## SIX LITTLE FEET ON THE FENDER.

In my heart there liveth a picture
Of a kitchen rude and old,
Where the firelight tripped o'er the rafter,
And reddened the roof's brown mould,
Gilding the steam of the kettle,
That hummed on the foot-worn hearth,
Throughout all the livelong evening,
Its measure of drowsy mirth.

Because of three light shadows
That frescoed that rude old room—
Because of the voices that echoed
Up 'mid the rafters' gloom—
Because of the feet on the fender,
Six restless, white little feet—
The thought of that dear old kitchen
Are to me so fresh and sweet.

When the first dash at the window
Tells of the coming rain,
Oh! where are the fair young faces
That crowded against the pane,
While bits of firelight stealing
Their dimpled cheeks between
When struggling out in darkness
In shreds of silver sheen.

Two of the feet grew weary,
One dreary, dismal day,
And we tied them with snow-white ribbons,
Leaving them by the way.
There was fresh clay on the fender
That weary, wintry night,
For the four little feet had tracked it
From the grave on the bright hill's height.

Oh! why, on this darksome evening,
This evening of rain and sleet,
Rest my feet all alone on the hearthstone;
Oh! where are those other feet?
Are they treading the pathway of virtue,
That will bring us together above,
Or have they made steps that will dampen
A sister's tireless love?

# By Telegraph.

## AMERICAN.

### DEMOCRATIC ADDRESS

**To the People of the United States.**

WASHINGTON, 5.—At a caucus of the democratic members of the House of Representatives held on the 3rd of March, 1877, in the hall of the House, the following address was unanimously adopted—

L. Q. C. LAMAR, Chairman.
HENRY B. BANNING,
WILLIAM M. ROBINS,
Secretaries.

At a meeting of the members of the National Democratic Committee held on the 3rd day of March, 1877, the following address was unanimously adopted.

A. S. HEWITT, Chairman.
F. O. PRINCE, Secretary.

*To the American People*: We submit to the country the following review of the events which have resulted in the declaration that Rutherford B. Hayes has been elected President of the United States.

In the late political canvass, two facts stood out prominently:

First—The republican party, true to its sectional nature, sought to unify the north against the solid south, and while engaged in that effort it was striving to make good its probable losses in the north by dividing the votes of the south. This division it sought to effect by unconstitutional use of the army in South Carolina, Florida and Louisiana.

Second — Troops were sent to these States when there was neither invasion nor domestic insurrection to require them, with legislatures easily to be convened. The only demand for their presence was made by the State executive. The elections in these States, therefore, were held in the shadow of military power. The bayonets glistened at the polls. In depositing their ballots the citizens enjoyed only such liberty as the army permitted. In other States the elections were unusually peaceful. Immediately afterwards the result showed that 196 Tilden electors had been chosen. Of the whole popular vote they received a majority of more than a quarter of a million, and of that Caucasian race which controls every other Christian and civilized government of the world they received a majority of more than one million. On the day succeeding the election it was announced by the chairman of the Republican National committee that 184 Tilden and 185 Hayes electors had been chosen. Nothing had then been learned of the election excepting the vote actually cast. It has never since been disputed that by that vote the majority of the Tilden electors had been appointed. Such announcement, therefore, could only have been made in pursuance of an arrangement to change the vote shown to have been given by the people. We charge that after the true result had been proclaimed a conspiracy was formed by the republican leaders to reverse the decision made at the polls. The field chosen for the development of the conspiracy was the States of Florida and Louisiana. The persons to act with the original conspirators were the governors and members of the returning boards of those States. The field was well chosen, the State officers selected were suitable persons for the work to be done. For more than ten years those States have been subjected to Governments not of their choice. Taxation and maladministration had robbed them of their substance and well-nigh destroyed their spirit and hope. The army of the United States had been *freely used* to maintain those governments in their acts of corruption and usurpation. It was believed that its services would aid in the designed conspiracy. The names of the officers depended upon are Marcellus L. Stearns, Samuel B. McLinn, Clayton A. Cowgill, of Florida, and William Pitt Kellogg, J. Madison Wells, Thomas B. Anderson, E. Cassanave, and J. B. Kenner, of Louisiana. These men were not strangers to the American people. They had before usurped authority. The returning boards of those States had made themselves bywords in the land. The governors were known to be pretenders. If there were two names dishonored in general estimation they were the names of William Pitt Kellogg and J. Madison Wells. To such men was the work of consummating the conspiracy confided. They entered upon their task with alacrity. Advised and encouraged by the leading visiting republican statesmen of the north, they took each step with deliberation and apparent regard for law. Before the election in Louisiana, William Pitt Kellogg and his subordinates assumed the exclusive control of the execution of the registry law. They refused registration to thousands entitled to it, and added thousands to the lists who had no right to vote.

