W. W. Leake

FELICIANA SENTINEL.

OL. 2. ST. FRANCISVILLE, LA., DECEMBER 15, 1877, NO. 25

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YSICIAN AND SURGEON,
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TAILOR,
Sentinel office,
St. Francisville La.,

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Respectfully solicits a share of the public patronage and guarantees satisfaction.

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Will give prompt attention to all business in his line in this andadjoining Parishes. June 28 '76.—1

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All calls from the citizens of this Parish so addressed will receive prompt attention and response.
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Terms Only $2 50 per Day!
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The hotel will be entirely renovated, refited and refurnished during the summer
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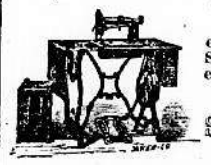

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FELICIANA SENTINEL.
A DEMOCRATIC PAPER.
OFFICIAL JOURNAL OF WEST FELICIANA
OFFICIAL JOURNAL CITY OF BAYOU SARA
PUBLISHED EVERY SATURDAY.
S. LAMBERT...PROPRIETOR
JNO. D. AUSTEN.....Editor.
S. O. RHEA.....Publisher.

St Francisville, Dec. 15 '77

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THE ELECTORAL FRAUD.

JUDGE BLACK'S REPLY TO MR. E. W. STOUGHTON.

The Stoughton Article in the North American Review for October Plainly Dealt With.

(CONTINUED FROM LAST ISSUE.)

To the Hon. E. W. Stoughton:

RECOGNIZED BY THE CARPET-BAGGERS

It is hardly possible to imagine anything more preposterous than your notion that these laws, which give the power of appointment so distinctly and so exclusively to the people, do not give it to them because a Returning Board is authorized to collate the votes, add them together, and ascertain what choice the people have made; that the power to inspect the record of the election and certify the result is the power elect; that the right of the people to choose their State officers and Presidential Electors is only the power to send up names to the returning officer, who may choose them or elect them at his pleasure; that when the people have made one appointment and the Returning Board another, the latter is the due appointment, and the former no appointment at all.

I will not trouble you with judicial decisions on this point, or with arguments derived from the established canons of construction, for they would make no impression on your mind. But I think I can stagger you by citing the authority of those mighty jurists and statesmen who until recently, ran the government of Louisiana so much to your admiration. All of them, ithout exception and "without distinction of race, color or former condition of servitude,' conceded the exclusive right and the unqualified power of the people to appoint electors of President and Vice-President for their State. This concession was not only made in words, it was avowed in every act they performed, from the beginning to the end of their domination.

When Kellogg and his associates wanted the appointment of electors they asked the people for it, and they acknowledged in a thousand forms that the people alone could give it. The returning officers themselves never denied the power of the people to choose and appoint whom they pleased for electors as well as for Governor, Lieutenant Governor, and other State officers. Their certificates, whether false or true, did not pretend to be *proprio vigore* an appointment. Every one of these papers purported on its face to be a mere declaration of the appointment previously made by the people. No candidate who obtained one of them ever undertook to use it except as evidence of a pre-existing right derived from a popular vote in his favor. The monstrous doctrine that the Returning Board could create title to an elective office was never even broached, unless to be universally condemned as untenable. It is a pity that in your long, frequent and affectionate intercourse with the negroes and carpet-baggers at New Orleans you dig not pick up a little knowledge of constitutional law.

Failing to find any justification in the law for those who did this deed, you must leave them without an excuse or find one in the facts of the case. Your demurrer is a preposterous sham, and you must answer over. Was the true vote of Louisiana counted or not?

THE FACT AS TO LOUISIANA.

The great fundamental fact which underlies all others in regard to Louisiana, is that the State by her qualified voters chose and appointed the Tilden electors in due and legal form. This is proved by evidence clear and decisive enough to strike all contradiction dumb.

In less than two days after the election it was known all over the country that in Louisiana there had been a full poll and a heavy majority for Tilden. Very soon afterward the official counts made and recorded in the several parishes by Republican officers of election were brought together, and the exact vote of each candidate was ascertained. The figures could not be made to lie, and all parties agreed that the majority for the Tilden electors averaged nearly eight thousand. Now, remember, this was a public act—not done in a corner, but transacted in the face of the world; and the uncontradicted report of it carried perfect conviction along with it. Upon evidence of this kind the most important fact in the history of the universe was accepted as true in all parts of the earth immediately aft r it happened, and for more than eighteen centuries the most powerful minds in Christendom have staked upon it their highest interests in this world and their salvation in the next But there was other evidence. Committees of Congress were sent down, charged with the special duty of inquiring into the matter on the ground, and they reported the true result of the election to be as previously stated, that is to say, 7659 majority for Tilden. Even that is not all. The original documents and records showing what the vote was, as actually counted by Republican Commissioners of Election, authenticated by their sworn certificates, and verified by the oaths of many credible persons, were produced before Congress and before the Electoral Commission. These were conclusive proofs; they were submitted to your inspection, and if you do not know from them that a large majority of the people at that election voted for Tilden electors and the Democratic State officers, you are wholly unfit for your business. But you do know it; and cannot deny it without totally destroying your character for veracity. Forced by the irresistable strength of the proofs, you admit, or assume, that the majority for the Tilden electors was 7659. So, therefore, that is settled.

