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A WORK OF RETRIBUTION.

CHAPTER III.

Time flies fast in a pleasant country-house full of gay young people, and Sans-Souci was one of the pleasantest of houses, its owners the most charming of hosts. What with rides and drives, music, visits, and boating, time flew almost *too* fast for some of the inmates—for those whose stay was limited, for those who found that long rides in green woods and voluptuous summer nights among the roses led to results more serious than flirtation. The number of matches which had been made at Sans Souci was a source of great pride to Mrs. Jennings, who was a confirmed match-maker. All men of marriageable age and marriageable means who fell into her hands she regarded with an eye to matrimony, and she never failed to offer them excellent opportunities to exchange the single for the wedded state.

It was not likely that, under these circumstances, she would neglect the interests of the cousin who, in what she felt to be a truly pathetic condition of loneliness, had drifted into her hands. On the day after his arrival she informed him, with a significance which was altogether wasted on his obtuseness, that Mary Herbert was one of the most charming girls in the world, (the number of charming girls that Mrs. Jennings knew spoke volumes for her belief in her own sex,) and would make the best of wives for any man who was fortunate enough to secure her.

To this Thurston cheerfully assented, though the idea of becoming that happy Benedict did not for a moment occur to him; but he did not rebel when he found himself constantly in Miss Herbert's company during the next few days. She was a pretty, pleasant, well-bred girl, who entertained him sufficiently to keep *ennui* at bay, and who taught him (the dullest of pupils) the abstruse science called croquet.

Being in the same house with Miss Loring, and sitting at the same table with her three times a day, not to speak of other occasions of meeting, it was impossible that he could altogether ignore her presence. In fact, that presence was not one which could readily be ignored. Whether for good or ill, for pleasure or pain, Agatha Loring was a person who, under all circumstances and at all times, commanded attention at least. Bitterly as Thurston hated her, he found his glance following the motions of her graceful figure; he found his ear attracted by the full, sweet music of her tones; he found his eye resting, with a mixture of reluctant admiration and repulsion, on the perfect outlines of her head, with its dark braids. He could not fail to perceive that there was a distinctive charm about her which marked her out and set her apart from other women. What can we call this charm, which is so fine that it eludes analysis in words? Whatever we call it—personal magnetism, fascination, or aught else—the fact remains that it is a special gift, a crowning grace of some women, and that too often it is ruthlessly used for purposes of harm only.

It was impossible for Agatha Loring's best friends to deny that *she* had used it with a cruel recklessness which sometimes seemed like the wanton mischief of a child; while dark were the tales her enemies told of the lives she had wrecked, the hearts she had broken. After the manner of most women of her class, she was very capricious in her fancies, and a man's best fortune often lay in not possessing interest enough in her eyes to make it worth her while to fascinate him. Let his social rank, wealth, or power, be what it would, if he did not possess this interest, she paid no regard to him. If, on the contrary, she conceived a caprice in his favor, nothing satisfied her save his complete subjection.

A fancy of this description she had taken to Thurston at once, and when she saw his deliberate intention to avoid her—when she read accurately enough the scarcely-veiled dislike and contempt he felt for her—pique came to the aid of caprice, and she determined to bring such a stout rebel to her feet.

"My dear," she said one afternoon, when Mrs. Jennings sought her room during the *siesta* hour, "what is the reason that your Egyptian cousin dislikes me so much?"

"I—really I don't know what you mean," answered Mrs. Jennings, surprised and a little confused. "Why should you imagine that Colonel Thurston—I suppose it is he whom you mean—dislikes you?"

"Hypocrisy is not at all your particular talent, Lucy," was the quiet response. "I do not imagine that Colonel Thurston dislikes me—I *know* it. Do you remember when you introduced him to me? Before we had either of us uttered a word, his eyes told me what his sentiments toward me were. Have I injured him in any past state of existence, or what is the reason of his dislike?"

"I suppose he has heard of all your wicked coquetries, and disapproves of them—as well he may," said Mrs. Jennings, who had by this time recovered her self-possession. "He is a wise man not to give you a chance to win his heart, for if he did he would fare no better than others have done."

Miss Loring laughed softly.

"We shall see!" she said. "A challenge is something I could never brook, and I have taken a fancy to his face and manner. He seems so frank, so honest, so brave—I should like him for a friend."

"A friend!" Mrs. Jennings scornfully repeated. "Agatha, I am ashamed of you! Why not call a spade a spade, and say at once that you want to make a fool of him?"

"Because that is not what I want. I am tired of making fools of men—oh, you may raise your hands if you like; I *am* tired of all such folly. I don't say I could live without it—I don't say I shall not be a coquette till I die—but I do say that sometimes I would like to feel that I had one honest, genuine friend in the world, and such a friend this man could be. I can see in his face that he would go through fire and water for any one for whom he cared."

