

DAILY DEMOCRAT.

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Official Journal of the City of New Orleans.

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GEORGE W. DUPRE & CO., PROPRIETORS.

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

H. J. HEARSEY, Editor.

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The Weekly Democrat.

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NEW ORLEANS, NOVEMBER 11, 1878.

Thien and Kelly will now make up. One wants the State and the other the city, and Tuesday's election shows that neither can succeed without the assistance of the other.

Mr. Dennis Kearney has not yet drenched the streets of Boston with gore. It is safe to say that Dennis will hold that little matter in reserve until the next election.

How is this? New York indorses Conkling; New York vindicates the administration. Isn't there something wrong about these statements? Somehow they do not seem to reconcile.

If women lawyers cannot appear in the law courts of Maryland, the privilege is not restricted in Ohio. Mrs. Agnes Scott has just been admitted to practice before the Supreme Court of that State.

North Carolina has come out of the congressional flight with a showing for the Republicans of a gain of two members. This result was secured by local dissensions among the Democrats. The two districts lost this year are among the staunchest Democratic districts in the South.

The Legislature of Michigan at the last session provided for the purity of the ballot-box by enacting that when any vote should be cast the judges of the polls should indorse on the back a number which should correspond with the number of the voter on the poll-book. This act has been declared unconstitutional by one of the district judges on the ground that it deprives a voter of the privilege of casting a secret ballot.

There were eleven Smiths and a Smythe candidates for Congress at the recent election, one in Alabama, one in Georgia, one in Illinois, one in Massachusetts, one in New Jersey, two in New York, (where also is the Smythe who makes the dozen), two in Pennsylvania, one in Rhode Island, and one in Wisconsin. However, the whole twelve will not be in Congress—even if for no other reason than that two of them, the New York Smiths, are running against each other in the same district.

The Republicans have secured absolute majorities this year in seven States—Colorado, Nebraska, Iowa, Vermont, New Hampshire, Rhode Island and Massachusetts. The Democrats have absolute majorities in seventeen—Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Texas, Arkansas, Mississippi, Tennessee, Kentucky, Missouri and Oregon.

A special dispatch to the Democrat from Washington states that it is rumored there that Collector Smith, Mac Wells and Tom Anderson are working for the removal of District Attorney Leonard, of St. Louis. Such reports are the sheerest nonsense. Smith, Wells, Anderson and Leonard are on the best possible terms. The latter has recently been canvassing the Fourth District in the interest of the late Returning Board, and there are other evidences that the most friendly feelings exist between them.

The Houma Progress was determined to crow, as all good Democrats have a right to do, over the result of the State election. The type bar was taken down, its contents searched over, but no rooster could be found. Here was a dilemma, truly. Native ingenuity, however, proved equal to the occasion. The cut of an ancient and stately Shanghai hen had been secured in searching the bag. Our genial contemporary ably reasoned that a hen was the next thing to a rooster; was, in fact, the mother of roosters; and was his natural representative. No better substitute, therefore, could be had. Accordingly, over appropriate head lines, that old hen did some lusty crowing in the last issue of the Progress.

In a recent meeting of the City Council Administrator McCaffrey charged that Mr. Stoddard Howell, as treasurer of the city a number of years ago, was a defaulter to the amount of \$21,000. Mr. Howell, in a card printed in the Times yesterday morning, indignantly repels the charge and says that he has been smarting under it for ten years. He now expresses a purpose to publish in a few days a statement of facts and figures "in order that the whip may go on the proper shoulders." This is frank and manly, and we urge Mr. Howell to expose fully all the facts relative to this long alleged defalcation. If the money is missing let those who made way with it be fully exposed. Mr. Howell was treasurer at the time, and naturally the responsibility has been charged upon him. Hence he owes it to himself and the public to make known all the facts, that the responsibility may be finally fixed upon the guilty party or parties.

Although defeated by a large majority, those twenty constitutional amendments donated us by our late Legislature promise some trouble and worry. The vote on these will be found nearly as confused as in 1876, when the Returning Board refused to count the vote on the amendments, and utterly unintelligible as to the desire of the people of

this State, save that they do not approve of the scheme of patching up the present constitution so as to make it pass for a new one. Democratic parishes seem to have voted some for and some against the amendments, and Republican parishes the same. Many have in disgust refused to vote on this question at all, there being no vote pro or con on the amendments—no expression of opinion at all on the coast. A singular picture of the absurdity of the whole thing is the vote of the heavy negro parishes on the amendments. In the white parishes the vote appears to have been solely for or against the whole batch of amendments; in Concordia, however, nine-tenths of whose voters are negroes and three-fourths of them unable to read, great critical acumen has been shown. The colored voters would appear to have studied each amendment carefully, its workings and effects, and to have voted for it intelligently and on its merits. Thus the thirteenth amendment appears to be unpopular, the majority against it being 2903, while the majority against the fifth is only 507, against the sixth 303, and for the first 869. The chances are that many of these voters scratched out the "for" or "against" of the votes at random, and without the least idea of what they were doing or what they were voting for.

