The Weekly Clarion.

POWER & BARKSDALE, PROPRIETORS.

J. L. POWER. HARRIS BARKSDALE.

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# THE WEEKLY CLARION.

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### Legal Opinion of George L. Potter on the Acts of Congress Relating to Elections.

*Z. George, Chairman Dem. and Con. State Ex Com:*

DEAR SIR: I have carefully considered the acts of Congress, touching our November election, in relation to the matter submitted for my consideration, by a resolution of your Committee. These acts, as they relate to Supervisors of Elections, and to the Federal Marshals and their deputies in the matters of registration and voting, may be found in the Revised Statutes of the United States, Chapter 26, page 353, title, "The Elective Franchise."

My conviction is, that no such Marshal nor his deputy, general or special, can act in any State, in the matter of any election, except in cities or towns having at least 20,000 inhabitants, and not even in such large places, except when Federal Supervisors are acting in them. All places and precincts *outside* of such large places, and all such large cities and towns in which such Supervisors are not acting officially, are exempt from all official intrusion of such Marshal or his deputies, for any purpose of any election, whether it relate to registration, or to voting, or to challenges, or in counting the votes, etc.

FEDERAL SUPERVISORS OF ELECTION.

No such Supervisor can be appointed under the act, except for an election of a Representative or a delegate in Congress. It makes no provision for the case of the election, or appointment, of Electors of President and Vice-President.

This act provides for the appointment of two classes of Supervisors, which, for convenience, I shall refer to as of the first class, or of the second class.

Those of the *first* class can be appointed only for a city or town having at least 20,000 inhabitants, and only upon the written request of at least two inhabitants of the place. Those of the second class may be appointed for any election precinct *outside* of such large cities and towns; but only upon the written request of at least ten citizens of the county outside of such large city or town. The purpose of such appointments is declared to be, that the registration, or the election, or both, may be "guarded and scrutinized."

The act authorizes the appointment of only two such supervisors for such large city or town, or for a precinct outside; and they must be residents of the city, town, or outside precinct, for which they are appointed, and can only act therein. Revised St. U. S., Secs. 2011 and 2012.

For the better understanding of the question before us, it is proper to notice the order of legislation on this subject. The first enactment was the act of July 14, 1870. It was enactment was confined to Congressional elections in cities and towns having at least 20,000 inhabitants. It provided for the appointment of special deputy marshals, to aid and assist the supervisors of election appointed to act in such large city or town, and to keep the peace at the polls, at such election therein. Stat. at Large, vol. 16, p. 433.

This act was superseded, in this respect, by the act of Feb. 28, 1871. It, too, was limited to cases of Congressional elections in cities or towns having at least 20,000 inhabitants. The 8th section of this act provided for the appointment of special deputy marshals, to aid the supervisors in such large cities, and declared the powers and duties of the marshals, and their general deputies, and of such special deputies, in aid of the supervisors, in the matters of registration and Congressional elections in such large cities and towns. This section 8, of the act of 1871, is divided into sections 2021 and 2022 of the Revised Statutes. Section 12, of this act of 1871, empowered the marshals and certain deputies to summon a *posse comitatus*, in certain cases, to aid them in the discharge of their duties *under that act*. Stat. at Large, vol. 16, p. 433. This section is made section 2024 of the Revised Statutes.

Now, it is manifest that these several sections, as originally enacted, regarding supervisors of election and their powers and duties, and the powers and duties of marshals and their deputies, general and special, related only to cases of registration and congressional elections in cities or towns having 20,000 inhabitants or upward; and that neither the marshal nor his deputies could act in any matter of an election, even in such large cities or towns, except when such supervisors of election were acting officially therein; for Congress had not yet provided for *the* appointment of any supervisors of election *to act outside* of such large city or town; nor had it prescribed any duty, nor given any power, to marshal or deputy, in the matter of any registration, or election, at any place *outside* of such large city or town.

It was not until the act of June 10, 1872, that provision was made for the appointment of supervisors of election, at precincts outside of cities and towns having 20,000 inhabitants or upward.

By a proviso to this act, it was declared that such *outside* Supervisors should have "*no authority* to make arrests or perform other duties than to be in the immediate presence of the officers *holding the election*, and to witness all their proceedings, including the counting of the votes and the making a return thereof."

This clause is made section 2029 of the Revised Statutes. There was a further proviso that the act should not be construed to authorize the appointment of any deputy marshal. This clause is made section 2030 of the Revised Statutes. No power or duty whatever, was conferred on the marshals or their deputies, by this act.

Stat. at Large vol. 17, p. 348-9.

If, then, we consider the questions at issue, upon the statutes as originally enacted, there is not ground for even a doubt as to the intent of Congress. But the advocates for military coercion at elections now insist that all has been changed by the mere insertion of the sections into the Revised Statutes and re-numbering them.