"I think he would," said Mrs. Jennings, "but he will never go through fire and water for *you*, and the sooner you put such ideas out of your head the better. He is not the kind of man whom you can fascinate, and as for friendship, that, of course, is stuff! Content yourself with men who belong to your own world like Antoine Virlon, and let my Egyptian cousin alone."

"My dear, do you know that every word you utter gives me an additional reason for overcoming the prejudice that your Egyptian cousin appears to have conceived against me?"

"Agatha, I think you are the most heartless girl and the greatest bundle of contradictions I ever knew!" cried Mrs. Jennings, thoroughly vexed. "If you will have the truth—though I was asked not to tell you—you have already inflicted pain enough on Philip Thurston—"

Tap, tap, at the door, and a domestic summons took Mrs. Jennings away at once, leaving her sentence unfinished.

Agatha made no effort to detain her; but, after the door closed, she said to herself:

"Strange!—What possible pain have I ever inflicted on Philip Thurston? And she was asked not to tell me. Well, I shall not tempt her to betray his confidence, but I will seek information at the fountain-head."

Though usually one of the last of the feminine sex to appear, Miss Loring broke through her habit this afternoon, and half an hour before the dinner-bell rang she swept lightly down the broad staircase, and paused in the wide, airy hall below. Everything was silent around, for the masculine as well as the feminine occupants of the house were still struggling with their evening toilets in the upper regions, and the cool, dusky drawing-room was entirely deserted.

So she had thought, at least, until she entered and crossed half its length. Then a man's figure rose from a couch in a bay-window, and advanced toward her. At first, in the dim obscurity, she did not recognize him, then her heart gave a leap, and she felt that Fate fought for her.

"Ah, Colonel Thurston, you are like myself—first in the field!" she said. "The heat is tropical, is it not? But you have really found a cool place, I believe."

"My experience in tropical country has given me a kind of instinct with regard to cool places," Thurston answered. "If you will take a seat in this bay-window, Miss Loring, you will catch a pleasant breeze."

"Thanks; but I won't deprive you of your lounging-place—in fact, I am sorry to have disturbed you, for I am on my way to the garden. My toilet needs the finishing touches of some roses, which I could not trust even my maid to gather for me."

She looked straight at Thurston with those limpid darkly-fringed eyes, which poor Bertie had said were "*all* expression," and to any other man that look would have been enough. But this man received the glance like granite.

"The sun has sunk low enough for you to find the garden very pleasant now, I have no doubt," he answered, standing quite still.

Then her lips unclosed in a smile, and a bright light, half amused, half beguiling, flashed into her eyes.

"And do you mean to let me go unattended? I am afraid, Colonel Thurston, that Eastern habits have made you forget our Western code of gallantry."

"I did not suppose you would care for my attendance," he replied, "but if I can be of service, pray command me."

"You can be of service at once, if you will be so good as to go to Mrs. Jenning's sitting-room and bring me her garden-shears."

Thurston went for the shears, and a moment later, to his own surprise, he found himself attending Agatha Loring as she strolled slowly toward the flower-garden.

Once out in the open air, they found the waning afternoon more beautiful than they had imagined: for what is lovelier than the close of a royal summer day? Long, golden light was streaming on rich green foliage and close-shorn turf; the distant hills were wearing a pearly haze, soft as a bridal-veil; deep shadows stretched over the land; and unnumbered sweet odors were wafted to and fro by the breeze, which came with coolness and refreshment on its wings.

"This is better than lying behind closed blinds, with a novel in one hand and a fan in the other," said Agatha. "But probably our heat seems to you so trifling, after Egypt, that I am half-ashamed to complain of it."

"It does not seem very great," Thurston answered: "but even if it were there are many pleasant things which one does not appreciate until one loses them. For example, I suppose it hardly strikes you, Miss Loring, that the greenness which clothes the land is a marvel and delight? But it would do so if for five years you had never seen a forest or a valley like that." And he pointed to the emerald expanse below.

"If you can enjoy what appear to us such ordinary things, you must find a great deal of pleasure in your visit to America."

"I expected to find a great deal," he replied; "but the expectation in its large sense has been wholly disappointed, and I am now forced to take what crumbs of enjoyment I can find."

She sent a swift side-glance at him, and, seeing the dark shadow which had fallen over his face, interest and curiosity stirred within her breast.

"Could he have been coming over to be married, and did he arrive to find himself jilted?" she thought. "Such things often make men women-haters; but he does not seem to hate *some* kind of women!"

"What a pity!" she said—and the low tone spoke volumes of sympathy, seconded by the clear eyes. "Surely, disappointment is the saddest thing in life; and how much of it we have to endure! Even I have known a great deal, though I am not very old; and now I never expect to grasp a pleasure in its completeness. I know there must be a drawback somewhere—a dash of bitter in all sweetness."

