DAILY DEMOCRAT.

Official Journal of the State of Louisiana.

Official Journal of the City of New Orleans.

Office. 109 Gravier Street.

GEORGE W. DUPRE & CO.,
PROPRIETORS.

GEORGE W. DUPRE,
H. J. HEARSEY, JOHN AUGUSTIN,
ALBERT G. JANIN.

H. J. HEARSEY ..... EDITOR.

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NOTICE—Wants, for Rent and for Sale advertisements inserted in the Democrat at Fifty Cents (50) per square, each insertion.

Thursday Morning, February 8, 1877.

The office of the New Orleans DEMOCRAT has been Removed from 74 Camp street to 109 Gravier street.

AMUSEMENTS THIS EVENING.

ACADEMY OF MUSIC—Soldene Opera Company—Hervé's new opera bouffe "Poulet et Poulette."
ST. CHARLES THEATRE—Forbish Fifth Avenue Company—"Frou Frou."
VARIETIES THEATRE—No performance.

Our subscribers will confer a favor upon us by reporting at this office every failure in the delivery to their address of the DEMOCRAT, as we are particularly desirous of achieving absolute exactitude and punctuality.

The Shreveport *Times* says that a colony of Bohemians propose to locate in that portion of the State. Good heavens! We hope not. The supply of these in Louisiana already far more than equals the demand.

A special courier dispatched by Momus, requests us to inform the public that the route of his procession, as published in another column, must be kept clear of all vehicles; and he further requests the removal of all signs, lines or other obstructions less than twenty-five feet above the pavement and projecting over the same.

The citizens of Plaquemines parish have imitated those of Iberville, Pointe Coupee and other parishes in the matter of levees. A meeting was held Sunday before last at Mr. B. Savoie's store at Point-a-la-Hache, in that parish, to devise ways and means to rebuild the levees near that town, in which a serious cave had just taken place.

The result of the meeting was completely satisfactory, and on the next day, Monday, Mr. Savoie commenced work on the broken levee at the most exposed points with a large and competent force of men.

The last day of whisky in Hunt county, Texas, was glorious. At an election, a few days ago, the temperance men triumphed—carried the day and banished liquor. The law went into effect, and the boys resolved to celebrate the funeral of whisky in grand and noble style, and drink up all the whisky—they would have no further use for it. They went to work in glorious tune, and inside of an hour the entire male population was jolly drunk. Never was known so happy a day; everybody was friendly and lachrymose, all was as merry as a marriage bell; in fact, so the papers say, it was the happiest day Hunt county has ever enjoyed. And now they have all been compelled to swear off.

It sounds so strange to hear the Texas papers talk of the decadence of the cattle trade and the falling off in the herds, and in the very next paragraph tell of some of the fabulous herds out on the prairies, Mr. King, West of the Nueces, has, it is said, 160,000 cattle feeding on 200,000 acres, an area one-fourth that of Rhode Island. A neighbor of his, if a man can be called a neighbor, who lives on the next ranche some hundred miles away, a Mr. Kennedy, has 130,000 head, Carruthers & Bro. have 60,000, Allen & Son, 50,000, and so on. And yet we are told that the cattle are decreasing, that the drove is one-third short this year, and that they are almost starved to death this cold winter, and will scarcely be fit for sale for months yet.

Bulldozing is not utterly extinct in Louisiana, as the following mournful story of the Columbia (Caldwell parish) *Herald* shows:

"Mr. Verbois, postmaster here, informs us that a cowardly trick was played upon Mr. A. J. McKeithen, mail rider between this point and Alto, at Alto, on Monday night last. Some evil disposed person, or persons, caught Mr. McKeithen's horse—a gray—shaved its tail and mane, and then painted it black. Such outrages should not be allowed to go unpunished, and we hope the authorities will hunt up the perpetrators of the deed and bring them to punishment. Mr. McKeithen is one of the most exemplary young men in the parish and, we are sure, has done nothing to merit such treatment."

In atrocity this "outrage" almost equals the Ouachita outrage perpetrated on Packard at Monroe. At that place, on the day when Packard was to speak, the ground where the orations were to be delivered was strewn with red pepper.

