CLARKSVILLE WEEKLY CHRONICLE.

VOL. 44--NO. 37. CLARKSVILLE, TENN., SATURDAY, FEBRUARY 17, 1877. WHOLE NO. 2,273.

DRUGS,

Paints, Oils, Varnishes,

WINDOW GLASS,

Wholesale and Retail.

OWEN & MOORE.

Franklin street, opp. Court House.

BOOKS & STATIONERY,

Wholesale and Retail.

OWEN & MOORE,

jan13-tf Franklin street, opp. Court House.

WHISKEY!

WALTER M'COMB & CO.

HAVE NOW IN STOCK A LARGE SUPPLY OF

DRAUGHON'S

Celebrated

Rrobertson Co. Whiskey,

FOR WHICH THEY ARE SOLE AGENTS, SOME OF IT

VERY OLD AND VERY FINE.

They have also the following other brands of fine Robertson County Whiskey:

Garrett's 3 years old!

Greenbriar, 3 years old!

Scales & Darden 3 yrs. old!

Lincoln Co., 1 to 3 yrs old!

THEY HAVE

Peach Brandy 2 yrs. old!

Apple Brandy 4 yrs. old!

French Brandy 10 yrs. old!

--AND--

Wines of All Kinds!

Walter McComb & Co.

Aug. 12, 1876-tf.

J. H. PETTUS. W. P. HAMBAUGH. J. C. KENDRICK.

KENDRICK, HAMBAUGH & CO

Tobacco Salesmen,

CENTRAL WAREHOUSE,

FIRE-PROOF,

CLARKSVILLE, - - TENNESSEE.

LIBERAL ADVAN&ES ON TOBACCO.

WE REFER BY PERMISSION TO

Messrs. M. H. Clark & Bro. F. G. Irwin, Esq.
Hon. D. N. Kennedy, Pres't Northern Bank. A. Howell, Cashier Bank of Clarksville.
S. F. Beaumont, Pres't First National Bank. W. S. Poindexter, Cashier Franklin Bank

[illegible]

STOVES, TINWARE, HOUSE-FURNISHING GOODS,

CHINA, GLASS AND QUEENSWARE.

KINGANNON, WOOD & CO.,

Are now in receipt of the largest stock and most complete variety of above Goods ever brought to this city, which they will sell, at wholesale or retail, as

LOW AS ANY HOUSE IN THE WEST!

Special Attention to Roofing and Guttering.

PRICES LOW. SATISFACTION GUARANTEED.

March21,1874-tf

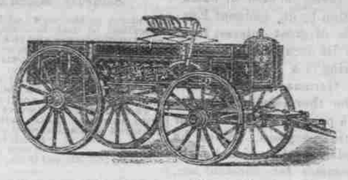
IF YOU WANT

JOB PRINTING,

OF ANY KIND,

Come to the Chronicle Office.

JUST RECEIVED,



Large stocks of

CLOVER SEED,

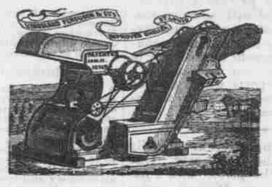
Timothy, Orchard Grass, Blue Grass,

Herds Grass, Buckwheat & Garden Seed,

Land Plaster, Fertilizers, Plows, &c.

CALL AND SEE THE

SHUCKER & SHELLER.



T. P. BURKE.

Keesee & Northington

Have a choice selection of

Fancy & Staple Groceries,

FRESH MEATS,

Pure Old Robertson,

BOURBON AND RYE WHISKIES,

Brandies, Wines, &c.,

AT THE LOWEST CASH PRICES.

January 20, 1877-tf.

WALTER McCOMB & CO

HAVE NEW CROP

LOUISIANA

SUGAR & MOLASSES

—AND—

NEW CROP RICE.

G. N. BYERS

ALWAYS KEEPS ON HAND A

COMPLETE STOCK

—OF—

DRUGS and PAINTS

TOILET ARTICLES,

SCHOOL BOOKS AND STATIONERY,

Tobacco, Cigars and Liquors,

And he asks of both retail and wholesale purchasers to call and examine before purchasing elsewhere. [June 23, 1876-tf.