As the Revised Statutes declare the arrangement and classification of previous enactments into sections of the revision were "made for the purpose of a more convenient and orderly arrangement of the same, and therefore *no inference or presumption of a legislative construction is to be drawn from such division into sections, or such arrangement or classification.* Sec. 5600. This would seem to settle the controversy; but, passing from this point, let us consider further, and treat the question as if these sections had been enacted for the first time in these Revised Statutes.

The powers and duties of certain Supervisors of election are declared in Sections 2016, -17, -18, -19, -20 and -22. All of these are copied from the act of Feb. 28, 1871, in which they related only to Supervisors appointed for such large city or town. The advocates for military force insist that these sections include Supervisors appointed to act *outside* of such large cities and towns. But, as we have seen, the subsequent section, 2029, applies specially to all Supervisors *outside* of such large cities and towns, and declares they shall have "no authority," and perform no *duty*, except to be present at the *election* to witness the proceedings. They are to be mere observers, and are not required to be present at any registration, nor even to make a report. Of necessity, therefore, we must limit the meaning of these previous sections to the case of Supervisors appointed for a city or town having at least 20,000 inhabitants. Section 2029 governs the case of all such outside Supervisors. But suppose that Congress *intended*, in enacting these previous sections in the Revised Statutes, to include Supervisors appointed for places outside of such large cities and towns. On that supposition these previous sections, which impose many duties on Supervisors, are repugnant to that subsequent section, 2029, and in such a case the rule is, that the subsequent section, 2029, is to prevail just as it is written, and that it repeals those *previous* sections in so far as they are repugnant to it.

Quick vs. Whitewater Township, 7 Ind. 375.

Packer vs. Sunbury R. R. Co., 19 Pa. 219.

So that we are to read these previous sections, 2016-17-18-19-20 and 2022, as if they were, in terms, limited to the case of supervisors of election appointed to act in cities or towns having 20,000 inhabitants or upward. In this way, only, can we give proper legal effect to the subsequent section, 2029, which declares all the powers and duties of supervisors appointed to act in precincts and places *outside* of such large cities and towns.

II.—FEDERAL MARSHALS AND THEIR DEPUTIES, GENERAL AND SPECIAL.

As before stated, the 8th section of the act of Feb. 28, 1871, has been divided into sections 2021 and 2022 of the Revised Statutes, and the advocates of elections by military coercion, contend that, by this mere division of the section, the meaning of section 2022 has been greatly *enlarged!* They assert that this last section originally intended to apply to the marshals and their deputies general and special, when acting in aid of supervisors appointed for and acting in such large cities or towns, now applies to *all* supervisors, and includes all places and precincts for *registration and voting outside* of such large cities and towns. Such is the new art of *addition* by *division!* As before stated, such outside supervisors have no authority, power, or duty, whatever, to perform, except to be present, at the precinct for which they are appointed, and to "witness" the proceedings of the *officers holding the election*; and they cannot be present officially, at the places of *registration*. As the marshals and their deputies, general and special, can act under this election law, only in aid of the Supervisors, it would be a full reply to this bold assertion of these advocates of the bayonet, to say:

1st. That this section, 2022, cannot apply to the case of such *outside* Supervisors, for they have *nothing to do*, except to observe the proceedings *of the officers* holding *the election*.

2d. Those *outside* Supervisors cannot be present officially, at any place of *registration*. *No Federal official* can act officially, in any registration held outside of such large city or town, and not even there, except when supervisors of election, appointed for such large place, are acting officially therein.

But there is another reply, full and conclusive, to this claim of Federal right to interpose Federal power in such cases; and it arises on the face of section 2022. This section declares that, "the marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of elections in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election" etc. Now it will be noted:

1st. That this section, 2022, does not include all places and precincts of registration and election, but it only refers to certain places and precincts, by the indefinite expression, "at such places of registration, and at such polls," as the places where the marshals and their general and such special deputies, are required to act, under this law.

We search in vain through this section to learn what are the places and polls to which it refers, as "*such places of registration*," and "*such polls*," or for the meaning of the expression, "*such special deputies*;" and we are, of necessity, constrained to look to some preceding section of the law to ascertain what "places," what "polls," and what "special deputies," are thus referred in this section.

In such cases, the rule is, to refer to the next preceding section in which the same, or the like words, are used. We turn to section 2021, the next preceding section, and there find exactly what was meant by using those words of reference, "*such places*," and "*such polls*," and "*such special deputies*." This section, 2021, relates exclusively to registrations and Congressional elections, "held in any city or town of 20,000 inhabitants or upward;" and it is the only section in all the act, that provides for the appointment, by the marshals, of special deputies to aid in registrations or elections. It also speaks of the "places" of registration, and the "polls" of election. Moreover, there is no other section of the Statute to which we can refer and learn the meaning of those words, "*such places*," and "*such polls*," and "*such special deputies*," as used in section 2022. As has been shown, sections 2016-17-18-19-20 and 2022, so far as they relate to supervisors of election, are to be construed in the same manner as if they were, in very words, limited to supervisors of election appointed for such large cities and towns. They do not include the outside supervisors.