No political significance, however, is attached to this latter outrage, as none of the parties, not even the horse, is Republican.

We call the attention of the Returning Board to this last outrage. It is a clear vindication of their conduct in throwing out a poll in Caldwell parish.

REJOICING AMONG THE THIEVES.

The erroneous report of the decision of the Electoral Commission printed in the *Times* and *Picayune* last evening, and also received by the officials of the rogues' roost, created quite a sensation throughout the city, and filled the roost with rejoicing. Every official rogue and politician in fact, from Packard down to Blanchard, was elated.

Visions of a new lease of power to be abused loomed up before them, and doubtless they were busily engaged all last night in reorganizing old and devising new schemes of plunder.

The special received after nine o'clock by the DEMOCRAT, and published in an extra, giving a true report of the decision of the Commission, put a very different face on the matter.

In another column we have discussed the full scope of the decision, and its bearing upon the presidential issue. But, had the decision been in truth what was represented by our contemporaries and telegraphed to Packard by Kellogg; had it, in truth, amounted to the counting of Florida and Louisiana for Hayes and Wheeler, there would have been little reason for the Radical leaders in the St. Louis Hotel to rejoice. The happiest issue of this controversy, for the rogues and adventurers who have so long disturbed the peace and hampered the progress of this State, would be the inauguration of Gov. Tilden and the complete establishment of the Nicholls government. If the Electoral Commission shall so outrage law and decency as to determine that the electoral vote of Louisiana, against the expressed will of a majority of eight thousand of the voters of the State, shall be cast for Hayes; if it shall, still further animated by a spirit of partisanism and contempt of sacred oaths and the constitution, determine every disqualified Republican elector a legal elector, and by these several illegal and infamous decisions cause Gov. Hayes to be made President, it will by no means follow that Packard's projected usurpation will be established and the constitutional government of this State overthrown. This, we know, is the hope which animates Packard and the squad of desperate and corrupt politicians and rogues who surround him. But the hope will not be realized. The Louisiana policy of President Grant in reality wrecked the Republican party. The tidal wave of 1874 was caused by that policy; that policy has nearly revolutionized the political complexion of the Senate and made it Democratic, and it was that policy which defeated Hayes at the ballot-boxes and gave to Tilden not only a majority of the electors, but also a popular majority of upwards of 300,000 votes.

The Republican leaders know these facts. Morton, Sherman and Garfield would have attempted to save the party, that policy had defeated, by violence, fraud and revolution. Wiser leaders of the party, Conkling and Edmunds, sought to save it by the forms of law and through the Electoral Commission, and they have, we think, succeeded; for, whether the tribunal decide the issue in favor of Hayes or Tilden, the Republican party has been rescued from utter ruin and dissolution. If Hayes be counted in, he will now be inaugurated under a compromise to which the Democrats consented; if Tilden be counted in, nevertheless the Democrats have conceded that the issue of the election was in doubt; that the Republicans had just ground for a contest, and thus the latter will escape with credit from an effort to steal the presidency, when, had the Democrats resolutely stood by the Constitution and usages of the country, they would have been forced to ignominiously back out of the attempted burglary or fight to maintain it.

Is it probable; is it reasonable; is it possible, that the shrewd and skillful leaders of the Republican party who have saved the party from the ruin and shame which support of the Louisiana usurpation and the carpet-baggers generally of the South had brought upon it, will, if they gain control of the Government, reinstate the very same policy which brought upon them such peril and real disaster? We believe not. If Hayes is made President, which God forbid, the Republican party will immediately wash its hands of Packard, Chamberlain and Stearns, and all their kind. The Constitution of this State, as the DEMOCRAT has shown before, provides that the General Assembly alone can count the votes for Governor, and that the Returning Board has no authority in the matter. Thus, the Republicans are in the happy position of the burglar who, overloaded with spoil, freely selects the richest and generously leaves the remainder to his victim; that is, they may through the Electoral Commission and the Returning Board steal the electoral vote of Louisiana, which they require to make Hayes President, and leave the gubernatorial issue, which can only discommode them, to the people of the State.