"A drawback—yes," said Thurston, coldly; "but that is not a complete and crushing disappointment, a— But here we are among the roses, Miss Loring. Shall I cut your flowers?"

"If you will be so kind: for I am not exactly in toilet to venture among thorns—though it seems selfish to make you risk scratching *your* hands."

"My hands are not delicate, nor are they surrounded by lace; but you must tell me what roses to cut."

"This way, please. I want the cloth-of-gold, and yonder are several beautiful half-opened buds."

He cut all the buds indicated; then mindful of the tender white hands awaiting them, spent a minute carefully removing every thorn from their smooth green stems. The woman watching him was a keen observer of human nature, and she saw at once that this little act was very characteristic.

"He dislikes me," she thought. "Every word that he utters, every look he gives me, tells that; but he is nevertheless as careful not to leave any thorn to wound my hands as if—as if he loved me!"

And in that moment, perhaps, the tragedy of these two lives was settled—in that moment a sudden longing for the love which she felt instinctively this man could bestow rose in Agatha Loring's breast; in that moment Philip Thurston's chances of happiness this side of the grave were utterly lost!

He knew as little of it as any of us know when the most fateful hour of our lives comes. Having removed all the thorns, he extended the roses, saying:

"I think you will find them harmless now."

"You are very kind," she said, with a smile; "but your labors are not quite ended. I want one more bud—that smaller one there. Now, tell me what is your favorite flower?"

"I do not know that I have a favorite flower," he answered, clipping the bud she wanted; "but if I have it is the white jasmine—simply from its association with other things."

"The association of certain memories with certain flowers is very powerful, is it not? There are some flowers which, on that account, are hateful to me—but the jasmine is not one of them. I, too, love it"—and here her voice sank a little—"because it reminds me of my mother, who used to wear it in her hair—my pretty mother! so long ago, for I was a mere child when she died."

"And I like it," said Thurston, forgetting himself for a moment, and forgetting what manner of woman this was whose perfectly sweet voice sounded then so pathetic, "because it covered one of the piazzas of my old home, and its fragrance brings back a thousand memories of my boyhood."

"It has the same kind of association for both of us, then, that case—and here is a hedge overrun with it. Cut a few sprays, Colonel Thurston, and then we will go back to the house."

Back to the house they went accordingly, and, when they re-entered the drawing-room, they found it still unoccupied.

"This is fortunate!" said Agatha. "I can put the finishing touches to my toilet before the rest appear, and you shall give your opinion of the effect."

She walked to a large mirror, and stood for a minute or two arranging the flowers in her hair; after which she fastened a cluster in front of her dress, and turned.

"Throw open the window," she said, "and tell me what you think of my appearance."

Thurston never forgot the picture which was revealed to him when the window was thrown open and a level flood of sunshine streamed in, filling the room with a golden mist. Surrounded by this, as the old painters surrounded the figure of a saint, Agatha stood dressed (as he knew already) in black—light draperies of tulle and lace, with here and there an artistic touch of amber, the golden roses which he had cut lying in a cluster where the corsage revealed the white neck and crowning the soft masses of her dark hair.

Involuntarily the self-contained man, who disliked and despised her, caught his breath. It was a vision of loveliness—heightened by the accidents of time and place—such as in all his life he had never seen before. He felt in every fibre that this woman was more than beautiful, that she was enchanting; and, forgetting conventionality, and all the rules which govern social intercourse between men and women, the truth sprang from his lips:

"My God!" he said. "I can understand now how you have worked such mischief!"

The intense passion of his tone was not lost on the quick ears which listened. She advanced eagerly toward him, and paused—so near that he inhaled the fragrance of the roses which she wore, so near that he looked straight into the wonderful depths of her eyes.

"Why should you say that?" she asked. "At least I have never worked mischief to you."

"To me—" he began, and stopped abruptly. No, it was impossible; he could not mention Bertie's name with the face which had been Bertie's undoing gazing into his own. "Pardon me," he said, after a minute; "my remark was altogether unjustifiable. I should have said that your toilet is admirably chosen and does credit to your taste."

"I am glad you like it," she said, changing her tone as entirely as he had changed his. "Now, to repay you for your exertions in my behalf, I will make you a bouquet for your button-hole. See! I have kept this bud which you cut last, and I will make it up with your favorite jasmine."

Which she did. One or two glossy dark-green leaves, the delicate golden rose, and two or three sprays of starry jasmine—these grouped together made up the tiny bouquet.

"Is it not pretty?" she said, holding it out between her slender fingers. "But it must be tied together, and where shall I get a bit of thread? Ah! this will do."

She lifted her hand, and from a long dark curl which fell on her shoulder, drew a strand of hair.

