

JUDGE BLACK'S PHILLIPIC.

A few days ago we presented our readers with a portion of Judge Black's terrible arraignment of the Administration and the Republican party in the matter of the Electoral Commission, and to-day we publish another part which is the most complete, eloquent and scathing exposure that has yet been made of the means by which Lutherford B. Hayes was foisted into the Presidential chair.

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 the Presidency of the Senate had power to determine absolutely and arbitrarily what electoral votes should be counted and what not.

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.

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 model 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 from Congress who would swear to decide the truth and then uphold a known fraud; if mistaken in that opinion of their adversary's honesty, they felt sure, at all events, that the umpire would be a fair-minded man.

We must look at the state of the case as it went before the commission. Tilden and Hendricks had one hundred and eighty-four electoral votes clear and free of all dispute, one less than a majority of the whole number.

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 States 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 State 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 the prescribed and proper way; they did duly make an appointment of electors, and their act was duly recorded, and so make 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 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 eye 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 (aloud 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.

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.

THE INFAMOUS EIGHT.

The eight Commissioners did not stop here. They went much further. They practically justified and sustained all the infinite rascality of the Returning Boards. They not only refused to take voluntarily 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 another it has remorselessly 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.

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 minority and told them plainly that their disregard of the 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 addlers to the voice of reason and justice. They would not permit the fraud to be assailed, much less to be destroyed. They stood over it to shield it, protect it and save it, interposing the broadegis of their authority to cover it against every attack.

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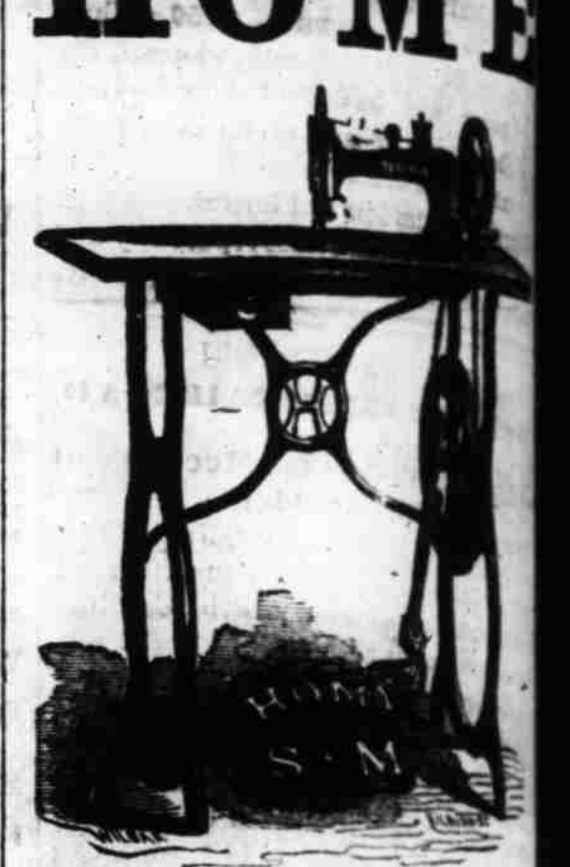
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