On the day of election the polls were managed by officials appointed by the governor. These were, in nearly every instance, members of the republican party. United States Marshals swarmed at every precinct when thought necessary, under the pretence of preserving peace, but in fact to intimidate the voters. Ballot-boxes were stuffed in the interest of the republican candidates. Poll books were falsified in some instances, and then returned to the canvassing board, while in other cases the returns giving democratic majorities were withheld from the canvassers altogether.

After the returns had been delivered to the board they remained in its possession, and while they were opened, with its consent, the original papers were abstracted and false ones substituted in their stead. When the returns were opened, the board, with an appearance of fairness, permitted persons representing both parties to be present; but when the decision was made as to what should be counted, secret sessions were held, from which every democrat was excluded, although the law constituting the board required that it should be composed of representatives of both political parties. In counting the votes it exercised powers not conferred by the statutes, and in the most flagrant disregard of truth and justice the members of the board changed the poll books so that the republican officers appeared to be chosen, when their opponents had in fact been elected; they forged the names of officers to the certificates of election; they threw out the votes of precincts upon affidavits which they knew had been fraudulently returned; indeed, they themselves ordered false affidavits to be made hundreds of miles from the places in which they purported to have been taken, in order that their decision might appear justified, which they had, in advance, determined to make; they arbitrarily threw out votes where there was no preliminary statement from the commissioners of election to give them jurisdiction; they corruptly, in order to elect their favorites and to correct the mistakes of certain republicans in voting for electors, added to the list of votes which had never been cast. While considering the case the members of the board endeavored to enter into negotiations with both the republican and democratic national committees to sell their decision. Half a million dollars was the price asked, and not obtaining it they tried to bargain with the leading democrats of Louisiana to elect the State ticket of their party. J. Madison Wells, with the approval of Thomas C. Anderson, offered to elect Nicholls and the State ticket for $200,000 cash in hand. The money was not paid. Negotiations were then renewed, if ever broken off, with the leaders of the republican party. The result was declared in its favor. The chief conspirator, J. Madison Wells, admitted that he had been paid by that organization for his decision.

In Florida the same frauds characterized the returns, and by the action of the returning board votes were thrown out with the same disregard of justice; besides, in that State, it refused to regard the order of a court of competent jurisdiction, and proceeded in the most defiant contempt of judicial authority. In this manner more than one hundred thousand Tilden votes were thrown out in Florida, and more than ten thousand in Louisiana. The votes of those States, in consequence of the conspiracy, which in fact had been cast for Tilden, were given to Hayes. The only excuse for this outrageous reversal of the judgment of the people is that intimidation had been practised by the whites against the blacks where the votes were thrown out. Whether this intimidation compelled some persons to vote against their will or prevented some from attending the polls, it afforded, in either case, no justification for the deliberate rejection of the ballots by the returning boards; but the statute of Louisiana only authorized the proof of intimidation in cases where charges of violence were made in writing by the commissioners of the election on the day the election was held. These charges were to be enclosed to the board in envelopes containing the returns. In a few cases were the charges made as required; in the rest evidence was received without a proper foundation having been laid.