WALTER McCOMB & CO.

HAVE IN ADDITION TO THEIR

LARGE STOCK OF OTHER WHISKIES,

SOME VERY FINE

OLD BOURBON

October 28, 1876-tf.

EXTRACT FROM THE ARGUMENT OF THE HON. R. T. MERRICK BEFORE THE ELECTORAL COMMISSION.

The Power to go Behind the Returns for Evidence.

It was said in the opening statement made by the objectors upon the other side that this Commission possessed no other than simply a power to perform a ministerial duty; that it possessed no other than a power to enumerate the votes; that the certificate of the Governor of the State was final and conclusive, and there was no authority in this Commission, whatever might be the proof, to correct that certificate for mistake or vacate it for fraud. They told you that it imported absolute verity beyond the reach of any evidence, however strong and however conclusive, and beyond the reach of the power of the State itself either to correct, modify, or annul it; and carrying out the position assumed by the objectors on the other side, it would would follow that if, in reference to the certificate of Governor Stearns, Governor Stearns himself had subsequent to the date of that certificate come before the two houses of Congress in sackcloth and ashes, begging on behalf of his State to have some error in that certificate corrected, it could not be done. If he had come with penitential sorrow, confessing himself to have been guilty of any fraud, however enormous—I am merely supposing a case—and made it patent that that certificate was the representative of a falsehood and a fraud, and not of truth, yet the certificate was beyond reach of the truth and that is was necessary to crystallize its falsehood into a practical fact.

May it please your Honors, in view of that position upon the other side, as well as in taking appropriate positions in the opening of this argument, it becomes necessary to look at that paper and see what it is, and whence it derives this extraordinary sanctity; infinitely holy, beyond any judicial record, and beyond any record that can be made between nations in their most solemn compacts. By the act of Congress, section 136 of the Revised Statutes, it is provided as follows:

"It shall be the duty of the Executive of each State to cause three lists of the names of the electors of such State to be made and to be delivered to the electors on or before the day on which they are required by the preceding section to meet."

There is nothing in this section declaring that the certificate to which it refers shall be conclusive evidence of anything. There is nothing in this section declaring in words as to what particular fact that certificate shall be directed. There is nothing in this section making it mandatory upon the Governor to issue that certificate; and if there had been it would have been something transcending the powers of Congress under the Constitution to put there, for Congress could not reach the Executive of a State by any enactment as to his official duty. It was not within the power of Congress to make it mandatory upon the Governor to issue that certificate; and if it was not within the power of Congress to make it mandatory upon the Executive of a State to issue that certificate, can it be possible that it was within the power of Congress to say that the certificate if issued should be conclusive, or that the certificate should be necessary evidence in the absence of which the electoral vote should not be counted?

Congress could not have required the Executive to issue the certificate, and could not have declared that the certificate should be the conclusive and only evidence of the election of the several States, because, in addition to what I have already submitted, the Constitution of the United States itself provides for the authentication of those electors, and that requirement is for an authentication from themselves; and if Congress superadds to that authentication an additional authentication which it makes a condition-precedent to counting the vote, it would be an act in violation of that provision of the Constitution, as well as in contravention of the relations of the Federal government. I do not question the power of Congress to require authentication and to specifiy whatever manner of authentication it desires in order to relieve any difficuty in determining who are the agents appointed by the State to cast its electoral vote; but the power that I deny to exist is the power to specify some authentication as an absolute condition-precedent to counting the vote, and to declare that in the absence of that authentication so required by Congress the electoral vote shall not be counted at all.

Recurring to that section of the law in the Revised Statutes which I have read, I respectfully submit as a proposition of law, that where certificates are required as matters of evidence, or where the law specifices evidence of any going to a particular fact with which the law so specifying the evidence is dealing, that such evidence is never regarded in any court of law as conclusive beyond the power of rebuttal, unless the law specially provides that it shall be conclusive. Where the law says that such and such a paper of fact shall be evidence of a certain conclusion, that fact and paper so specified as evidence of that conclusion are never beyond the power of rebuttal, unless the law has declared in specific terms it shall be the only evidence and shall be unimpeachable.