The first amendment—the capital question—seems to have fared worst. In Ouachita and several other parishes this was not treated as an amendment at all. The voters simply cast their votes for Baton Rouge or New Orleans as State capital, without providing for any alteration of the State constitution on this subject, a vote which would be as effective as if the citizens of New York were to vote to-morrow to change their capital to Sing Sing. In Ouachita and these parishes the amendment establishing biennial sessions of the Legislature was voted on as an amendment one, whereas here it was voted on as an amendment two. This is a fair example of the confusion existing in this vote on the amendments—a confusion which was predicted by us when the Legislature undertook this amendment job.

THE AMENDMENTS.

There is but little reason to doubt that all the amendments, including that proposing the removal of the State capital to Baton Rouge, have been voted down by a majority of the voters who have voted at all upon them. But should this prove not to be the case in a single instance, it would yet remain a very serious question whether any amendment, which the actual count showed had more votes cast for than against it, should be promulgated as a part of the constitution of the State.

The returns show that fully 70 per cent of the voters at the recent election did not vote either for or against these measures. It is very certain that a mere majority of the remaining 30 per cent, not of the registered, but of the actual voters, who had the opportunity, or saw fit to vote, are not qualified to give an utterance which can, in reason or equity, be construed as an expression of the will of the people.

Whether, in law, such a construction can be given it, is a serious question. The constitution provides that all amendments "shall be submitted to the people," and "if a majority of the voters at said election shall approve and ratify such amendment or amendments, the same shall become a part of this constitution." It is already apparent that a large majority of the voters at the recent election have not only failed to "approve and ratify" a single one of these amendments, but have actually refused to vote upon them at all. Certainly such a meagre vote as this cannot be promulgated as the voice of the people of this State upon so grave a question as the change of what, at least, stands by tolerance as the fundamental law of the State, involving, as these proposed amendments do, the absolute destruction and re-creation of two co-ordinate estates of the government and the imposing of most important restrictions upon the powers of the third.

Upon one of these amendments, at least, that amending the process by which the location of the State capital shall be changed, it will be impossible for the returning officers to make a legal compilation of the vote. We have all along contended that this, in the strict sense, an amendment, and that a vote bearing the indorsement, "Against the first proposed amendment," should be counted in favor of New Orleans, where the capital is now located by the so-called constitution of 1878, notwithstanding the fact that the Governor, clearly with the intention of carrying out what he conceived to be the will of the Legislature, announced in his proclamation that all votes cast upon this subject should be indorsed "For State capital, Baton Rouge," or "For State capital, New Orleans." It was evidently the impression of the Governor, as it certainly was of the Legislature itself, and of all the people, that the question, as between New Orleans and Baton Rouge, was the situs of the State capital, was submitted to the people in this amendment. Such appears, however, not to have been the case, as was pointed out in a communication from an able young lawyer of this city, to the Democrat, several days ago; but which, by accident, we failed to publish, and which we see the Progress has since very clearly stated.

The judicial rule of construction is too clear for doubt. The letter of the law, where it is plain, cannot be disregarded in a wild-goose chase after its spirit. It is a matter of notoriety that the intention of the Legislature was to submit the question of Baton Rouge or New Orleans, for State capital to the vote of the people at the recent election, and it was the knowledge of this fact which prevented our examining carefully the verbiage of the act submitting the question, and which caused us to assume that the selection between Baton Rouge and New Orleans was fairly before the people.

A careful examination of the act, however, satisfies us that no such proposition was, or could have been, before the people. The so-called constitution of 1878 prescribes the manner of changing the situs of the State capital, and reposes that power in the Legislature, in article 131 of that instrument, which reads as follows:

The seat of government shall be established in the city of New Orleans, and shall not be removed without the consent of two-thirds of the members of both houses of the General Assembly.

Act No. 73 of 1878 reads as follows: No. 73—Proposed amendment to the constitution relative to the removal of the State capital. Resolved by the Senate, the House of Representatives concurring, and two-thirds of the members of both houses assenting hereto, as recorded by yeas and nays, that the following be submitted to the voters of this State at the next ensuing election, as an amendment to the constitution of the State, to wit:

That the seat of government shall be established at the city of Baton Rouge or at the city of New Orleans, as the majority of the

voters of the State may determine at the next ensuing election; those voting to locate the State capital at Baton Rouge shall indorse on their tickets, "For State Capital, Baton Rouge;" those voting to locate the capital at New Orleans shall indorse on their tickets, "For State Capital, New Orleans." (Strike out article one hundred and thirty-one.)

Approved March 11, 1878.

There can be no question as to the meaning of this act. It simply proposes to amend—no matter what the Legislature may have meant—the constitutional method of changing the locality of the State capital. Heretofore the Legislature could change it by a two-thirds vote. If this amendment is carried, that provision is abrogated and the question must be submitted as between Baton Rouge and New Orleans, at the next election. The first and necessary inference is, that no vote, cast in strict accordance with the instructions contained in the Governor's proclamation of election, can be counted. The only votes that are technically correct are such as are indorsed "For" or "Against" the first proposed amendment. Such as are indorsed simply "For State Capital, Baton Rouge," or "New Orleans," are mere blanks, and cannot be counted.