It will be noted further, that section 2022, on which so much stress is laid by the advocates of the bayonet, confers precisely the same powers on "the marshal and his general deputies, and on such special deputies." Section 2022 requires the marshals and their general deputies, and such special deputies, to act, separately or altogether, at the places and polls therein referred to by the words "*such places*," and "*such polls*;" and they are empowered to act *no where else*. And yet, the statute authorizes the appointment of such special deputies, to aid the Supervisors, only for cities or towns of 20,000 inhabitants or upward; and they can act only in such large places, and only whilst the Supervisors are acting officially therein. The conclusion is unavoidable that the marshals and their general deputies are also restricted, in like manner and by intent of Congress, to the cases of registrations and congressional elections held in such large cities and towns, in which Federal Supervisors are acting, under this statute.

As we have no large city or town in this State, the result is, that neither the Marshal nor any of their deputies, general or special, can intrude under this act of Congress, nor act at all officially in the matter of any registration or election held in Mississippi.

For the like reasons, none of them have any power or authority under this act, to summon any *posse comitatus* to aid them here in Mississippi.

III. I ought not to close this part of the subject without brief notice of another bold assumption of the Attorney-General of the United States. He asserts, contrary to express decisions of the great court of the Union, that a Federal Marshal is, in all respects, *supreme* over a State sheriff in the execution of their official duties. He even teaches that the high executive offices of a State, and its Legislature in session, and its courts in actual session—the judge and sheriff, and clerk, and attorneys present, and jury, may all when actually engaged in performance of official duties, be summoned by a federal marshal, and compelled to obey his will as leader of a federal *posse!* It was solemnly decided, long ago, that when a sheriff has made a levy on goods, a federal marshal cannot take them from him; and the reason given by the court was: "The property could be subject to *two jurisdictions* at the same time."—Hagan vs. Lucas, 10, Peters Rep. 403.

So, the same Supreme Court denies the power of Congress to *tax* State agencies, revenues, etc.; and admits, "THE RIGHT of the states to administer their own affairs through their legislative, executive, and judicial departments."—United States vs. Railroad Co. 17, Wallace Rep. 322. Railroad Co. vs. Peniston, 18, Wallace Rep. 5.

If this monstrous claim of the Attorney-General is to prevail, the marshals might control the elections; for they might summon all the officers of election, as well as voters, at any precinct, to obey them as a *posse*, and call them away. The law of Mississippi *requires* the sheriffs, in certain cases, to summon a *posse comitatus*, to aid them, and *permits* them to do so, in certain cases. Code 1871, §235, 236.

Under those decisions, it is manifest that a federal marshal cannot lawfully interfere with, nor control, the *posse* summoned by a sheriff.

By our Code, every registrar and inspector of elections is made a peace officer, for the occasion; and each of them may, when necessary, summon a *posse* to aid him in the discharge of his duties. Code, §307. For like reasons Federal marshals cannot control them or their *posse*.

IV. In thus presenting my view of the construction of this act, I have not deemed it important to discuss the question of the constitutionality of its provisions. It is proper to note here, however, certain particulars:

At our November election, are to be elected at least three Senators and two Representatives, to fill vacancies in the Legislature, and at the same election there will doubtless be elected some county officers to fill vacancies. To that extent, at least, the November election will be a *State election*.

The Federal Constitution provides that each State shall *appoint*, in such manner as the Legislature thereof may direct, a number of Electors" of President and Vice-President. It only reserves to Congress the power to determine "*the time* of choosing the electors, and *the day* on which they shall give their votes."—Con. U. S., Art. 2, § 1.

Neither the act under consideration, nor any act of Congress, attempts to regulate the election of Presidential Electors, except in the matter of *time*, and in prescribing that the vote for Electors shall be by ballot.

It seems plain, therefore, that, as regards Presidential electors, our November election is purely a *State election*.

There are very strong reasons to support a like claim, in regard to the election of Representatives in Congress; but I treat the case as if it was clear that, as to Representatives in Congress, our November election will be, under the acts of Congress, and to that extent a *federal election*, and one with which Congress may interfere as attempted by this act.

Now, our law requires that "the ballots shall contain, in one column, the written or printed names of each person voted for for each several office to be filled at such election. * * * Two or more ballots polled together will be rejected. Code, §372. That is to say, the names of the Representatives in Congress, and of the Presidential electors, and of such members of the Legislature, and of such district and county officers as may be voted for, must be placed in columns, on *one slip of paper and placed in the same ballot-box*. After the State had fixed her day for general elections, and had prescribed these regulations, it pleased the Congress to fix upon the same day for the election of Representatives in Congress, and Presidential Electors, and to enact this election law; but it has not prescribed that the votes for Representatives in Congress shall be by a separate ballot, nor be placed in a separate ballot-box. As I have said, our November election, at least as to Presidential Electors, and as to the Senators and Representatives in the Legislature, and the District and county officers, to be voted for, is a *State election*.