I have referred to that clause of the Constitution which requires the electors to certify to their own appointment, and the manner in which they have executed their office; and I submit, in this connection, that it is not within the power of Congress to tie its hands so that it can never inquire into the truth of the due appointment of the electors and the electoral vote. It is not within the power of Congress to stop the two houses from ascertaining what is the true vote. The language of the article referred to requires the return of the vote by the electors, requires them to name in their ballots the persons voted for as President and Vice-President, to make distinct lists, to return the certificate of their vote to the President of the Senate, and then it proceeds as follows:

"The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted."

The learned objectors upon the other side stated that the word "counted" was the controlling word in the sentence, and that giving that word its proper and only signification, the clause that I have read conferred no other power upon the two houses of Congress than the power of enumeration. I respectfully submit that the controlling word in that sentence is "votes"—"the votes shall then be counted"—and that word "votes" controls the word "counted;" and when you refer to the word "counted" you have to go back and see what it is that you are required to count. What is it, may it please your Honors, that is to be counted? It is "the votes," and if those votes are cast by persons not duly appointed electors under the law of the State they are not votes, and when you count them you count something the Constitution did not authorize you to count. Therefore, in executing your duties under this clause you must, before you count, ascertain what are votes. Having ascertained what are votes, you count those votes, throwing aside whatever ballots you shall find that are not votes. Under this article of the Constitution, and this particular clause of the article, I respectfully submit that there is in the two houses of Congress a power to determine what are votes. Then the question arises as to how far you shall go in taking testimony to determine what are votes; but, as preliminary to that question, I beg leave to add that if the Constitution has devolved upon the two houses of Congress the duty of counting the votes, the true votes, and the necessary power of determining what are the true votes, Congress possesses no power to say what shall be conclusive and unimpeachable evidence of those votes; but in the performance of their high function the two houses must ascertain what are the true votes, without any limitation placed upon them by Congress, and without being so restrained that they cannot go into the inquiry as to the truth. Congress may prescribe modes of authentication, but merely modes of authentication as aids and not as conclusive evidence or restraints upon the houses in their action. We therefore submit that any legitimate evidence going to determine what are the true votes is proper and competent evidence before this tribunal.

And, may it please your Honors, upon the question of whether you can go behind the certificate of the Executive of the State, and whether the certificate is conclusive or not upon Congress, I beg to refer you to a high and most responsible authority—an authority that has the sanction of some of the most distinguished names that now adorn the passing history of the Republic. In 1873 the question came before Congress as to the counting of the Louisiana vote. The electors met; they voted; they sent up to the President of the Senate the certificate required by the twelfth articles of amendments to the Constitution, stating for whom they had voted, and inclosed in that certificate so sent up the certificate of the recognized Governor of Louisiana certifying to their due appointment; and all their proceedings were regular on their face from beginning to end. There was no objection made, and none intimated, to those proceedings, because of their non-conformity to the statues of the United States. When that was opened objection was made to it; but prior to the time when the vote was opened it was understood that there was some difficulty in reference to that vote of some kind or other.

The Senate of the United States directed its Committee on Priveleges and Elections to inquire into the circumstances attending the election of the electors of that State. That committee went into the inquiry; it examined witnesses, and they were also cross-examined. All the facts that were needed and desired lying behind that certificate were gone into fully by that committee. Having gone into all those facts, they made their report to the Senate. In that report, made February 10, 1873, (which is to be found on page 1218 of the Congressional Globe, part 2, third session of the Forty-second Congress,) the chairman of the committee, one of the honorable commissioners whom I have now the privilege of addressing, states as follows:

"If Congress chooses to go behind the Governor's certificate, and inquire who had been chosen as electors, it is not violating any principle of the right of the States to prescribe what shall be the evidence of the election of electors, but it is simply going behind the evidence as prescribed by an act of Congress; and, thus going behind the certificate of the Governor, we find that the official returns of the election of electors, from the various parishes of Louisiana, had never been counted by anybody having authority to count them."