"I will excuse you from quoting that 'beauty draws us with a single hair,'" she said, with a laugh, as she wound this about the stems of the flowers, "but you must understand that it is my own hair—not one bought from a hairdresser—which I have given you. Here is your bouquet. Shall I pin it in your button-hole?"

"If you will be so kind," said Thurston, who began to comprehend her object very clearly now. "She wants to play the same game with me which she has already played with Bertie," he thought. "Let her try—one failure, perhaps, will teach her a lesson."

Despite this penetration, however, he could not keep his pulses from beating more quickly when she drew near and slipped the bouquet into his button-hole with a dexterity evidently the result of long practice. Then she glanced in his face with a smile that made even his cool head giddy for an instant.

"I hope you don't object to wearing my colors for one evening?" she said.

Whether or not he would have made the answer plainly demanded of him is a question of doubt, for at that moment Mrs. Jennings entered, and paused—transfixed with astonishment.

"Agatha, you down!—and Cousin Philip!"

Miss Loring turned, a glint of triumph in her laughing eyes, a cadence of triumph in her quiet voice:

"Yes, my dear Lucy, I have been down some time—one's chamber is so warm these afternoons!—and I found Colonel Thurston before me. We have been in the garden, and, since he kindly assisted me to gather some roses for my toilet, I have been sharing the spoils with him."

"So I perceive," said Mrs. Jennings, *very* significantly.

So others perceived, when the company gathered, and as usual Agatha went in to dinner on Virien's arm. It chanced that Thurston was seated just opposite, and the creole's eye soon fell on the rose in his button-hole.

"There appears to have been some occult sympathy between Colonel Thurston and yourself in the matter of color this evening," he said, glancing at the roses which were the chief adornment of his companion.

She looked at him serenely.

"Occult sympathies must be easily established, then. This only means that we went into the garden together."

The green-eyed monster suddenly laid a grasp on the accomplished lady-killer's heart. *He*, too, had seen in the garden, and well he knew what spell had been woven about him there.

"Some one has remarked," he said, trying to speak lightly, "that gardens have always been dangerous places to mankind, since the fall of the first man was accomplished there by the first woman."

"Poor Eve!" said Miss Loring. "How every Adam since the first has cast a reproach at her! Yet her only fault was listening to a serpent who has left many prototypes behind—in gardens, and elsewhere."

[TO BE CONTINUED.]

"THE ELECTORAL CONSPIRACY."

Judge Black Excoriates the Eight to Seven Commission.

Judge Jeremiah S. Black, in the July number of the *North American Review*, contributes an article entitled "The Electoral Conspiracy," which is the most complete and scathing exposure that has yet been made of the fraud which placed Mr. Hayes in the Presidential chair. Our space will only permit the reproduction of the most striking passages. After briefly adverting to the indignation felt by honest men throughout the country at the great outrage upon the rights of the people, Judge Black proceeds to depict the condition of affairs in the State of Louisiana previous to the Presidential election. First, he describes the carpet-bagger:

WHAT THE CARPET-BAGGER IS.

The people would not have been wholly crushed, either by the soldier or the negro, if both had not been used to fasten upon the domination of another class of persons whose rule was altogether unendurable. These we call carpet-baggers, not because the word is descriptive or euphonious, but because they have no other name whereby they are known among the children of men. They were unprincipled adventurers, who sought their fortunes in the South by plundering the disarmed and defenseless people; some of them were dregs of the Federal army—the meanest of the camp followers; many were fugitives from Northern justice; the best of them were those who went down after the peace, ready for any deed of shame that was safe and profitable. These, combining with a few treacherous "scalawags" and some leading negroes to serve as decoys for the rest, and backed by the power of the general government, became the strongest body of thieves that ever pillaged a people. Their moral grade was far lower, and yet they were much more powerful, than the robber bands that infested Germany after the "Thirty Years'" war. They swarmed over all the States from the Potomac to the Gulf, and settled in hordes, not with intent to remain there, but merely to feed on the substances of a prostrate and defenseless people. They took whatever came within their reach, intruded themselves into all private corporations, assumed the functions of all offices, including the courts of justice, and in many places they even "run the churches." By force and fraud they either controlled all elections or else prevented elections from being held. They returned sixty of themselves to one Congress, and ten or twelve of the most ignorant and venal among them were at the same time thrust into the Senate. This false representation of a people by strangers and enemies who had not even a *bona fide* residence among them was the bitterest of all mockeries. There was no show of truth or honor about it. The pretended representative was always ready to oppress and enslave his so-called constituents; his hostility was unconcealed, and he lost no opportunity to do them injury.

HIS DESCENT UPON LOUISIANA.