But should we be mistaken as to the temper and purposes which will control the administration of Hayes in case he be counted in, and should that administration attempt to sustain the illegal pretensions of Packard, it will be necessary for the Government to fill the State with troops. The establishment of Packard's usurpation would simply mean the utter ruin of this State; under his authority no civil government could exist within the borders of Louisiana; the people would not obey, or even tolerate, his officials; he has not been elected Governor of the State, and any effort of the Federal Government to install him as the Governor the people would regard as an effort to put over them a man who hates them and whom they loath and despise; as an effort to install as Governor of Louisiana a man who is the bitter and vindictive enemy of Louisiana, and who would ruin every interest and destroy every hope within her borders. Does Packard suppose that a people who feel thus and who would in the event of his inauguration become desperate, because hepeless, will ever tolerate him? Does he think that even bayonets, under such circumstances, can make him in truth a Governor?

We assure him he can never be Governor of Louisiana, and therefore we tell him that, if he means to attempt to be in the event that Hayes is counted in, the happiest thing for him, and the fools who may be disposed to follow him, will be the inauguration of Gov. Tilden.

We have not the slightest idea that Hayes will ever be made President. But whether Hayes be counted in, or Tilden be declared elected, or there be a new election, the Nicholls government in this State will stand. It is based upon an impregnable rock and the machinations of conspirators, rogues and adventurers cannot prevail against it.

WHAT THE COMMISSION HAS DECIDED

Our special dispatches indicate very clearly the scope and meaning of the decision made yesterday by the Electoral Commission, and show how absurdly erroneous was the first version thereof which was published here last evening, but the case of Florida is of so much interest at this moment that we propose to present it in as clear a light as possible.

We print in another column the proceedings had in Congress when the returns from Florida were presented, and a list of the objections made to the counting of the votes of the Hayes electors. All of the documents embodying these objections, and all of the electoral certificates laid before Congress by the President of the Senate were referred to the Commission. On Saturday last Mr. Charles O'Conor, the leading counsel for Gov. Tilden, appeared before the Commission and read a paper embodying the points upon which he relied in the Florida case. We quote from the proceedings:

Mr. O'Conor then read the paper referred to as follows:

1. On December 6, 1876, being the regular law day, both the Tilden and the Hayes elect rs respectively met and cast their votes, and transmitted the same to the seat of government. Every form prescribed by the constitution or by any law bearing on the subject was equally complied with by each of the rival electoral colleges, unless there be a difference between them in this: The certified lists provided for in section No. 136 of the Revised Statutes were as to the Tilden electors certified by the Attorney General, and were as to the Hayes electors certified by Mr. Stearns, then Governor.

All this appears on record, and no additional evidence is needed to interpret any part of it. Perhaps I convey no new light by saying that, but I say it for the purpose of presenting a distinct view of the case.

2. A *quo warranto* was commenced against the Hayes electors in the proper court of Florida on the said 6th day of December, 1876, before they had cast their votes, which eventuated in a judgment against them on the 25th of January, 1877, which also determined that the Tilden electors were duly appointed. The validity and effect of this judgment is determinable by the record, and no evidence seems to be desirable on either side, unless it be thought, first, that the Tilden electors should give some supplemental proof of the precise fact that the writ of *quo warranto* was served before the Hayes electors cast their votes; and, secondly, unless it be decided on the other side to show the pendency of an appeal from the judgment of the *quo warranto*. With those two possible and very slight exceptions the whole case on this branch depends upon the record.

3. To show what is the common law of Florida and also the true construction of the Florida statutes, the Tilden electors desire to place before the commission the record of the judgment in the supreme Court in that State on a mandamus prosecuted on the relation of Mr. Drew, the present governor of that State, by force of which Mr. Stearns was ousted and Mr. Drew was admitted as Governor. This judgment, together with the judges' opinion, are matters of record, and they require no other proof, nor is there any technical rule as to the manner in which this commission may inform itself concerning the laws of Florida.

4. The legislation of Florida subsequently to December 6, 1876, authorizing a new canvass of the electoral vote, and the fact of such new canvass and the formal transmission thereof to the seat of government in perfect conformity to the constitution and law, except that they were subsequent in point of time to December 6 1876, are all matters of record and already regularly before the commission.