In the conclusion of the report Senator Morton says:

"Whether it is competent for the two houses, under the twenty-second joint rule, (in regard to the Constitutionality of which the committee here give no opinion,) to go behind the certificate of the Governor of the State, to inquire whether the votes for electors have ever been counted by the legal returning board created by the law of the State, or whether, in making such count, the board had before them the official returns, the committee offer no suggestions, but present only a statement of the facts as they understand them."

Now, in reference to the power of the joint rule of the two houses, it is proper before I proceed further that I should make a single remark. That joint rule could give to the two houses no power they did not possess under the Constitution. It could neither enlarge nor abridge their Constitutional powers. It is beyond the authority of Congress or of any other tribunal to enlarge or abridge the powers with which the Constitution has vested that body. A joint rule might formulate that power; a joint rule might indicate the manner in which that power should be exercised; a joint rule might prescribe the methods of proceeding in the execution of the powor; but it could neither give power nor diminish power. In this report the only objection made to the vote of Louisiana is that the returns for electors in that State had never been canvassed or counted. It was conceded that the certificate of the Governor was regular, perfectly regular on its face; and the honorable chairman of the committee, after stating those facts, says that he declines to make any suggestion to Congress as to what disposition ought to be made of the vote.

May it please your Honors, the evidence taken by that committee was before the two houses of Congress when they met to count the vote four years ago. The intimation of the objection in the report was before those two houses, and that intimation found shape and substance and form in a motion made by the Senator from Wisconsin, that the vote of Louisiana should not be counted. I am aware that that Senator at the time maintained that Louisiana was not a State bearing such relation to the Federal Union as authorized her to participate in the election of a Chief Magistrate, but in that position it is a well-known political and historical fact that few or none of the Senators sympathized. He made his motion, stating different grounds for the motion, but the only ground before the Senate—conceding that Louisiana was a State and could participate in that election—the only ground before the two houses of Congress upon which her vote could be excluded by any possibility or under the process of any sophistry or logic, was that, although the certificate of the Governor to the election of the electors was regular in form, yet the return lying behind that certificate and upon which that certificate purported to be founded had never been canvassed. The question came up for determination in the Senate on the 12th day of February, 1873, (as will be seen by reference to page 1293 of the same volume,) and it was voted upon. Mr. Carpenter's resolution that the vote should not be counted was determined in the affirmative and the vote was not counted.

Senator Edmunds. Have you there, and will you read, the resolution adopted by the Senate on that occasion?

Mr. Merrick. The only one I have been able to find is Mr. Carpenter's resolution "that the votes should not be counted." He objected to the vote, stating various grounds, but the only resolution I have been able to find is a simple resolution that the vote of Louisiana should not be counted.

Senator Edmunds. Without stating in terms the grounds on which if preceded?

Mr. Merrick. Yes, sir: I indicated that.

Senators Edmunds. I was only inquiring for information.

Mr. Merrick. But I supplemented the indication by this further statement: that there was no ground before the Senate upon which the vote could have been excluded, as far as I can ascertain from the record, except that the vote for electors had not been canvassed. If there is any ground stated in the report of the committee I have been unable to find it. Mr. Carpenter entertained a different opinion from nearly every Senator as to the peculiar relations of Louisiana to the Federal Union. He may have voted upon that ground; but I believe that no other Senator, or not more than one or two, shared his opinion. I believed his Honor who made the inquiry of me voted in the affirmative on the resolution that the vote should not be counted.

Now, may it please your Honors, I refer to this precedent as authority for two propositions: First, that the testimony taken by a committee of either of the houses inquiring into the regularity and legality of an electoral vote is competent testimony to be considered when the question arises as to what disposition you shall make of that vote; secondly, that it is competent for Congress, under the Constitution of the United States, to go behind the certificate of the Governor and throw out a vote where the testimony proves that that certificate does not properly indicate the wishes of the people in the individuals that certificate designates as the agents of the State, and those facts being established, it is competent to discard the vote.