Now, the question arises, can Federal supervisors and marshals *act at all* in such an election as our November election will be? Note, the voter is to vote *but once*, and by *one ballot*, for all of the officers to be voted for at that election; he may not give a separate ballot for Representative in Congress, nor put that vote in a separate box. The Federal Constitution provides that the Legislature of the State shall prescribe the time, places and manner of holding elections for Representatives in Congress, but reserves to Congress the power to "make or alter such regulations." Art. 1, Sec. 4. What has Congress done? It has adopted the time fixed by the State. It has prescribed a vote by ballot, but not by *separate* ballot. It has not changed the State mode of *one ballot*, for all persons voted for, on one slip of paper, placed in one box. It has thus adopted the State method of *one ballot* for all persons voted for at an election. It has adopted the State registration. It has not attempted to "make or alter" the State "regulations," at all. And yet, now, under plea of a Congressional election, it assumes power to interfere in a manner that might seriously affect *the State election*.

As to the *State* election, neither the Supervisors nor the Marshals can interfere at all. Much less can they claim to challenge votes, or inspect the ballots, etc. It would seem plain, therefore, that, if Congress desires to act in the matter of registration and election for Representatives in Congress, it must provide for a separate registration and a separate election, for that purpose; and that its present election law is *void*, as being an undue interference with State elections.

In presenting this view, I assert no doctrine of rampant "State Sovereignty," but the doctrine of the present Supreme Court of the United States, as decided in the Grant parish case. Said Chief-Justice Waite: "Within the scope of its powers, as enumerated and defined, it (the general government) is supreme and above the States, but beyond these powers it has NO EXISTENCE."

* * * * * *

The people of the United States, resident within any State, are subject to two jurisdictions, one State and the other National, but there need be no conflict between the two. The power which one possesses *the other does not*. They are established for *different purposes* and have *separate jurisdictions*. POWERFUL they make our State and furnish the people of the United States with A COMPLETE GOVERNMENT, ample for the protection of ALL their rights at home and abroad."—United states vs. Crinkshank.

That idea is not novel. It was presented by Washington in his "farewell address," as our only hope for the continuance of the Government of the Union over so large an area of territory.

This late decision, and the late decision by the same court, in *United States vs. Reese*, should be carefully studied, and especially by all who advocate the intrusion of federal power in elections.

The case of Reese was an indictment under the 3d and 4th sections, and the case of Crunkshank was an indictment under the 6th section, of the Enforcement Act of May 31, 1870. That section 4, is section 5506, and that section 6, is section 5508, of the *Revised Statutes*. Those decisions declare them unconstitutional and void. Of course no lawful warrant can be issued, nor any lawful act done under them. It would seem that for the reasons given in those decisions, the following sections of the chapter on "crimes," in those *Revised Statutes*, are also unconstitutional and void, viz: Sections 5507-9-10-19, and perhaps other sections; and if so, no lawful warrant can be issued, or act done under them. If, as before suggested, this whole election act is void, of course no lawful warrant can be issued, nor act done under it.

THE PERILS OF THOSE WHO ATTEMPT TO ACT UNDER THIS LAW, etc.

V. A void statute, or a section of a statute, is no authority and no protection to any one who attempts to act under it, and such his unlawful act may be a trespass, an assault, a false imprisonment, or a murder, according to the circumstances of the case.

The act of Congress forbids *every person*, "in the civil, military or naval service of the United States," to order, bring, keep or have, under his authority or control, any troops or armed men, at any election in any State, unless such force be needed to repel armed enemies of the United States, or to keep the peace at the polls. The penalty is a fine and imprisonment at hard labor, and disqualification to holding Federal office.—Revised Statutes, Secs. 5528, 5532.

Sections 5529, -'30, -'31 are also most suggestive to officers and other persons, in the military or naval service of the United States. If they attempt, in manner, "by force, threat, intimidation, order, advice or otherwise," to prevent any qualified voter from voting at any State election, or interfere with a State election, except to vote, they subject themselves to penalties of fine and imprisonment at hard labor, and forfeit the right to hold any Federal office.

As to that exception, "to keep the peace at the polls," I remark, that the keeping of "*the peace*," within a State, is purely a matter of State police, with which Federal authority has nothing to do, except when called upon by the Legislature or the Governor of the State, under Art. 4, Sec. 4, of the Federal Constitution. This was expressly decided in Crinkshank's case. Besides, as before shown, no marshal, or other Federal authority, can appear or act, officially, in Mississippi, under this election law; except that those *outside* supervisors may, possibly, be present to "witness" the proceedings of officers holding the election.

In like manner, the law of Mississippi forbids the presence of troops, or of armed men, within a mile of the place where any election is held, except "for the purpose of quelling a riot or insurrection, *in the manner provided by law*, [that is, by State law and by State authority], or for the purpose of defence in time of war." The penalty is fine and imprisonment; "and if the offence shall be committed *with intent to influence such election*," the offender is, on conviction, *forever* excluded from the right of suffrage, and from holding office in this State. Code, §2513.