The agricultural and commercial wealth of Louisiana made her a strong temptation to the carpet-baggers. These vultures smelled the prey from afar; and, as soon as the war was over, they swooped down upon her in flocks that darkened the air. The State was delivered into their hands by the military authorities; but the officers imposed some restraints upon their lawless cupidity. They hailed with delight the advent of negro suffrage, because to them it was merely a legalized method of stuffing the ballot-box, and they stuffed it. Thenceforth, and down to a very recent period, they gorged themselves without let or hindrance.

The depredations they committed were frightful. They appropriated, on one pretense and another, whatever they could lay their hands on, and then pledged to themselves the credit of the State for uncounted millions more. The public securities ran down to half price, and still they put their fraudulent bonds on the market and sold them for what they would fetch. The owners of the best real estate in town or country were utterly impoverished, because the burdens upon it were heavier than the rents would discharge. During the last ten years the city of New Orleans paid in the form of direct taxes more than the estimated value of all the property within her limits, and still has a debt of equal amount unpaid. It is not likely that other parts of the State suffered less. The extent of their spoliations can hardly be calculated, but the testimony of the carpet-baggers themselves against one another, the reports of committees sent by Congress to investigate the subject, and other information from sources entirely authentic, make it safe to say that a general conflagration, sweeping over all the State from one end to the other, and destroying every building and every article of personal property, would have been a visitation of mercy in comparison to the curse of such a government.

THE INVENTIVENESS OF SCOUNDRELISM.

This may seem at first blush like gross exaggeration, because it is worse than anything that misrule ever did before. The greediest of Roman proconsuls left something of the country they wasted; the Norman did not strip the Saxon quite to the skin; the Puritans under Cromwell did not utterly desolate Ireland. Their rapacity was confined to the visible things which they could presently handle and use. They could not take what did not exist. But the American carpet-bagger has an invention unknown to those old-fashioned robbers, which increases his stealing power as much as the steam engine adds to the mechanical force of mere natural muscles. He makes negotiable bonds of the State, signs and seals them "according to the forms of law," sells them, converts the proceeds to his own use, and then defies justice "to go behind the returns." By this device his felonious fingers are made long enough to reach into the pockets of posterity; he lays his lien on property yet uncreated; he anticipates the labor of coming ages and appropriates the fruits of it in advance; he coins the industry of future generations into cash, and snatches the inheritance from children whose fathers are unborn. Projecting his cheat forward by this contrivance and operating literally at the same time, he gathers an amount of plunder which no country in the world would have yielded to the Goth or the Vandal.

THE GENESIS OF THE RETURNING BOARD.

The wretched system of carpet-bag government could not possibly last. From the first it had no real support. The native people and the honest immigrants, who went there for the purposes of legitimate business, held it in abhorrence, and the negroes were not long in finding out that it was a sham and a snare. As early as 1870, and before that, the handwriting was seen on the wall which announced that a large and decisive majority of all the votes, black and white, had determined to break up this den of thieves. They must, therefore, prepare for flight or punishment, unless they could contrive a way of defeating the popular will whenever and however it should be expressed. Then the returning board was invented.

This was a machine entirely new, with powers never before given to any tribunal in any State. Its object was not to return, but to suppress the votes of the qualified electors, or change them to suit the occasion. By the terms of the law it can exclude, suppress, annihilate all the votes of a parish for violence, intimidation or fraud, which it finds to have been committed and adjudges to have materially influenced the result the polls. This is judicial authority so broad that no court would consent to exercise it—inflicting the fearful penalty of disfranchisement upon thousands at once, without a hearing and without legal evidence, not for any offense of their own, but for the supposed sin of others over whom they confessedly have no control. Of course it is in direct conflict with the State constitution, which declares that all judicial power shall be vested in certain ordained and established courts, and forbids it to be used even by them except upon trial before a jury, and conviction on the testimony of credible witnesses confronted by the accused and cross-examined by counsel. It is, besides, a most insolent affront to the fundamental principles of all elective government, for it makes the poll of the people a mere mockery, which decides nothing except what the returning board is pleased to approve, and elects nobody whom the returning board does not graciously favor. Its power to veto a popular vote extends to all elections, for every class of officers, judicial, legislative, ministerial executive, including electors of President and Vice President.

HOW IT DID ITS WORK.

The board consisted of five persons. They were originally appointed by a carpet-bag Senate, without end of their tenure and with power to fill vacancies, which made them a close corporation and gave them perpetual succession. To put on some show of fairness, the law required that all parties should be represented. This was at first thought to be met by the appointment of one Democrat, but when a deed of more than common baseness was to be done, the Democrat was got rid of, and the other four, desiring to work in secret, refused to fill his place.

APPLIED TO THE PRESIDENTIAL ELECTION.

The election came off on the proper day, supervised and controlled at every polling place by officers of the carpet-bag interest. According to their own count, the result was a majority of 7,639 for the Tilden electors. It has never yet been denied that this majority was made up of ballots cast by citizens legally qualified. The vote was regularly taken and properly counted, and a true record of it made *in perpetuam rei memoriam*. These facts being undisputed, it follows that the Tilden electors were duly appointed, if the people of the State have the appointing power, which they certainly have, unless the constitution and the statute book are not to be relied on.