But, may it please your Honors, the case of the State of Florida presents itself to the court in a pecular aspect. The evidence which we shall offer and which we claim to be admissible is evidence furnished by the State herself as indicated in the proposition read by the distinguished gentleman with whom I have the honor to be associated, (Mr. O'Conor.)

Two propositions as to evidence, then, come before your Honors:

First. Whether the United States, through its Congress, or either or both houses of Congress, can, in reference to an electoral vote, institute an original inquiry itself, and by a committee of either house take testimony going behind the certificate of the State, and invalidate that certificate on its own motion, when the State still adheres to the regularity of that certificate. That is one question, a very important one; but their is another totally different from that.

Second. Whether when the houses of the Congress of the United States come to inquire into the electoral vote, and ascertain which vote shall be counted, it is competent for them to receive evidence furnished by the State herself in in reference to the certificate her Governor may have given.

Your Honors perceive at once the wide difference in the two cases, and I respectfully submit in connection with that proposition that if the power does not exist in the two houses of Congress as a primary and original power separately to take testimony going behind the certificate, then it must exist in the State to correct its own certificate or impeach it for fraud or falsehood; or else we may be inevitably tied to an accident or mistake, and a Presidential election may turn upon a certificate which is known to all the world to be an accident, a falsehood, or a fraud, which can neither be impeached by the State that gave it because of fraud, accident, or mistake, nor interfered with in any way by the Federal Government to which it is addressed, but must be a substantial and perpetual truth in the presence of convincing evidence that it is an active and living lie.

In the case of the State of Florida, taking up the second proposition, the State herself after the meeting of the electors, ascertaining that this certificate given by Governor Stearns was given either in mistake or fraud, and founded upon an irregular and illegal canvass of the votes according to the laws of Florida, by her Legislature passed a law directing another canvass to be made. But she did not pass that law, even, until she had appealed to her judicial tribunals to interpret the laws previously existing and relating to the subject. Having appealed to those tribunals to interpret these laws, and in the *mandamus* case having received from her tribunal of last resort an opinion giving construction to those previously-existing laws, by which opinion it became apparent that the returning board had transcended its legal duties and jurisdiction, and made a return which was erroneous under the law, her Legislature then, on the basis of that opinion, directed another canvass of the vote to be made in accordance with the judicial construction of the law.

When that canvass was made and returned to the Legislature her Legislature passed another act on the basis of that canvass, declaring that the parties to whom the certificate had been issued by Governor Stearns had not been appointed, and designating the persons who had been chosen as the agents of the State to speak her voice in the electoral college. But she has gone further. A *quo warranto* was issued against these parties who assumed to exercise the electoral office under the certificate granted by Governor Stearns, and that *quo warranto* having come before her judicial tribunals they, in the exercise of a jurisdiction given to them by the State laws of Florida, decided that the men who had received that certificate were not elected, but that other men were elected; and those other men so elected received a certificate from the Governor of Florida, and in the execution of the office to which they had been appointed by the people in the previous November discharged their duties as electors and voted on the day designated by the law of the United States.

Now, then, may it please your Honors, you have from that State this evidence, evidence from her Legislature, evidence from her Executive, evidence from her judicial tribunals, that the electors to whose vote we object were not the duly appointed electors of Florida; and through all the departments of her government Florida therefore comes to the United States Congress and begs that you (for you now exercise that power and it is vested in you) will protect her people from the enormity of having their voice similated by parties never appointed to speak in her behalf. Is not that competent evidence to go before the houses of Congress? If it is not, and if Congress itself cannot in the exercise of its original power go forward and inquire into the manner and due election of these electors, then you have placed the whole Government and administration of the United States in the power of any executive who may issue his certificate to a party never voted for at all, while the unanimous vote of the State may have been in favor of another party. You may take the whole population of Florida, and although they may never have voted for A and B at all, and though the vote may have been unanimous in favor of other parties, if the Governor chooses to issue his certificate to A and B, that certificate becomes binding upon Congress and may cast a Presidential election. If this be the law, may it please your Honors, then who will deliver us from the body of this death? It is beyond the power of Congress to grant relief; it is beyond the power of this tribunal.