It is charged by many, that federal troops have been called for by committees, or persons with the evil intent to use them "to influence the election," contrary to this Statute. If so, it may become a most serious matter to all such persons. Our law provides for the punishment of the person "who shall *design and endeavor* to commit any offense, and shall do any overt act towards the commission thereof, but shall fail therein, etc."—Code, §2887.

The laws of the United States also punish by fine and imprisonment, every conspiracy, by two or more persons "to commit any offense against the United States," as, for example, to secure the presence of troops, or of armed men, at polls, in violation of that act of Congress. Revised Statutes, §5440. This clause might reach conspirators without this State, as well as those within it.

Our law also punishes, with fine and imprisonment, all who "*unlawfully disturb* any election for any public office in this State." Code 2336. Any action of marshal or deputy, under pretense of authority from this act of Congress, and especially his attempt to summon a *posse* of voters, or to bring troops to the polls, would be an offence within this section.

Under the existing laws, it is therefore manifestly illegal and most unwise, to attempt to carry the election by unlawful use of either the army or the marshals of the United States, or even to conspire or threaten so to do.

Very truly,
GEO. L. POTTER.

Jackson, Miss., Oct. 1876.

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Gen. Thomas Ewing, Democratic Congressman elect from the twelfth Ohio District, believes in green-backs and low taxes, one money for the bondholder and people alike, and will make a square, stand-up fight against the Eastern bondholding and National bank rings of both political parties.—Memphis Avalanche.

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THE latest estimate of the Indiana Legislature is a Democratic majority of four in the Senate and a tie in the House.

### ADDRESS
OF THE
### STATE EXECUTIVE COMMITTEE
OF THE
**Democratic-Conservative Party of Mississippi.**

ROOMS STATE EX. COMMITTEE,
DEM.-CON. PARTY OF MISSISSIPPI,
JACKSON, Oct. 17, 1876.

*To the People of Mississippi:*

We embrace the occasion of the first meeting of the Democratic-Conservative Executive Committee, after the October elections, to congratulate you upon the aspect of political affairs in the State, and in the Union, and also to address you a few words of counsel in reference to the approaching election.

The October elections have demonstrated that the current and drift of public opinion have set in strongly and steadily in favor of the election of the St. Louis nominees; and the consequent rescue of the Government of the Union from the corrupt and wasteful hands which have controlled it for the last eight years.

As compared with elections in former years, since the war, in which Presidential elections have been held, the gain to the side of reform has been steady all over the Union.

Indiana and West Virginia have been wholly redeemed, and that their votes will be cast for Tilden and Hendricks is now as certain as any future event can be.

Ohio, the home of the opposing candidate for the Presidency, has been barely saved to the Republican party by a meagre majority, after one of the most excited and hotly contested canvasses ever witnessed in the Union. A change of one vote in each hundred votes cast will give the State to Mr. Tilden. Under the inspiriting influence of our improved prospects, our friends in Ohio are gallantly struggling to carry the State in November.

Colorado, a feeble Territory, wholly governed by appointees of the Federal Administration, notwithstanding the first reports to the contrary, if it has been carried at all by the Republicans, goes by a very small majority.

Recent town elections in Connecticut show large gains for the Democracy over the large majority by which the State was carried in the spring.

Delaware has also increased her majority for reform and good government. The elections in Georgia, Arkansas and Alabama, indicate that there is really no serious opposition in those States to the election of Tilden and Hendricks.

Our friends in New York, aided by many of the best and purest men in the Republican party, are assured that they will carry the State by a largely increased majority.

No doubt is now entertained that California, Oregon and New Jersey will vote the Democratic ticket. In the last named State, a recent election in an important city, shows very large Democratic gains.

It is confidently believed, by many of the wisest and most sagacious statesmen in the country, that the prestige gained by the Democratic party in the recent elections, will secure us the vote of some, if not all, the States of Illinois, Wisconsin, Michigan and Pennsylvania.

The prospects in the South are equally encouraging.

Our Southern sister States, which have been already redeemed from the curse of Radical misrule, are not likely again to entrust the destinies of their people to the party which they have so recently rejected; and those which are yet under Radical rule, are making such efforts for redemption as must certainly succeed. There can be no doubt of the vote of any Southern State, except, possibly, South Carolina, and even there the chances are decidedly in favor of our success.

Truly the day of deliverance seems to be at hand.

Under these encouraging circumstances we desire to address you a few words in relation to our own State. From nearly every county in the State we have the most flattering reports. The whites, (including nearly all the conservative Republicans) are almost a unit for our ticket. Large numbers of colored voters refuse longer to wear the collar of the Radical party, and to be led like slaves by their former leaders, and have openly espoused the cause of Reform and good government. There are many others who will give their support to our ticket.

