

directs him so to do. He cannot open them before. If he should do so, the convention would have inherent power to punish him for the contempt. When he has opened the certificates, the whole duty imposed on him by the constitution is performed.

4. The words "and the votes shall then be counted." mean, by the settled rules of construction, that the votes shall then be counted in such manner as the joint convention shall direct. The power to count necessarily involves the right to determine every incidental question. There is no limitation of this power. If it be charged that any alleged returns are false, fraudulent or forged, or otherwise in violation of law, the convention must necessarily have authority to hear and decide the charge. From its decisions there cannot, in the nature of things, be any appeal. Over its action no other department of the government can exercise any control. Within its sphere, it is supreme.

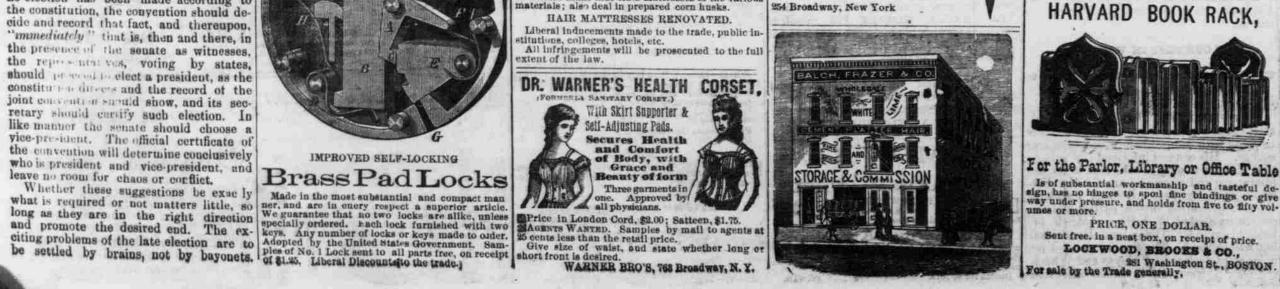
5. The electors correspond to the whole body of senators and representatives acting jointly. The electoral joint convention sits in place of a general assembly of all the presidential electors to count the votes and declare the result. The idea of two bodies acting independently at the same time and in the same place, is an absurdity. To act jointly they must become one body, joint convention to elect a United States senator is an example. There should be a presiding officer to preserve order, and a secretary to record the action of the body. If any other course be permitted, it is an irregularity. This power of organ-ization is inherent and inalienable. When the house and senate meet to count the votes, the whole body of members constitutes by force of the constitution the elec

toral joint convention. It may choose the appoint a secretary to record its action, for the certificate of such secretary, made under the orders of the convention, will import absolute verity, and bind all the departments of the government. It will also appoint tellers to count the votes.

If the two houses of congress are to act rence. or delay of one may defeat a conmajority of each house would have power to hear and decide for itself, in such a manner as it might deem expedient, all questions raised in relation to the identity and legality of the roturn from each state. But nothing could be further from the spirit of the constitution than such a course. What it requires of the electoral convention is precision, certainty, and the prompt dispatch of business. An erroneous decision by the electoral convention might be acquiesced in for the sake of peace, but a disagreement of the two houses acting separately would seriously threaten anarchy

6. It is for the joint convention to decide, record, and certify who is elected; or if no election has been made according to the constitution, the convention should de-

cide and record that fact, and thereupon, "immediately " that is, then and there, in the presence of the senate as witnesses. the representatives, voting by states, should present to elect a president, as the constitution differents and the record of the joint convention should show, and its secretary should carrify such election. In like manuer the senate should choose a vice-pre-ident. The official certificate of the convention will determine conclusively who is president and vice-president, and leave no room for chaos or corflict.



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