I find that I have consumed, may it please your Honors, more than the time alloted me.

THE unfortunate people of Louisiana have as much to do with the maintenance of the Returning Board in that State as they have with the Spanish ascendency in Cuba. That board is the spawn of a corrupt Federal administration. Without the protection of the Federal Government, it would have been swept out of existence years ago.—*Brooklyn Eagle.*

MR. EVARTS.

Washington Union.

We do not wish to accuse Mr. Evarts of any want of fairness or candor in his citation of authorities. We think we can justly tax him with ignorance or carelessness. We suggested yesterday the obvious inapplicability of the Maryland case—the first one cited by him in the course of his argument on Monday, and the one upon which he seemed to lay the greatest stress—to support the proposition that the two houses and the Electoral Commission, as the organ and instrument of the houses, lacked the necessary and plenary powers for a judicial examination and scrutiny of the electoral votes. A further examination of the case itself, as reported in the forty-third volume of the Maryland Reports, referred to by Mr. Evarts, shows that he mistook or misstated the facts of the case as completely as he shot wide of the mark in his misapplication of the decision of the court.

That we may not be accused ourselves of doing injustice to Mr. Evarts we quote from the Record that portion of his speech entire which refers to the case in question:

"I may ask your attention, in connection with the topic that I last discussed, and in pertinent relation to the present, to the case of Groome vs. Gwynne, in 43 Maryland Reports, 572, especially at page 624. This case shows that this argument that a duty attributed by law or the Constitution must carry to itself, in the functionary charged with its exercise, all the powers necessary, upon the ground that the duty must involve the powers, finds no place in our jurisprudence; the argument is the other way. If the functionary, if the commission has not been clothed with the necessary faculties, then the duty is not accorded or, the means of its exercise not being furnished, it cannot be discharged. There the Governor had, by the State Constitution, the power to determine a contest for the elective office of Attorney-General of the State of Maryland. The Governor, finding by his own inspection of the Constitution that he lacked the means of carrying out the scrutiny that must decide, held that he could not exercise it and he would not exercise it unless compelled by judicial authority. The Court of Appeals, on an application for a *mandamus* to compel the Governor to give the certificate to the candidate appearing to be elected by the canvass, held that he was vested by the Constitution with an authority to decide the contest, but that the laws of Maryland had not executed the Constitution by furnishing him with powers to perform the duty assigned to him, and that the *mandamus* must go against him to compel him to deliver the certificate to the candidate that, on the fraudulent election, was returned as having the plurality of votes. Thus the preliminary contest before the Governor that might have been effectual to redress the frauds of the election was defeated for want of necessary legislation. The contest could only be had under the judicial powers of the State lodged in the courts, and in the shape of *quo warranto* on a suit against the inducted candidate that the Governor might or would have decided not to be entitled to take the office."

