The News and Herald

WINNSBORO, S. C.

Thursday, February 8, : : 1877.

JNO. S. REYNOLDS, Editor.

The Electoral Commission.

The Electoral Commission was completed on Tuesday. The Senate elected Edmunds, Morton and Frelinghuysen, Republicans, and Thurman and Bayard, Democrats; while the House elected Payne, Hunton and Abbott, Democrats; and Garfield and Hoar, Republicans.—Judges Clifford, Field, Strong and Miller met, and elected Judge Bradley. Bradley is a Republican and was appointed by Grant in 1870. He is a native of New Jersey, and is represented as being genial and affable, and as not being a partisan. The Republicans have a majority on the commission; but it is hoped that the Judges will decide impartially.

In the meantime the Democrats are making out a strong case before the Louisiana investigating committee. It will be remembered that the Returning Board refused to produce original returns before the House committee which sat at New Orleans. It has been proved that the returns were cooked to suit the Radicals. Mr. Field, the Democratic counsel, produced an original return from Vernon parish, showing that the figures for two precincts had been reversed, and considerable Democratic majorities changed so as to elect Republicans. Littlefield, the clerk of the Returning Board, testified that these alterations had been made by order of ex-Governor Wells, one of the members, and that he (Littlefield) had been asked to forge the name of the supervisors, but refused to do so. He also asserted that Kellogg, Pitkin and other Radical leaders had endeavored to influence his testimony. This revelation produced a profound sensation. A little more such testimony, and Tilden's success is assured.

The Courts and the Governors.

The mountain has been in labor, and the inevitable mouse is born. Judge Carpenter has rendered his decision in the gubernatorial case The decision is a huge negative. He decrees that the Mackey House was not a House, that there was no legal Legislature, that Chamberlain was not properly inaugurated, and that Hampton was not either. While he was in this frame of mind the Judge might have gone on and decided that there was not any election in November, and as for that matter, further adjudged that there is no such sovereign State as South Carolina. His Honor went on to Washington with a great flourish of trumpets, to consult law books, and after sojourning a month in that modern Babylon, returned, saying that no law book could be found there, containing any precedents. As the whole course of Chamberlain and his corrupt crew has been revolutionary and illegal in the extreme it is not surprising that no precedent can be found, save in the evil imagination of old Taft, or the whiskey befuddled brain of Grant.

The question presented was a knotty one as every one knows, and no one blames Judge Carpenter for wishing time to decide. But that he should have ruminated on it in the politically befogged atmosphere of Washington is a cause for regret. This strips the decision of any weight it would otherwise have had, and as the Supreme Court has not hesitated in former cases to reverse the decrees of Judge Carpenter, it is to be hoped that this one will also come to grief.

The Constitution declares that the Speaker of the House shall, in the presence of the Senate, open and declare the vote for Governor. The Senate by a revolutionary act disobeyed the Constitution by refusing to visit the House, and thus by putting itself out of the pale of the law forfeited all its constitutional privileges. Judge Carpenter's decision gives a warrant for revolutionary proceedings in the future. Had Hampton been elected by twenty thousand majority, and had the House been two-thirds Democratic, the point would have been the same. A Republican majority in the Senate could have defeated the will of the people just as well as it has now. Reverse the case. Should the Republicans elect a governor in 1878, while one branch of the Legislature is Democratic, Hampton being governor, Democrats might refuse to meet in joint assembly, and Hampton would hold over *ad libitum*. He would have the money and the power of the State at his back, and the Democrats would be happy. As will be seen, this involves an absurdity. The sound maxim of law is that no one shall be compelled to perform an impossibility. And as the House could not compel the attendance of the Senate as spectators, it performed its duty in December, and Speaker Wallace declared the Governor elected. Governor Hampton then took the oath and became Governor *de jure*, as he had been *de facto* since August.