A LEGAL AND PEACEABLE ELECTION.

There is another point of fact that is also established. The majority for the Tilden electors was made up by the votes of legally qualified citizens. I do not say this merely because the reception of the votes by the proper election officers was *per se* an adjudication in favor of the voter's right, but for the further reason that the election at all the polling places was in the hands and under the complete control of the opposing party, who would certainly not permit any Democratic vote to go in if they could legally keep it out. Besides, the House committee, when they went to Louisiana with power to send for persons and papers, could not find anybody—not a carpet-bagger or a Custom-House officer—hardly enough to assert that the Democrats had polled illegal votes. You have not denied, and I suppose will not, that the majority of 7659, which you admit was cast for the Tilden electors, was cast by properly qualified citizens.

Another thing: The election was free and peaceable. The officers reported no disturbance. Every polling place was manned by policemen, deputy marshals, and soldiers in the interest of the carpet-baggers, and all of them testify that there was no violence of any kind which called for their interference. The same is true with regard to the registration. That there could have been no force or intimidation at other places or times, which kept people away from the election is proved by the large number that came. The vote was the heaviest ever polled in the state; and larger in proportion to the whole population, as ascertained by the census, than in most other States where all the exertions of both parties were used to bring out their last man.

The necessary result, briefly stated, of all the facts known and proved is this; that the people of Louisiana, having the undoubted power to choose their own electors, did regularly, duly and legally appoint the Tilden electors upon a full poll, at a free election and by a large majority; and the persons thus duly appointed by the people were exclusively capable of casting the presidential vote of the State. It followed, as the day follows the night, that the count of the eight electoral votes from Louisiana for Hayes was a false count.

THE RETURNING BOARD.

But you say that the officers of the Returning Board, by virtue of certain judicial powers conferred on it, could disfranchise the majority, nullify their act of appointment, and virtually take the power of choosing electors into their own hands. This brings us to another disputed question of law; is the Returning Board law valid and binding, or a mere nullity because of its direct and palpable conflict with the constitution? Let us look.

Of course, neither you nor anybody will deny that disfranchisement of a free citizen is a severe punishment reserved by the penal law for the most infamous crimes. To inflict it is an exercise of the highest legal authority. The judicial power in Louisiana is exclusively confined by the State constitution to certain enumerated courts, and the Returning Board is not one of them. Therefore, an act of the Legislature which gives to such a board any judicial power to punish any person for any offence, is clearly void. But, in addition to this, it is provided by the fundamental law of all free States, including Louisiana, that even the courts or magistrates capable of holding this power shall never exercise it except on formal accusation and due conviction, at a regular trial before an impartial jury. Now, the legislative act which you assert to be constitutional gives the power to punish by disfranchisement to the Returning Board, which is not a court, and authorizes it to pronounce sentence of disfranchisement upon all the citizens of a parish at once, for an act of violence not committed by themselves or by any of them, but by somebody else whom they may never have seen or heard of. Even the fact that violence was committed by other parties is to be ascertained, not by a trial, but by an inquiry conducted in secret, behind the back of the parties, on ex parte statements of their political enemies. The sentence is to be carried remorselessly out though it have the effect of remanding the whole people of the whole State back to a hopeless bondage from which they are struggling to be free.

Such a law you declare to be constitutional and valid! There is not a half-grown boy in the country of average understanding that does not know better. I cannot help but believe that a little reflection would have saved even you from the shame and folly of making an assertion so destitute of all sense and reason.

But you go further. You not only aver that the power of the Legislature to pass such a law cannot be doubted, but you declare that the Supreme Court of Louisiana has adjudged it to be valid, that is to say, consistent with the constitution. This is extremely injurious to that court, and, if believed, it would destroy all confidence in the integrity of its judgments. Knowing something of its members, I take leave to say that they are utterly incapable of making a decision at once so false and so absurd. In fact, they did not. No case ever came before them involving the question, and no dictum ever fell from either of them which could give the Returning Board or its owners the least hope of being sustained as a constitutional body.

A FALSIFIED DECISION.

This falsification of a judicial decision to uphold the power of the Returning Board in fabricating election returns has a curious history. In November last, Mr Stanley Mathews, in a published letter, said that the Supreme Court of the State had decided the Returning Board statute to be constitutional. He was immediately picked up by nine Louisiana lawyers, who told him in a printed pamphlet it was not true, and asked him with great politeness to correct the error. He was silent, but the visiting committee reasserted in its report substantially the same thing. Again it was met with loud and emphatic contradiction. Nevertheless, Mr. Sherman in the Senate afterward reaffirmed it, and had the temerity to hold up a book of Louisiana reports, in which he said the decision would be found. Those who, for want of time or interest in the subject, did not examine the report, were in some sort compelled to believe what was affirmed about it by a Senator who professed to have carefully read it, and in consequence the reputation of the Louisiana court suffered severely for a while. But the misrepresentation soon became known for what it really was, and it was again thoroughly exposed as you very well known. Now, after all this, here are you at the same work again, parading anew the citation proved to be false half a dozen times. The patient pertinacity of Pope's spider, reconstructing its web as often as it was swept away, is the figure that fits your case. I will not quote the lines lest they offend you by their coarseness.