The facts of the case were just the reverse of what Mr. Evarts states. The Constitution of the State making it the duty of the Governor to decide upon the election and qualifications of the Attorney-General, the Governor, before issuing a commission to Mr. Gwynne, who was returned as elected at the November election, 1875, was served with notice that Mr. Gwynne's election would be contested on the ground of election frauds in Baltimore city. After hearing argument as to the effect of the Constitutional provision the Governor gave his decision in writing to the effect that while he found Mr. Gwynne eligible and qualified, and "according to the returns"—that is upon the face of the returns—elected, he should proceed to an inquiry and investigation into the facts of the election by means of testimony extraneous to the returns "*unless restrained by the courts.*" In the meanwhile he would withhold Mr. Gwynne's commission unless ordered to issue it by *mandamus.* Upon this invitation and declaration of the Governor's intention to go behind the returns, application was made to one of the Circuit Courts of the State for a *mandamus,* which was granted by a *pro forma* order, and the question carried to the Court of Appeals. The court affirmed the right of the petitioner to the writ, and decided that the Constitutional provision which made the Governor the judge of the contested election for the office of Attorney-General was not self-executing, and that the power vested in the Governor could not be executed for want of the proper legislation to enable the Governor to command the attendance of witnesses, compel the production of testimony, &c. The court, however, based its decision—and here Mr. Evarts missed the whole point of the case—upon the ground that the Governor being an *executive* officer did not possess, as a matter of course, the powers necessary for the prosecution of a judicial inquiry, but needed to be clothed with them by the Legislature. That no such embarrassment or difficulty be experienced by the Legislature itself in the exercise of precisely similar or parallel powers is not only plainly deducible from the language and reasoning of the court in this case, but was expressly decided by the same court two years before in another contested election case—that of Brooke vs. Widdicombe, reported in the thirty-ninth volume of Maryland reports. That was a contest for the office of clerk of one of the courts of the State. Of such contests the House of Delegates and not the Governor is made the judge by the Constitution. The question was whether, pending such a contest, *mandamus* would lie to compel the issuing of a commission to the candidate who had the majority on the face of the returns. The court decided the question in the affirmative, using language which we commend to Mr. Evarts's attention. After saying that the jurisdiction of the House of Delegates and of the court was in no sense concurrent the court declares that to the House of Delegates is given—

"the exclusive power and jurisdiction *to go behind the returns, to examine into the qualifications of voters, to purge the ballot-box, and recount the votes; subjects over which the courts have no jurisdiction.* Our powers and jurisdiction are confined simply to the question of the legal right of the appellee to the office after having been duly *returned* as elected, and being commissioned and qualified."

So far, therefore, from deciding that the powers necessary for a scrutiny of the electoral votes are foreign to the jurisdiction of the two houses—as Mr. Evarts vainly argues—the very judicial authority he invokes declares them to more appropriately belong to the legislative than to the judicial branch. We need hardly repeat what we suggested yesterday, that they are powers which both houses of Congress are accustomed to exercise in the amplest manner, not only in connection with the contested elections of their own members, but in reference to every subject of legislative inquiry and investigation. At the very moment Mr. Evarts was interweaving his ingenious web of solemn platitudes and sophistries, in another part of the Capitol J. Madison Wells, a witness brought from Louisiana by the authority of the House, and in the custody of the House for contempt in refusing to answer, was being examined before a committee of the House, in reference to the facts of the Louisiana election without objection or protest, save on the part of the bull-dozing old ruffian himself, whose falsehoods were being exposed by the searching cross-examination of Mr. David Dudley Field.

A Pleasant Contrast.

Tennessee has something to be proud of in its Legislative system, as compared with Georgia, judging by the following which we clip from one of Redfield's letters to the Cincinnati Commercial:

To go from the Legislative system of Tennessee to that of Georgia is like going from the light of the nineteenth century into the darkness of the middle ages. There is no State in the Union that has a better, more effective and economical legislative system than Tennessee, and hardly any State that has a more cumbersome, inefficient and expensive system than that of Georgia. I have seen the Tennessee Legislature do more business in a day than the Georgia law-makers seem able to get through with in a week. The Georgia Assembly is more than twice as large as that of Tennessee, and they can talk longer and say less than the same number of gigantic intellects anywhere else on earth that we have knowledge of. The most expensive luxuries are not always best, for the Georgia Legislature costs more in one year than the Tennessee Legislature does in six! The Georgia Assembly is a great unwieldy concern, of about 225 members, who are paid seven dollars a day, Sunday included, and as much mileage as a Congressman, and meet every year. The Tennessee Assembly has but 100 members, meets only once in two years, are allowed to sit but 75 days during the two years under penalty of getting no pay, and only receive four dollars per day while in session, and a limited allowance of mileage.