But the opponents of Tilden and Hendricks determined that the record of the appointment made by the people should be mutilated and changed so as to make it appear as if electors for Hayes and Wheeler had been chosen. They pretended to believe that violence and intimidation had frightened the African Hayes men from the polls, and that their cowardice ought to be visited, in the form of disfranchisement, on the heads of those who had intrepidity enough to perform their political duty. The allegations were utterly false. It was made not only without evidence to sustain it, but in the face of overwhelming proof to the contrary. All the places of registration and voting were guarded by the creatures of the Federal and State administrations, superintendents, commissioners, deputy marshals, and soldiers, and all of these with one voice said that the election was peaceable and free. Indeed, it is literally impossible that any intimidation or violence could have been practiced. No sensible person ever gave credit to it for a moment. Notwithstanding much mental anxiety about the result, various reasons combined to make the election in Louisiana probably the most quiet and undisturbed in the Union.

THE CHARACTER OF ITS MEMBERS.

The *personnel* of the board justified the faith of the carpet-baggers and their allies. If the evidence concerning its members be rightly reported by the investigating committee, they were marked out by the history of their previous lives, noted and signed to do any deed of shame which might be required at their hands. Wells was a custom house officer at New Orleans, and one of the worst of that bad lot; a defaulter to the State of long standing, without character for integrity or veracity, and for thirty years regarded as unworthy to be trusted. Anderson's character for honesty was equally bad; he had earned it in part by aiding, while he was Senator, to put up a fraudulent job upon the State, and taking the iniquitous proceeds to himself. Of the two mulattoes, one was indicted for larceny, and, after admitting his guilt, was allowed to escape punishment, and promptly taken into the board. The other was too ignorant to know his duty, but his testimony showed such indifference to the obligations of an oath that he was deemed as safe for the carpet-baggers as either of his colleagues.

They comprehended the situation, saw the difficulty of the work before them, and resolved to make it pay in something better than mere promises of "recognition," however "generous and ample." Wells, who was their spokesman in private as in public, wrote in strict confidence to a carpet-bag Senator then at Washington a letter which, being condensed into plain English, means this: "There's millions in it. See our friends and act promptly. Buy us immediately or we will sell out to the other side. Talk freely to the gentleman who presents this; he knows the moves." To the bearer of the letter he explained that it was hard work to count in the Republican candidate—the Democratic majority was too large to handle—he wanted to serve his party, but he would not take this job without compensation; he must have "$200,000 apiece for himself and Anderson, and a smaller sum for the niggers." On this basis he authorized his embassador at Washington to negotiate with the Republican managers. At the same time he was offering himself at New Orleans to the Democrats, first for half a million, but afterward proposed that he would leave in enough votes to elect Mr. Nicholls (Democratic candidate for Governor) if $200,000 cash were first placed in his hands.

THEIR VIOLATIONS OF THE STATUTE.

The action of the returning officers in this whole business was unsupported by legal authority. The Legislature of the State did not, because it could not, give them power to disfranchise qualified electors. They lacked, therefore, the general jurisdiction which they assumed. But this is not all; they proceeded in the very teeth even of the void state which they professed to follow. That statute pretends to give them no such authority as they exercised over any return to which a protest or statement or charge of intimidation is not attached when it is sent in by the Supervisor of Registration or the Commissioner of Election, and the charge so attached to the return must be supported by the affidavits of three citizens of the proper parish.

Wanting this, the board was absolutely without the pretense of power to touch the return from any parish or polling place, except for the purpose of compiling it and adding it as true to the others. By the election law of Louisiana the board has no more authority to examine or decide a question of intimidation which is not raised by the election officers than a private individual would have to steal it from the records and burn it. So stands the law. The fact is established by conclusive evidence that from every one of the Democratic parishes the returns came up without any charge, statement, or protest. In all those cases they were therefore without color of jurisdiction.

FORGING AFFIDAVITS AND RETURNS.

But the conspirators could not afford to be balked out of their game by the failure of the local officers to make a false charge of intimidation. These votes must be excluded *per fas aut nefas*, and the returning board must do it; that was what the board was made for. The returning officers went upon the principle *aut inveniam aut faciam*. They made the protests which they could not find; affidavits which no creature in the parishes was base enough to back with his oath were fabricated in the custom house, and used by the board with a full knowledge that they were mere counterfeits. The exclusion of returns on the ground of intimidation was in every case dishonest, for in none was there a particle of evidence to justify it. When nothing else would serve the purpose, they did not scruple to resort to plain forgery. Of the return from Vernon parish every figure on the whole broad sheet was altered with elaborate pains under the special direction of Wells. Perjury and subordination of perjury entered largely into the business. There is hardly any species of the *crimen falsi* for which the law has a punishment that did not become an elementary part of the great fraud which was committed when the defeated electors and State officers of Louisiana were falsely certified as chosen by the people.

