clerk, to make up the roll of the body of which either may be the agent. We prefer to rest the authority upon the far higher ground of a duty indispensable to the constitutional functions of the government.

We can not forbear to remark that the Republican party has in this, as in some other important instances, failed to give logical effect to the construction which they have given to the theory of the government. They have proclaimed one citizen the equal of any other citizen. Yet one citizen of Oregon or of Delaware may exercise a political power through his Senator equal to that of two thousand persons in New York. The Republican party has claimed that this is a national government of all the people of the Union, yet it leaves the election of the Chief Magistrate to be cast and certified through the agency of the separate States.

The old electoral machinery remains as at first. The President was intended to be chosen by the States. Hence the Senate was the convayer of the States and was intrusted with the custody of the electoral returns, and therefore the presiding officer of that body has the judicial discretion to examine the returns, discriminate between the true and pretended, and report to both houses the electoral roll. The duty of counting the votes, after it has been ascertained what are the votes, is an affair of the finger and thumb. It may be easily and honestly done in the common presence of the two separate houses of Congress.

From this reasoning we are satisfied that the President of the Senate will make up and report, in the presence of both houses, the roll of qualified electors, and that such will be the decision of the pending difficulty until the Republican party, warned of the danger to the Union arising from their imperfect execution of the great principles established by them, shall provide some mode of ascertaining and expressing the national will, free from its present embarrassment, and one which will effectually prevent the men of violence and the men of fraud from ever again placing the national will in either doubt or jeopardy.

Many Democrats were disgusted last night. Tired of the McEnery myth of a government, they don't see how its certificates and intangible Returning Board help Tilden. The Pelicans bullet whizzed way up to the Albany Capitol and has stung him.

MEXICO.

Mexico, if not the sick man of this continent, seems afflicted with a chronic disposition unfitting her for the transaction of any financial or other business. Just as we had congratulated ourselves that the republican government and principles inculcated by the expulsion of a foreign emperor and the repeal of an established church was an established fact, just as our fellow-citizens had invested their money and enterprise in the rich field opened by the comparative safety of republican assurances, comes the revival of anarchy. The presidential canvass was conducted as in Mississippi, with artillery and small arms. The executive owed his election to the count in Congress, and the opposition has taken in that body. It is even claimed at this time that Congress has the power to inquire, by committee, into the legality of State elections. It there be, then, a necessity for an authority which may examine into the legality of all election returns there can certainly be none in which it can be so important as in the preparation and report of the electoral roll of the presidential election.

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NEW OPERA HOUSE.

Saturday, December 9, at 8 P. M. COMMITTEE OF RECEPTION

For the benefit of the sufferers by the fire. Hon. Charles J. Leed, chairman, Colonel W. T. Vassdy, Philip Buchanan, K. D. Willitt, Judge Arthur Sancier, W. J. Young, Judge F. A. Monroe, W. J. Behan, George H. Behn, John Mahers, Jr., Henry Thibault, H. R. Kevauis, William H. Beannan, Julius Wee, J. C. Stevenson, Michel Musson, J. M. Nozias.

The committee is respectfully requested to assemble at the theatre at seven o'clock precisely. By order of the committee. dec 11 1876

IMPORTANT TO GAS CONSUMERS.

Reduction in Price from \$3.50 to \$2.70 Net. OFFICE OF NEW ORLEANS GASLIGHT COMPANY, New Orleans, November 11, 1876.

In accordance with the conclusion of the Board of Directors at their annual meeting, held February 7, 1876, the price of gas will be reduced in the districts supplied by this company on and after January 1, 1877, to THREE DOLLARS PER THOUSAND CUBIC FEET; and a further discount of TEN PER CENT will be allowed for prompt payment, as heretofore, upon all monthly bills wherein the consumption of gas exceeds 800 cubic feet.

By order of the Board: nol 13 3m V. VALLOIS, Secretary.

AMUSEMENTS.

OPERA HOUSE.

Wednesday Evening, December 13, 1876. Extraordinary performance offered by the ASSOCIATION DRAMATIQUE ORLEANAISE.

For the benefit of the sufferers by the late conflagration in the Third District; under the patronage of the Relief Committee. UNE FEMME QUI SE GRINE, Van der Straet in one act, by Meares, Guenee, Galcour and L. Thibout.

LES FOUREVRE DE PARIS, Drama in seven acts, by Meares, E. Friebane and K. Ma.

Curtain rises at seven o'clock precisely. Scale of Prices—Peweechum Boxes, 50c; Parquette, Dress Circle and Second Tier, 30c; Third Tier, 20c; Balcony, 10c.

Holders of tickets can secure seats by applying at the office of the Opera House every day from Friday, the eighth inst. from 9 A. M. to 4 P. M. dec 8 1876

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TO-NIGHT And Every Night (including Sunday)—positively closing. Sunday, December 17.

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ST. CHARLES THEATRE.

Sunday, December 3, 1876. Last week of the season. LIVING ART FETTER TROUPE.

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SEQUESTRATION NOTICE.

Succession of A. J. McCosmico. SECOND DISTRICT COURT FOR THE PARISH OF ORLEANS, No. 2081.—Whereas, Samuel B. McCosmico has petitioned the court for letters of administration on the estate of the late A. J. McCosmico, deceased, notice is hereby given to all whom it may concern to show cause, within ten days, why the prayer of said petition should not be granted.

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