Our organization is perfect throughout the State, and our friends generally are active and at work. We hear of no apostates—of none who are indifferent. In some localities there is apathy from an assured confidence in the result. There can be no danger of the defeat except from this cause.

We, therefore, desire to warn you not to lay aside your armor till the battle is over and the victory won.

The precious results of the great victory of 1875 must not be thrown away for the lack of the devotion of a few more days to the cause of good government.

Let each citizen, white and colored, who desires an honest and efficient government in the future—low taxes, a prosperous community, a State able and willing to protect and advance the interests of all classes and to bestow the blessings of a common school education on all the children of the State—rally around the standard of Tilden and Reform, and work with zeal and enthusiasm till the election is over. By so doing we will secure for many years the honor, the interests and prosperity of the people of the State of whatever race, class or condition in life.

J. Z. GEORGE, Chairman.
H. M. STREET,
W. A. PERCY,
GEO. L. POTTER,
J. D. VERTNER,
E. C. WALTHALL,
W. H. H. TISON,
THOS. B. SYKES,
FELIX LABAUVE,
THOS. W. HARRIS,
J. A. BINFORD,
A. T. ROANE,
JNO. W. SMITH,
L. A. CAMPBELL,
E. RICHARDSON,
J. B. CHRISMAN,
L. W. MAGRUDER,
T. V. NOLAND.
State Executive Committee.

## CONGRATULATORY.

### Patriotic Address by the Democratic National Committee.

### The Election an Indication that the Great Cause of Reform will Triumph.

WHAT THE LATE ELECTIONS HAVE PROVEN AND WHAT THE RESULT PROMISES.

NEW YORK, Oct. 13.—The following address, on the recent Democratic victories, was issued to-day:

*To the People of the United States:*

FELLOW-CITIZENS—We congratulate you as patriots and partakers with us in the common destiny of American freemen upon the results of the October State elections. We rejoice in the victory which the people's ballot have bestowed upon the friends of reform in the Valley of the Ohio, where the Republican hosts have had overwhelming ascendency in every Presidential election since 1856.

We rejoice in the assurances these elections convey that your ballots will bestow decisive majorities to the allied forces of Democracy and reform in the November elections throughout the Union; but we rejoice not as partisans. We rejoice with you as fellow citizens, and when the decision of this week of 1,000,000 voters along the Valley of the Ohio shall be

RATIFIED NEXT MONTH

by the fiat of 8,000,000 voters throughout the whole Republic, shall still rejoice, chiefly for the reason that not one of its citizens can miss an equal share with us, who are Democrats, in the political peace and good will which will then and there be established among all sections, races, classes and conditions of men, and in the prosperity of which political peace, based on equal rights and fraternal good will, is the first condition. Upon the three States of West Virginia, Ohio and Indiana were concentrated all the influence of the Administration, all their efforts, and all

THE VAST SUMS OF MONEY

forced from 100,000 office-holders of the party in power. These were fearful odds not again to be contended against so concentrated, for in the November election the contest will be in every one of the 38 States upon the same day. Nevertheless, against those odds the Democrats and reformers of West Virginia and Indiana have been victorious, and in Ohio they have all but rescued a State hitherto deemed hopeless, and have created an assurance of victory in November. If it falls to our lot, as the National Democratic Committee, to congratulate the people of the Union upon this victory in the first battle of the reform campaign, it is only because the Democrats have been honored to be the leaders of the people in the work of

NATIONAL REGENERATION.

The victory won and the victory still to be won, will be deliverance as much to the Republicans as the Democrats. The patriotic masses of the Republican party may be thankful that the misdeeds of their unworthy leaders have been rebuked and arrested. The suffering whites of the South may lift their heads to greet the dawn of a better day for them as well as the Nation at large. The colored citizen may share the general joy that he will soon cease to be

THE STOCK IN TRADE

of corrupt politicians, but shall enjoy his rightful liberties and his equality before the law amid universal good will. As for the reform Democracy, to whose standards victory has been tied with all her garlands on, it only remains for them to welcome every ally, every friend, close up the ranks and press on, shoulder to shoulder, under the banner and with the one watch-word—reform. Fellow-citizens, peace between all sections, prosperity in all our homes—of these you have been for years deprived, by the mistaken solicitude of patriotic Republicans, played upon by

SELFISH AND CORRUPT LEADERS

who have kept warm the dying embers of civil strife in order to escape the inspection of the trusts which they have betrayed. For eleven years you have had the name of peace, but at no time have you had the substance of peace. In lieu thereof you have had the grinding taxation and the wasteful expenditure of war. Just before every election every year you have had the preaching of a new crusade against a section utterly defeated in war and anxious only to be completely reconciled in peace. For eleven years the power of the men who have seized away the control of their party from the hands of

ITS STATESMEN AND FOUNDERS

has been supreme in almost every department of the Federal Government. Discarding the hopes of prolonging their domination by beneficent public measures they have created and trafficked upon public calamities. The policy they adopted has been worked out. Its failure has been absolute. In place of past performances these same corrupt and selfish leaders now proffer promises already broken as their titles to further trust. Having prostrated our manifold industries by vast aggregates and the worst methods of Federal taxation they now again solicit your confidence as instruments of retrenchment and reform. Having