Chamberlain forfeited his old title, which was good, by accepting the bogus title conferred on him by C. W. M. Mackey, a private citizen It has, however, been urged that, as it is necessary for the State to have a governor, Governor Chamberlain must retain that office, *ex necessitate rei*. This might have weight were there no other provisions made for this status of affairs. But in the absence of a governor, the President of the Senate discharges the duties of that office. Swails is the President *pro tem* of the Senate. If the President *pro tem* cannot succeed, the Speaker of the House is next in order. Speaker Wallace could therefore act as governor and convene the Legislature, in order that the result of the gubernatorial election might be decided.

Better for the State would it have been, had Judge Carpenter's judicial investigation led to a different conclusion. The only peaceful solution of this difficulty is the recognition of Hampton. The people elected him, and declare that he shall be governor. They will not suffer Chamberlain, whom they repudiated, to rule over them a day longer. They are tranquil now, because they believe that the law and the facts are with them, and they do not wish to complicate a strong case. But their tranquility is not apathy. The spirit of last fall is still in their hearts. And any attempt to defeat their verdict will cause trouble. If Chamberlain and Grant propose to play any such game as is foreshadowed in this decision of Judge Carpenter, it would be as well to bring more troops into the State at once, and—keep on bringing them.

A Remedy for Sleeplessness.—Dr. Cooke tells us that in numerous cases of sleeplessness it is only necessary to breathe very slowly and quietly for a few minutes to secure refreshing sleep. He thinks that most cases depend on hyperæmia of the brain, and that in this slow breathing the blood supply is lessened sufficiently to make an impression. Certainly, when the mind is uncontrollably active and so preventing sleep, we have ascertained from patients, whose observation was worth trusting, that the breathing was quick and short, and they have found they became more disposed to sleep by breathing slowly This supports Dr. Cooke's practice, but at other times this plan quite failed. It is certainly worth any one's while, who is occasionally sleepless, to give it a trial. In doing so they should breathe very quietly, rather deeply, and at long intervals, but not long enough to cause the least feeling of uneasiness. In fine, they should imitate a person sleeping, and do it steadily for several minutes.—*Medical Examiner.*

The *Star* says: "The election of Judge David Davis, of the United States Supreme Court, to the United States Senate, in place of Logan, is another Democratic gain. and will make the next Senate stand, (not counting the presiding officer, whoever he may be, nor the three persons to be admitted from Louisiana and South Carolina,) Republicans 39, Democrats 34."

The President's Approval.

Washington, January 29.

To the Senate of the United States:

I follow the example heretofore occasionally presented of communicating in this mode my approval of the "act to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon for the term commencing March, A. D., 1877," because of my appreciation of the imminent peril to the institutions of the country, from which in my judgment, the act affords a wise and constitutional means of escape. For the first time in the history of our country under the constitution as it now is a dispute exists with regard to the result of the election of the Chief Magistrate of the nation. It is understood that upon the disposition of disputes touching the electoral votes cast at the late election by one or more of the States depends the question whether one or other of the candidates for the Presidency is the lawful Chief Magistrate. The importance of having clearly ascertained by a procedure regulated by law which of the two citizens has been elected, of having the right to this high office recognized and cheerfully agreed in by all the people of the republic cannot be overestimated, and leads me to express to Congress and to the nation my great satisfaction at the adoption of a measure that affords an orderly means of decision of a gravely exciting question. While the history of our country in its earlier periods shows that the President of the Senate has counted the votes and declared them standing, our whole history shows that in no instance of doubt or dispute has he exercised the power of deciding, and that the two houses of Congress have disposed of all such doubts and disputes, although in no instance hitherto have they been such that their decision could essentially have affected the result. For the first time, then, the government of the United States is now brought to meet the question as one vital to the result, and this under conditions not the best calculated to produce an agreement or to induce calm feeling in the several branches of the government or among the people of the country in a case where as now the result is involved. It is the highest duty of the law-making power to provide in advance a constitutional, orderly and just method of executing the constitution in this most interesting and critical of its provisions. The doing so, far from being a compromise of right, is an enforcement of right and an execution of power conferred by the constitution on Congress. I think that this orderly method has been secured by the bill, which appeals to the constitution as the guide in ascertaining the right means of deciding questions of single returns through the direct act of Congress, and, in respect to double returns, by a tribunal of inquiry, whose decisions stand, unless both houses of Congress shall concur in determining otherwise, thus securing a definite disposition of all questions of dispute in whatever aspect they may arise. With or without this law, as all of the States have voted, and as a tie vote is impossible, it must be that one of the two candidates has been elected, and it would be deplorable to witness an irregular controversy as to which of the two should receive or continue to hold the office. In all periods of history controversies have arisen as to the succession or choice of the chiefs of States, and no party or citizen loving their country and its free institutions can sacrifice too much of mere feeling in preserving through the upright course of law their country from the smallest danger to its peace on such an occasion, and it cannot be impressed too firmly in the hearts of all the people that true liberty and real progress can exist only through a cheerful adherence to constitutional law. The bill purports to provide only for the settlement of questions arising from the recent elections. The fact that such questions can arise demonstrates the necessity which I cannot doubt will before long be supplied by permanent general legislation to meet cases which have not been contemplated in the constitution and laws of the country. The bill may not be perfect, and its provisions may not be such as would be best applicable to all future occasions, but it is calculated to meet the condition of the questions and of the country. The country is agitated, and it desires peace, quiet and harmony between all parties and all sections. Its industries are arrested, labor unemployed, capital idle and enterprise paralyzed by reason of the doubt and anxiety attending the uncertainty of a double claim to the Chief Magistracy of the nation. It wants to be assured that the result of the election will be accepted without resistance from the supporters of the disappointed candidate, and that the highest officer shall not hold his place with a questionable title of right. Believing that the bill will secure these ends, I give it my signature. U. S. Grant.