What an absurdity to argue that an intelligent expression of the wishes of the people of the State has been obtained at the recent election upon a matter in regard to which the Governor himself was at fault in his mere formal proclamation of election!

The truth of it is, these amendments were the fruits of a compromise between the timid Democrats and the ringsters, and the result shows that the ringsters built better than they knew. The whole thing is a fraud and a swindle, and there has not been an honest expression of public opinion on a single one of these amendments, and the returning officers should treat them precisely as those submitted at the last election were disposed of—throw them out, because the vote upon them cannot be compiled.

THE QUARANTINE.

The correspondence published yesterday between Gov. Nichols and Dr. Choppin, president of the Board of Health, relative to the health of the city and the necessity of continuing the present rigid quarantine against it, is conclusive. Dr. Choppin declares that the epidemic is at an end; that few new cases are occurring—only two during the past week—and that there is no longer any danger of returning absentees or those whom business or pleasure may bring to the city.

In view of this positive declaration of the chief health officer of the city it is to be hoped that the quarantine against New Orleans will be everywhere relaxed, and business intercourse with the interior resumed at once. A further exclusion of the merchants and manufacturers of the city from their customers in this and contiguous States will be a gross injustice, indefensible upon the score of the public health or any other reason. The city is now free, or nearly so, and there is absolutely no danger of infection for the remainder of the season. New Orleans has already suffered the loss for three months of her legitimate trade. She has been shut out in every direction, while commercial rivals, taking advantage of her misfortunes, have stepped in and taken from her business men the custom that years of industry, fair dealing and an accommodating spirit had secured. As long as the fever existed in an epidemic form, or there was any risk to non-infected places in unrestricted intercourse, no complaint was made. For two weeks, however, the reasons for the quarantine have ceased to exist, and the business community very naturally begins to chafe under the continuance of trade restrictions. Every consideration of fair play requires that the quarantine should be raised at once. New Orleans makes no appeal because of the charity her people have shown, their self-sacrificing spirit, or their noble zeal in assisting all who have applied to them for help in the past or present. All she asks for is justice, and that is demanded with full confidence in a favorable and immediate response.

DIED.

LIGHTSAP—On Sunday, November 10, at 11 o'clock a. m., Mrs. Lucinda Light, aged 55 years, wife of the late Dr. John Light, born in Lexington, Ky.

Her friends and those of her sons-in-law Wm. O. Pomarede, Wm. A. S. Rendon and Hiram Melrose are respectfully invited to attend her funeral from the residence of her son-in-law, Wm. O. Pomarede, No. 709 Robit street, Monday Evening, November 11, at 4 o'clock.

Louisville, Cincinnati, St. Louis and Atlanta, Ga., papers please copy.

PRADOS—On Sunday, November 10, at 11 a. m., Victor Prados, aged 45 years, a native of this city.

His friends and acquaintances, those of his brother Louis, and of the Prados, Brugler and Roux families are invited to attend his funeral, from his late residence, No. 194 St. Claude street, between St. Ann and Dumaine, this (Monday) Evening, eleventh instant, at 4 o'clock.

New York and Cincinnati papers please copy.

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HEADQUARTERS LADIES' (NEARBY) Auxiliary Association, New Orleans, October 21, 1878.

LADIES' EXECUTIVE COMMITTEE.

Mrs. JOHN B. LAFFITE, Chairman.

First District—Mrs. W. C. BLACK.

Second District—Mrs. J. P. SARRAZIN.

Third District—Mrs. J. F. GARRALT.

Fourth District—Mrs. W. T. HARRIE.

Fifth District—Mrs. J. HIRSH.

Sixth District—Mrs. J. TARLETON.

Seventh District—Mrs. M. DEEVES.

All applications for assistance to the Ladies' Executive Committee must be made in writing, giving the district in which the applicant resides also, street and number of residence.

These applications shall be made through the Postoffice, which shall be directed as follows:

For First District—Postoffice box 23.

For Second District—Postoffice box 22.

For Third District—Postoffice box 32.

For Fourth District—Postoffice box 33.

For Fifth District—Postoffice box 41.

For Sixth District—Postoffice box 47.

For Seventh District—Postoffice box 182.

All such applications will receive prompt attention. No calls or applications at headquarters or the private residences of the members of the association will be received or entertained.

1019 1/2m SAML CARTER, Secretary.

HOMOEOPATHIC RELIEF ASSOCIATION

Room No. 132 Canal Street.

This Association having extended its facilities for rendering aid to the sick, offer their services to any who desire medical treatment and care.

Application made to the above address, or to any of the undersigned officers, will receive prompt and efficient attention.

ALBERT VOUGLIER, President.

J. B. BELLEN, M. D., Vice Presidents.

C. G. FISHER, Secretary.

H. L. STEVENSON, Treasurer.

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