DEBAUCHED THE PUBLIC SERVICE,

and having just now in the face of open day assessed their army of 100,000 office-holders—the people's servants, paid by the people's taxes—in order to create immense corruption funds to frustrate the people's will, they now profess to be champions of civil service reform. Having imposed upon the Southern States the rapacity, fraud and plunder of carpet bag government; having almost ruined the prosperity of the South, and having created terror, uncertainty and confusion in all the productive industries of the South, which furnish most of the exports of our whole country, keep in motion the commerce and manufactories of the North and East, and furnish a market for the agricultural products of the West, they now propose by a renewal of

THE SAME FATAL POLICY

to prolong their own power, in the hope of concealing their misdeeds, and for this purpose they do not hesitate to renew the cry of intolerance, to revive the dying memories of fraternal strife, and to appeal to the fears and prejudices of the timid and ignorant.

Fellow-citizens, these men and their measures have been completely tried and have completely failed. Oppressive taxation, an exhausted South, an impoverished North, a fluctuating currency, the enterprise of an industrious people locked fast in the paralysis of hard times—such is the outcome of their political policy, such are the achievements of

THEIR LONG SUPREMACY.

Your ballots in November can alone dictate a change of measures and a change of men. Shall not the uprising of patriotism along the Valley of the Ohio go on to a complete and beneficial revolution in the administration of the Government of the United States? Will you not, by the overwhelming majorities at the polls, proclaim your invincible faith, after all these years of corruption and passion, in high, immortal principles of a Government by the people, for the people, in simple

HONESTY AND STRICT ECONOMY

as the supreme wisdom of public policy, in justice as the mother of power, and in civil freedom as the hallowed end of a true Republican nationality? Will you not build up a new prosperity for all the people on the old foundations of American self-government, on peace, reconciliation and fraternity between all sections, classes, and races, embraced within our system of American commonwealth; on frugality and economy in all governments; on the honesty and purity of the Administration, and having lost your prosperity through governmental misrule, regain that prosperity through governmental reform? We commit this great issue to the intelligence and conscience of the American people with an unfaltering trust in the wisdom and justice of their decision.

By order of the National Democratic Committee. ABRAM S. HEWITT, Chairman.

### GOV. HENDRICKS ON THE INDIANA VICTORY.

**Extract of a Congratulatory Speech of Gov. Hendricks.**

But let me tell you, Gen. Kilpatrick did not mistake the sentiment and heart of his party when he said to the candidate for the Presidency, in a letter addressed to him, that if they trusted to the discussion of the finances of the country they would be beaten, but if they trusted to the use of money and to the bloody shirt they could carry Indiana. To-night, I thank God and I thank my fellow-countrymen that in the estimate that he has made of the people of this State he was mistaken. They did adopt the sentiment represented by the bloody shirt. They did adopt the appeal to the prejudices of one section of the country against another, and they did resort to the use of money, and yet to-day the Democratic banner floats in triumph in the clear sky. [Immense cheering.]

I am very proud that Indiana—this great State—this State that lies midway among the States of this Union, has said to the people of the North, East and West that we will be no party to any disunion sentiment or to any hostility towards any section. [Applause.] Occupying this midway position among the States of the Union, Indiana is true to every section. Indiana will stand by the East, by the North, by the South, and by the West. Indiana in sentiment accepts the Union always, and no politician can hereafter live and prosper in this State who relies upon an appeal to the bad sentiment of humanity. None except those who appeal to man's honor, to man's patriotism, to man's love of every part of our glorious country. [Applause.]

My fellow-citizens: The work does not stop to-night. It goes on for yet another month. I believe we follow the leadership of a chieftain worthy to be followed. We follow a man who has shown in his past record, that he is a true reformer. I believe that Gov. Tilden is worthy of your support and of mine. There is nothing in the history of the Democracy of Indiana of which I am prouder than this fact. Gov. Tilden was not the first choice of the Indiana Democracy for the Presidency. [Applause.] But when in national convention the Democracy of every section united upon him as the best and most available candidate, then the Indiana Democracy looked the question squarely in the face, and they came up together, shoulder to shoulder, step to step, and they have under his leadership so far as it was felt in the State contest, they have made the most sublime, determined and grand contest for the right that has ever been made in my opinion in the politics of the world. [Applause.]

### G. Wiley Wells.

From the Santa Rosa (Cal.) Democrat.]

One G. Wiley Wells, a member of Congress from Mississippi, has been for some weeks past engaged in the business of making radical harangues in California, and villifying and slandering the people of Mississippi. That the people of this State may know who this Hon. G. Wiley Wells is, we give the following letter, written to Judge Porter, of this city, by Major Kinloch Falconer, present Adjutant-General of Mississippi, which we are permitted to publish:

JACKSON, MISS., Sept. 26, 1876.