The evidence received consisted in the main of affidavits written out by clerks, employed by the returning board, without ever having been seen by the persons purporting to verify them, or the officers purporting to certify to them. There was therefore no adequate proof of intimidation. It may be remarked here that the temptation to Kellogg and his returning board was very great to manufacture cases of intimidation, for it was only in that that the democratic majority could be overthrown and the conspiracy be successful.

We should not fail to call the attention of the people to the dangerous effect of the doctrine of intimidation in politics. It disqualifies from voting not only parties to the act of intimidation, but all those who have voted at the same precincts with them. Two persons may conclude to make a case of intimidation and thereby cause a parish casting thousands of votes to be rejected. It makes elections a farce. It takes the power from the people to rest in the returning boards. It enables the latter to impose the severest political penalties, disfranchisement, without giving to the persons punished an opportunity of hearing or trial. The republic deserves to lose its liberties if it tolerates such outrages for an hour. By this disregard of law, disobedience of courts and contempt of the rights of voters, by their frauds, corruptions, and usurpations, by their briberies, prejudices and forgeries, did the conspirators obtain certificates of election for the republican candidates in the southern States named. From the day that certificates were issued to the Hayes electors in Louisiana and Florida the country has been filled with unprecedented excitement. The people have done little else than engage in discussions as to the fraudulent conduct of the returning board. In this condition of affairs, business has been generally suspended, failures have been frequent, and postration seized upon nearly every interest in the land.

When this excitement was at its height Congress assembled. One of its duties was to count the electoral votes of the States, including Florida and Louisiana. With the view of facilitating the count and providing for the peaceful performance of its duty by Congres, the bill was passed creating an electoral commission. By that law the commission was to ascertain the true and lawful vote of every State. In this labor it was to exercise, as to the hearing of evidence, the examination of papers, such power as Congress or either house of Congress possessed. In the belief that the evidence would be heard and that the settlement of the disputed question of facts would be fairly reached, Congress and people accepted the commission. How that confidence has been disappointed, how the decision has been made, based upon the refusal to consider the unfortunate question of dispute, is well known to the country. When the certificates from Florida and Louisiana were opened and submitted to the two houses, objections were filed to those presented by the Hayes electors. Among other grounds of objection it was urged that these certificates had been fraudulently and corruptly issued by the returning boards and the executives of these States, and, as the result of conspiring between them and the electors claiming to have been chosen, that such certificates have been issued in violation of the laws of the respective States, and that some of the electors named therein were ineligible by express provision of the Constitution of the United States. When these objections were made for consideration before the commission, proof was offered to the commission to sustain them, and the commission by a vote of eight to seven, refused to receive the testimony offered, except as to the ineligibility of a single member in Florida. It was voted in the case of Louisiana, that the commission would not have evidence to show that the returning board was an unconstitutional body, that it was not organized as the law required at the time the vote was canvassed, that it had no jurisdiction to canvass the electoral vote, that the charges of riot and intimidation were false, that the returning board knew the fact, that certificates were corruptly and fraudulently issued and as a result of the conspiracy, and that the vote of the State never had been compiled or canvassed.

The same rulings were made substantially in the cause of Florida. The commission also refused to hear proof that, at the time of the election of South Carolina, anarchy prevailed, destroying the republican form of government in that State, that troops were retained there, in violation of the constitution, to interfere with free choice by election, so that the lawful vote of that State could not be known.

Against these decisions we protest most earnestly in the name of a free republican government. In the first place they struck a fatal blow at the constitutional powers of the two houses to count the electoral vote. This power has been exercised by both houses, without dispute, from the foundation of the government. That evidence should be reached in cases of contested electors seems clear. The principle has been maintained by the ablest statesmen the country has produced. It was a practice confined to principle in the secret session, notably in the case of Louisiana itself, in 1869 and 1873. Such evidently was the view of both houses at the present session, when investigating committees were sent to Florida, South Carolina, and Louisiana, to take testimony and report as to the elections in these States. It is difficult to see upon what principle this view can be based. The duty of Congress is to count the vote. This makes the enactment of the vote to be counted. This again makes the determination of what is the true vote, and distinguishing what is false from what is true. This requires evidence. The forms of law impressing the fact cannot be made, unless evidence be admitted, for if fraud possesses the count how can the success of falsehood be prevented, if either jury be denied? The action of the commission disables Congress from performing a certain constitutional duty.