The foregoing points and the written objections referred to the Commission present the Democratic case in a clear light and will enable our readers to understand what the Commission will now have to pass upon.

The decision made by the Commission yesterday afternoon had nothing whatever to do with the merits of the controversy. The only question before them was, what evidence it would be proper and competent for them to admit under the powers and jurisdiction conferred upon them by the Electoral bill. The Democratic counsel, believing that their case might be strengthened by the admission of the testimony taken by the House Committee relative to the election in Florida, contended that the commission was empowered to exercise unlimited discretion in the investigation of the facts of the case. To this the Republicans demurred, denying that anything could be considered except the certificates of the Governor and Canvassing Board. The Commission took middle ground between the two claims. Leaving entirely out of view everything relating to the facts, and passing simply upon what we may call the defendants' demurrer to the plaintiffs' evidence, the Commission decided to confine itself to the record already made up by the contending parties, excepting with regard to the question of the eligibility of certain electors.

So far as the Florida case is concerned, this decision is decidedly to the advantage of Gov. Tilden, and he is indebted for that advantage to the co-operation of Justice Bradley with the Democratic members of the Commission. In the first place, it appears certain that Humphreys, one of the Hayes electors, was constitutionally ineligible, and it is not to be supposed for a moment that Justice Bradley, who has thus far exhibited a fair and non-partisan spirit, will hesitate to join with the Democrats in throwing out his vote, even if he should determine to accept the votes of his two colleagues. In the second place, if we give to Charles O'Conor's points the weight and conclusiveness to which his signal ability as a lawyer entitles every position that he assumes in a legal controversy, it is difficult to conceive how the Democratic case could be made stronger than it is already made by the evidence that has been transmitted to the Commission by the President of the Senate, and which the Commission has decided to consider.

It has not been our purpose in this article to argue Mr. Tilden's claims to the presidency, or to forecast the final decision of the Commission. We have confined ourselves to a review of the Florida case as it now stands in the light of yesterday's decision. So far as the general question of the contested presidency is concerned, we are sure now, as we have always been, that the Commission will find it utterly impossible to adopt any rule of decision which will result otherwise than in the election of Gov. Tilden, either by the Electoral College or by the House of Representatives. No one who will carefully analyze the whole situation can intelligently reach any other conclusion, and it is folly to indulge gloomy forebodings as to the ultimate result because of such a decision upon a question of the admissibility of evidence as that rendered yesterday by the Electoral Commission.

WHERE DOES HE COME IN?

Under the ruling of the Electoral Commission yesterday in the Florida case, there is no possibility of Gov. Hayes being made President. If that decision should result in giving Louisiana and Florida to Hayes, he will then have 184 votes; one less than enough to elect him, and the ruling that gives him Louisiana and Florida will give Tilden, who has 184 undisputed votes, one additional vote from Oregon, which will elect him. But should the tribunal, animated by a gross and criminal spirit of partisanship, through legal quibbles and judicial jugglery, determine that the three votes of Oregon shall be counted for Hayes, which would give him 185, then the Democrats will, under the decision of the tribunal yesterday, to take testimony as to the eligibility of electors, successfully attack the eligibility of Brewster and Levisee, Radical electors in this State; of Humphries, a Radical elector in Florida, and of Watts, a Republican elector in Oregon. These would reduce Hayes' vote to 181, or four less than a majority of the Electoral College.

Under this view of the case, Tilden will have but 184 votes; and if the eligibility of Frost, a Democratic elector in Missouri, is successfully attacked by the Republicans, that will reduce Tilden's vote to 183, or two less than a majority of the Electoral College, but leave him a majority of two over Hayes' vote. If it is decided that a majority of the electors legally chosen elects, then Tilden will be declared elected. If, upon the other hand, it is decided, as is likely, that a majority of the whole number of electors is necessary to elect, then, as neither Tilden or Hayes, under the decisions supposed, will have a majority of the whole number, the election will be thrown into the House and Tilden will be elected.

We cannot, for the life of us, see where Hayes and Packard come in.

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