The Philadelphia Inquirer, a Republican journal, is not like the vast majority of the Hayes organs, willing to continue the defense of Wells and his villainous Returning Board. The Inquirer says:

"The evidence developed yesterday bp the Louisiana Investigating Committee, and the written testimony sustaining it, do not make pleasant reading, for it is impossible to see that there are not, at least, the elements of truth in it. The greater part of it may be the barest lie, and yet enough remains to demonstrate that the Louisiana Returning Board, or two of its members, Wells and Anderson, were ready to sell the vote of the State to the friends of Mr. Tilden, and that many of the affidavits presented to the Board proving intimidation, and on which over ten thousand votes were thrown out, were manufactured to order in the custom-house. This business has assumed such an infamous shape at last that it cannot be permitted to remain unsearched to its lowest depths. If yesterday's evidence be true, the country wants to know it; if it be not true, and part of a conspiracy, the country will insist upon knowing that. The worst part of it is that there is nothing in the evidence which alleges Wells and Anderson to be mere political traders which is not entirely consistent with their well-known characters and the reputations they have made for themselves in connection with Louisiana affairs. Long ago General Sheridan, in his official reports, branded Well as a skulking thief, capable of any act of dishonesty, and yesterday's evidence, until refuted, will show Sheridan's opinion to have been well formed."

IT is said that the Republicans base their hope of success upon the theory that the commission can not go behind the returns reported by the Louisiana Returning Board. In that case, it seems to us that they are leaning upon a broken reed. Why did distinguished visitors pour in upon us from all quarters of the Union to inquire into the honesty of that board's conduct if it can not be impeached and its decision set aside, whether honest or dishonest? And why, again, did each House of Congress, controlled by opposite parties, think it necessary to send investigating committees hither for the same purpose, if after all the country at large had no interest in the matter so great as to entitle its representatives to pronounce an authoritative and final judgment in the premises? The doctrine is too absurd; no man can safely venture to assume the responsibilities of the Presidential office when it is made apparent that he owes his election to fraudulent practices.—*New Orleans Picayune.*

A prominent New Yorker thus speaks of two North Carolinians: Gov. Vance is the most popular man in the State. He is a gentleman of ability, an experienced and successful lawyer, and is active and vigilant in his high office. He has a wise adviser and true friend in Daniel G. Fowle, a North Carolinian of the old school, a man of the most varied information and learned constitutional lawyer. The people of the State and the Democratic members of the Legislature are a unit in presenting him a place in the Cabinet of Mr. Tilden. Of all the public men of the State whom I have met Judge Fowle bears the highest repute, and no gentleman could more ably or successfully represent it in the Federal Administration.

Farmers Financially.

Financially the farmer is the safest man in the country. Of 1,112 bank rupts last year in Massachusetts only fourteen were farmers, but the farming community numbers full half the population. The people must live, and while use of luxuries may be diminished by hard times, there will always be a call for the produce of the farm. Farming has, of course, felt the general depression in business. But we are in a transition state from inflation and extravgance to a condition of simple living and economical expenditure, and a state of transition is always fluctuating and uncertain.

WEST VIRGINIA has at present school property to the amount of $1,660,467 83; 3,693 teachers, and 3,2[illegible] school-houses. The school population is 184,796; of this number 123,504 attended school during some portion of the past year; the average daily attendance was 72,278. The total receipts of the school department were $98[illegible] 577. The cost of education per pupil is $7 72, based on average daily attendance. Male teachers are paid $30 [illegible] per month, and female teachers $32 0[illegible]

THREE of the Judges of the United States Supreme Court are natives of the State of Wooden Nutmegs—Chief Justice Waite, and Judges Field and Strong. The last two were both sons of Congregational ministers, and the fathers and mothers of the two Judges were very intimate personal friends half a century ago when the two boys were trotting to school.

The California Coffee Trees.

Reports from the coffee trees planted in California four years ago announce complete success. They bore last year and the berry has excellent aroma. The tree flourishes luxuriantly, and is commended to farmers in the foothills of Middle and Southern California as a safe investment.

A half-pound of powder in a chestnut log demoralized an Atlanta negro family the other night. The wood was borrowed without the owner's consent