You transcribe a passage in which you tell us that the court has decided the validity of the statute; but you are careful not to mention the case or the book from which you take it; it is found, however, in the case of Bonner vs. Lynch, on page 298 of the 25th Annual. There is not in that passage, or in that case, or in that book, one word that alludes in the remotest manner to the constitutional question or the power of the Legislature to pass such a law. The case being examined shows that no such point was raised by the record, or discussed by counsel or adjudicated by the court. The sole question was whether the court had authority to reverse the proceedings of the Returning Board and correct its errors. Four judges concurred in the opinion that inasmuch as no statute expressly gave them that power, they could take no cognizance of the subject for want of jurisdiction *ratione materiae*. You might just as well cite that case to prove the constitutionality of the reconstruction law.

You claim that this same case not only establishes the validity of the act creating the Returning Board, but the conclusive effect of its action; whereas, in truth and in fact, the court holds the direct contrary, and says that a certificate of this board is merely *prima facie* evidence in favor of the person who gets it. How, indeed, could the court have done otherwise, seeing that the statute itself does declares, *totidem verbis*, that the certificate shall be, not conclusive, but *prima facie* merely? And here it ought to be noted that where you profess to set forth the provision of the legislative act which makes the certificate of the board evidence, you garble it shamefully and alter it to make it fit your assertion that it is conclusive by cutting out the words which declare it to be only *prima facie*.

A FIT APOLOGIST FOR FRAUD.

I am not sure that you have made these misstatements with malice prepense,
But wrong is wrought for want of thought,
As well as want of heart.

You utter whatever comes uppermost if it seems to serve your purpose, without stopping to consider whether it is right or wrong. Added to this, you have the dangerous gift of talking on a subject you know nothing about just as well as if you understood it. This combination of mental qualities gives you a matchless skill at blundering.

As expert divers to the bottom fall,
Sooner than those who cannot swim at all,
So, by this art of writing without thinking,
You have a strange alacrity in sinking.

Besides this, the obliquity of your moral vision prevents you from seeing either facts or principles as they are seen by others. You have no doubt that Wells, Anderson and the two mulattoes, when they corruptly altered and falsified the election returns, "exercised a wise discretion." The manifest sincerity with which you make your confession of this singular faith marks you out for the fittest man that could have been found to serve the Great Fraud by blaspheming the constitution of a free State, mutilating her statutes, and imputing to her judges absurd decisions which they never made.

THE FRAUDULENT CERTIFICATES.

But let that pass. We will now assume that the Returning Board was a constitutional body vested with all the power you claim for it, and also that its certificate is conclusive. Does it follow that its action is binding, if it be fraudulent? No; a tribunal with full jurisdiction has no more power to commit fraud than a private citizen. A judgment of the Supreme Court of the United States upon a matter clearly within its authority is utterly void if tainted with corruption. No paper of any kind, no official certificate, no deed, no record, can weigh a feather in the scale of justice, if it has been concocted in willful falsehood or procured by actual deception. Such a paper or record when produced in evidence has precisely the same probative force as a forgery; neither more nor less. In saying this, we are backed by the good sense and honesty of all mankind, and by rules of law that are universally accepted. Nobody has yet dared to deny this principle. No Republican counselor met it in argument when the Democratic counsel set it forth; none of the eight responded when all of the seven presented it. Even you with all your "strange alacrity in sinking," cannot get down low enough to contradict it.

Any court, any legislative body, any commissioner or arbitrator, who receives a paper known to have been fraudulently made, and gives it the effect of a true one, or adopts it as the foundation of a judgment, or allows it to prejudice any opposing right, commits a most scandalous outrage upon law and justice. The principle which excludes a document tainted with that kind of iniquity is fundamental, axiomatic, and necessary to the safety of all rights, public as well as private. It is of universal application, impregnable, unassailable, without variableness, or shadow of turning. It stands now as it has stood since the beginning of the world.

Whole as the marble, founded as the rock,
As broad and general as the casing air.

WHAT THE EIGHT COMMISSIONERS DID.

The Electoral Commission was constituted with authority clearly defined to determine a certain controverted matter of fact, to wit: Whether Kellogg and his seven associates had been duly appointed electors by the people of Louisiana or not. To maintain the affirmative side of that issue the certificate of the Returning Board was alone relied upon. The eight commissioners, against the solemn protest of their seven brethren, accepted that certificate and held it to be good, nay, conclusive, proof of the fact averred, although it was, and they knew it to be, not only tainted, but saturated through and through with the most atrocious fraud, and therefore as corrupt in morals and as void in law as the nakedest forgery that ever was made.

Thus it came to pass that this great cause, involving the title to the highest office in the republic, was determined upon evidence which no justice of the peace would receive in a suit for the price of two sheep. In one of the regular courts of the country, upon a trial for land or money, the mere offer of such

(CONTINUED ON FOURTH PAGE.)