CREATION OF THE COMMISSION.

But how was the object of the conspiracy to be accomplished? The House of Representatives was Democratic, and without its consent, expressed or implied in some form or another, the Senate could not give effect to a false count. The first intention was to claim that the President of the Senate had power to determine absolutely and arbitrarily what electoral votes should be counted and what not. This was the great rallying point until Mr. Conkling took it up, and, in a speech of surpassing ability, utterly demolished and reduced it to invisible atoms. It became settled, therefore, that the two houses must count the votes, and this clearly implied the power to inquire and determine what were votes. It could not be denied that the voice of the House of Representatives was at least as potential as that of the Senators; and it was not supposed that the House would suffer a fraud so glaring as this to be thrust down the throat of the country "against the stomach of its sense." But if the two bodies would declare inconsistent results of the count, and proclaim the election of different Presidents, a state of things might come which would subject our institutions to a strain severe enough to endanger them greatly. It was in these difficult circumstances that a mixed commission of fifteen was proposed, consisting of five Senators, five Representatives, and five Judges of the Supreme Court. The mode of appointing them made it certain that fourteen would be equally divided between the parties; and as the fifth Judge would be named by the consent of his brethren on both sides, he might be expected to stand between them, like a daysman, with a hand as heavy on one head as the other. The Democrats consented to this in the belief that no seven Republicans could be taken from the Court or Congress who would swear to decide the truth and then uphold a known fraud; if mistaken in that opinion of their adversaries' honesty, they felt sure, at all events, that the umpire would be a fair-minded man. They were bitterly disappointed; the commission went eight to seven for the great fraud and all its branches; for fraud in the detail and in the aggregate; for every item of fraud that was necessary to make the sum total big enough—eight to seven all the time.

IT REFUSES TO DO ITS DUTY.

We must look at the state of the case as it went before the commission. Tilden and Hendricks had 184 electoral votes clear and free of all dispute, one less than a majority of the whole number. They also had in Louisiana eight and in Florida four, appointed by the people, but falsely certified to Hayes and Wheeler by the Governors. In Oregon they had one certified by the Governor but against whom a popular majority had been cast for an ineligible candidate. To elect Hayes it was necessary that each and every one of these thirteen votes should be taken from Tilden and given to Hayes. As this required many distinct rulings based upon contradictory grounds, the path of the commission was not only steep but crooked.

The great and important duty cast upon the commission by a special law and by a special oath of each member, was to decide, in the case of contested votes from a State, "whether any and what votes from such State are the votes provided for by the constitution of the United States, and how many and what persons were duly appointed electors in such State." It is not denied that the sole power of appointing electors for the States of Louisiana and Florida is in the people. It was then and still is an admitted fact that the people had exercised the power of appointment in the prescribed and proper way; they did duly make an appointment of electors, and their act was duly recorded, and so made a perpetual memory. This thing was not "done in a corner;" it was "seen and known of all men." That each of the two States named had duly appointed Tilden electors at a regular election called for that purpose on the 7th of November, in pursuance of law, was a part of their history as much as the fact that they were States of the Union. All the members of the commission knew it as well as they knew the geographical position of Tallahassee or New Orleans. It needed no proof; but if specific evidence had been required, there was the record, from which the truth glared upon them as clear as the sun. They shut their eyes upon the record, and refused to see "how many and what persons were duly appointed electors" by the people, but listened eagerly to the evidence (*aliunde* though it was) which showed "how many and what persons" had been designated by the returning officers. It was ultimately held (eight to seven) that the appointees of the returning board were duly appointed, and the appointees of the people were unduly appointed. Did the eight suppose that the legal power to make such an appointment was vested by law in the returning boards? Did they think it was not vested in the people? No, that is impossible. But they may have conscientiously believed that the interest of their faction would be well served by Hayes' election. They may have been prompted by a virtuous admiration of carpet-bag government, and were sincerely anxious to save it from Tilden's reform.

ITS PETTIFOGGING.