*Capt. W. W. Porter, Santa Rosa, Cal.*

MY DEAR CAPT.: I send you, by to-day's mail, a copy of last week's CLARION, containing two articles in relation to G. Wiley Wells. The statements made in the longer of the two articles, headed: "G. Wiley Wells in California," are true OF MY OWN KNOWLEDGE.

We in Mississippi expect to be misrepresented and slandered by the professional Republican orator; but we looked for better treatment from a man who has occupied the political position of this wily Wells. He acted with the Democratic party in the canvass of 1875, and was elected to Congress by Democratic votes. He now slanders the Democracy of Mississippi solely to be "right on the record" with Hayes, in the event of his election.

Wells' course in California has convinced me of one thing: that the Republicans' only hope of success is to array the people of the North against those of the South by exciting sectional prejudice, and that they have selected their most unscrupulous tools to carry out the programme. The party is reduced to a desperate strait when it has only that to rely upon.

You know me personally, and you know I would not misrepresent. And you know I speak the truth when I tell you that G. Wiley Wells' speeches in California, in regard to the South, are a tissue of unfounded malicious lies, from beginning to end. And I speak the further truth, when I tell you that the REPUBLICANS of Mississippi regard this same slanderer, Wells, as a very bad, unscrupulous, dishonorable man. The people of this State are as orderly, as quiet, as law-abiding as those of any State in the Union, and this paid slanderer knows it.

Yours truly,
KINLOCH FALCONER.

And this immaculate member of Congress is now telling Californians how they should vote; and villifying and slandering the very people to whom he owes his present position, endeavoring to stir up sectional feeling among our people. We suppose, however, he was sent away off here in the hope that he was not known, and somebody might believe him.

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It is a noteworthy fact that in those two Southern States in which carpet-bagging has most thoroughly dominated—Louisiana and South Carolina—therefrom comes the loudest howl for more troops. The men in power do not care so much for Hayes and Republicanism as they do for their own grip on the offices, state and national.—St. Louis Republican.

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Gov. Tilden is confident that his majority will reach 75,000 in New York.

## SELECTED MISCELLANY.

### PROFANE WORDS.

As polished steel receives a stain
From drops at random flung,
So does the child, when words profane
Drop from a parent's tongue.
The rust eats in, and oft we find
That nought that we can do
To cleanse the metal or the mind
The brightness will renew.

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The spring hath birds, however late,
The June must bring her roses
The faintest hearts that truthful wait
For what God's love discloses.
We look along the shining ways
To see the angels' faces;
They come to us in darkest days,
And in the bleakest places.
We ask of God the sunniest way,
He answers with a sorrow;
We faint beneath the cross to-day,
We wear the crown to-morrow.

### "IF I SHOULD DIE TO-NIGHT."

If I should die to-night,
My friends would look upon my quiet face
Before they laid it in its resting place,
And deem that death had left it almost fair;
And laying snow-white flowers against my hair,
Would smooth it down with tearful tenderness,
And fold my hands, with lingering caress,
Poor hands, so empty and so cold to-night.

If I should die to-night,
My friends would call to mind with loving thought
Some kindly deed the icy hand had wrought,
Some gentle word the frozen lips had said;
Errands on which the willing feet had sped.
The memory of my selfishness and pride,
My hasty words would all be put aside,
And so I should be loved and mourned to-night.

If I should die to-night,
Even hearts estranged would turn once more to me,
Recalling other days remorsefully.
The eyes that chill me with averted glance
Would look upon me as of yore, perchance,
And soften in the old familiar way,
For who would war with dumb unconscious clay?
So I might rest, forgiven of all to-night.

O friends, I pray to-night,
Keep not your kisses for my dead, cold brow,
The way is lonely; let me feel them now.
Think gently of me; I am travel-worn;
My faltering feet are pierced with many a thorn.
Forgive! O hearts estranged, forgive, I plead!
When dreamless rest is mine I shall not need
The tenderness for which I long to-night.
—[Littell's Living Age.

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"Ladies and gentlemen," said an Irish manager to his audience of three, "as there is nobody here, I'll dismiss you all; the performance of this night will not be performed, but will be repeated to-morrow evening."

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The wise man is also the just, the pious, the upright, the man who walks in the way of truth. The fear of the Lord, which is the beginning of wisdom, consists once for all in a complete devotion to God.—Zochler.

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The judge asked an Irish policeman, named O'Connell, "When did you last see your sister?" The policeman replied, "The last time I saw her, my lord, was about eight months ago, when she called at my house, and I was out." The judge: "Then you did not see her on that occasion?" The Irshman answered, "No, my lord, I wasn't there."

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The fact is, that a few men at the North know but little about our real condition down here; but I say to you, if the policy of the carpet-bag party of the South is kept up, the negro must go to the wall. Men at the North seem to forget that the colored men as a class are without homes, penniless and uneducated, and