In the second place this decision nullifies an article of the constitution. In section 1, article 44, it is provided that "no senator or representative, or person holding office of trust or profit under the United States shall be appointed elector." If the States choose electors who are ineligible, how can this provision be made effectual? The State by its action has refused to respect it, manifestly it can then only be enforced by the power authorized to pass upon the vote which the State has returned. Congress, then, in counting the vote, must determine who are and who are not eligible electors, facts which can only be ascertained by evidence *aliunde*. Any other doctrine abrogates the previous construction and in effect substitutes the following: "Senators, representatives, and all persons holding office of trust or profit under the United States may be appointed electors."

In the third place, the doctrine ignores all precedents and rules of morals in excluding evidence of fraud submitted. Nothing can stand which is tarnished by fraud. It vitiates everything. It annuls every deed, cancels every obligation, annuls every contract, reverses every judgment. Every tribunal, however organized, is bound to regard every fraudulent transaction as a nullity, however it may come before it, whether directly in an independent proceeding, or collaterally. The decision of the highest tribunal, if procured through fraud, should be treated as of no effect by the humblest court in the land. As said by a distinguished writer, "It matters not whether the judgment impugned has been pronounced by an inferior or by the highest court of the land, but in all cases alike it is competent for every court, whether inferior or superior, to treat as a nullity any judgment that can be clearly shown to have been obtained by manifest fraud." It remained for this commission to declare that there were certain tribunals which could perpetrate fraud with impunity, and that there was one court which could not lay its hands upon the fraud when brought before it for review. Those exceptional tribunals were the returning boards of Florida and Louisiana. That exceptional court is the electoral commission.

Fraud has found an entrenchment from which it cannot be driven in the contest for making choice of the highest officer of the greatest of republics. A doctrine more corrupting in its consequences, more destructive of the purity of electors, and more threatening to the perpetuity of a free government cannot easily be suggested. It is sought to justify this decision by an appeal to state sovereignty. The argument is, that as States choose their electors in a sovereign capacity, their decision cannot be reversed by any other authority. This proposition pushes, to its furthest limit, the doctrine of State rights. The theory of the most advanced advocates of that school was only that the States were sovereign as regarded the power over them which was not delegated.

It was conceded that the constitution was supreme. The power to choose electors would not have existed except for the constitution. It was, therefore, a delegated power. The legislature of the State choose electors by virtue of a constitutional provision. It is a duty to be performed by a State while in the Union; it cannot perform it before admission. Can it be possible that there is no power in the Union to determine how the duty has been performed, and whether in compliance with the constitutional provisions? To assert this doctrine is to declare the absolute independence of the States, to deny the supremacy of the constitution, and to leave the United States powerless against the fraud or violence of the States, which may force a President upon the people. The power to review the electoral colleges seems necessarily to be derived from the nature of a confederated government. If one party to the compact possesses power as to its subject matter superior to the power created by agreement, the compact fails, for it is impossible for the confederacy to exist unless the jurisdiction of its individual members as to the power committed to the confederation is subordinate to the largest jurisdiction of the latter.

If, for example, as in this case, one State can exercise its functions as to electing a President in violation of the constitution without any power in the Union to revise its action, then the Constitution was unnecessary for the delegation of powers, and the nation may be governed in violation of the very instrument which created it; but whatever the power of Congress as to the authority over the votes of electors, it is certain that it is not bound to treat as valid a fraudulent certificate. It matters not how absolute the sovereignty under which such fraud is perpetrated, it