But this decision in favor of fraud, which so shocked the common sense and common honesty of the nation, was not made without some attempt to justify it. The eight gave reasons so many and so plausible that Kellogg and Wells must have chuckled with delight when they heard them. One argument very seriously urged was that it would be troublesome, and required a great deal of time, to ascertain who was duly appointed by the people. It was much easier to accept the false vote and say no more about it. To decide how many and what persons got certificates from the returning board was a short and simple process; but to push the inquiry behind that—to inquire whether the certificate was honest, to look for the evidence which would show who were duly appointed—*hic labor hoc opus est*. The seven reminded the eight, but reminded them in vain, that the due appointment, which nobody in the world except the people had the least right to make, was the very thing which they were to find out; and they could not be excused from a duty to which they were pledged and sworn by the mere inconvenience of performing it. Besides, the eight knew very well that there was no difficulty in it; it was but looking at the record of the appointment as the people made it up; they could read it as they ran; the truth was plainer than the lie; the honesty of the case was as easily seen as the fraud. But no persuasion could influence them to cast even a glance at the actual appointment. What do they think this commission was made for? Why was this great combination of learning and statecraft set up? According to the eight its sole purpose was, not to determine any matter in dispute between the parties, but merely to declare that the returning boards had certified for the Hayes electors; which everybody knew already, and nobody ever denied. If its object was what the law said—to decide who were duly appointed—then the eight succeeded in making it merely a splendid abortion, because, among other reasons, it was too much trouble to make it anything else.

HEDGING FOR OREGON.

But the commission, following the lead of counsel for Mr. Hayes, insisted that the certificate of the proper State officer ought to be regarded as conclusive evidence of the appointment made by the people. It is undoubtedly true that the State has a right to speak on this subject through her own organs, and when she does so speak, her voice should be regarded as true. But what officer is her proper organ? The Governor being her political chief, and his certificate being required by act of Congress, it would not have been unreasonable to hold that it was conclusive unless tainted with fraud. The Hayes electors had the executive certificate in Louisiana and Florida, and this, in regard to those States, gave the eight a great legal advantage. But they threw it away, abandoned the attestation of the Governor as worthless, claimed no faith or credit for it, and pronounced it open to contradiction, no matter how honestly it may have been given. What was the meaning of this phenomenal ruling which apparently opened the door of investigation even wider than the Democrats asked? It was understood by everybody. The commission was hedging for Oregon. The eight were reaching across to the Pacific for the one vote there, which was just as important as the twelve on the Gulf of Mexico. But having gone behind the Governor's certificate for the sake of correcting errors, could there be any possible justification for stopping before the truth was reached? If the head of the commonwealth, whose attestation is required by Federal law, went for nothing whenever it was contradicted, how could the conclusiveness be asserted of a paper made by subordinate officers unknown outside of the State, and powerless even by the local law to make a certificate of more than *prima facie* validity? Yet the electoral commission (eight to seven) decided that the Governor's certificate might be set aside for a mere mistake of law or fact, while that of the returning board would stand, though known to be founded on falsehood and saturated all through with corruption.

EVIDENCE ALIUNDE.

The unvarying preference of the eight commissioners for the false over the true becomes very striking at this point. When they got behind the Governor's papers, they found lying *aliunde* two other sets of documents, one of which was a record of the actual appointment made by the people; the other was a mere fabrication of the returning board without any semblance of truth; they embraced the latter with all the ardor of sincere affection, and rejected the former with all possible marks of their dislike.

THE INFAMOUS EIGHT.

The eight commissioners did not stop there. They went much further. They practically justified and sustained all the infinite rascality of the returning boards. They not only refused to take voluntary notice of the atrocious frauds perpetrated by them, but they excluded the proofs of their corruption which the Democratic counsel held in their hands and offered to exhibit. These commissioners choked off the evidence, and smothered it as remorsely as Wells and his associates suppressed Democratic returns. And this they put on the express ground that to them it was all one whether the action of these boards was fraudulent or not. They would suffer no proof of corruption to invalidate the right claimed by a Hayes man to put in the vote of a State for his candidate. This monstrous and unendurable outrage was resisted to the utmost. All of the seven implored and protested against it. Judge Clifford, the President of the commission, laid it down as a maxim of the common law that fraud vitiates whatever it touches, and proved it undeniably. He might have proved more. It is not merely a maxim of the common law; it belongs to all countries and all ages; no code can claim it exclusively; it pervades all systems of jurisprudence; it has its home in every honest heart; it is the universal sentiment of all just men; it applies to all human dealings. Judge Field looked in the face of the majority, and told them plainly their disregard of this great principle was "as shocking in morals as it was unsound in law," and added: "It is elementary knowledge that fraud vitiates all proceedings, even the most solemn; that no form of words, no amount of ceremony, no solemnity of proceeding, can shield it from exposure or protect its structure from assault and destruction." But the eight were as deaf as adders to the voice of reason and justice. They would not permit the fraud to be assaulted, much less to be destroyed. They stood over it to shield it, protect it, and save it interposing the broad ægis of their authority to cover it against every attack.

The eight persistently denied their power or that of Congress to do what they were commanded by the law to do—that is, decide who were duly appointed. They would only decide that certain persons were named as electors by a returning board. They would not understand that the appointment by the people might be one thing, and the action of the returning board another, or that the latter, even as evidence of the former,