Executive Mansion, Jan. 29, 1877.

A Badly Matched Team.

Among the first things a coup'e have to do upon getting married is to accommodate themselves to each other's walk, and in this accommodation they don't always succeed well.

Mr. and Mrs M'Nabb, of the Second Ward, have an especially hard time in this respect, and are little better off than they were at the beginning of the honey moon. Mr. M'Nabb is tall and lean, with a stride of about a yard, and Mrs. M'Nabb is short and dumpy, with a step carefully estimated by her husband at about six inches on an average; so when they first began walking together the effect was odd. There was the "patter, patter, patter," of Mrs. M'Nabb's short paces, with the heavy "thump" of her husband's footsteps coming in at intervals, and the effect was simply ridiculous. At first the conversation between them was this way:

"Oh, Augustus dear, please do take a little shorter steps"

"Why, Angelina, I'm walking as usual; can't you step a little longer, darling?"

But he didn't take shorter steps nor she longer ones, because it was a practical impossibility in either case, and after a month or two their conversation ran more interestingly.

"Augustus, don't take such horrid strides. I'm not a giantess."

"No evidently, you're less like a giantess than a beetle. Do you suppose I can 'patter' along to keep time with your six-inch hops? Nonsense!"

At the end of the first half year the two never went without a quarrel. She'd break out every time:

"You're a beast, Augustus! I'd as soon walk with a big pair of shears! No gentleman would straddle so with a lady on his arm, you brute!"

"That'll do, madam! It's hard enough to force a man to literally carry you, without insulting him! You'll die of inanition yet, and next time I'll marry a woman with more legs and less tongue! This thing's an infernal nuisance!"

And then they gave up walking together for a year or more. Finally, as necessity sometimes compelled them to go out together, it was arranged between them that in walking he should keep time with every third step of hers, and the plan works, after a fashion. As they go along the sound is "patter, patter, thump!" "patter, patter, thump!" and it's funny. The only difficulty about the device is that three of her steps fall a fraction short of one of his, and every other minute she his to wriggle and hop or he has to halt and stumble to allow her to catch up. They are an unhappy couple, and all because the distances from their bodies to the ground vary so much.

Love in Public.—On the arrival of the express train from the East yesterday morning, a gentleman, whose wife—a lady of fine appearance—had returned by it, sprang upon the platform of the sleeping car in which she had traveled, and met her at the doorway. In a second she was gathered to his bosom, and he hugged her and kissed her, smoothed down her hair, patted her on the back, kissed her more and more, backed off to arms length, inspected her critically, and then tried another hug, all the time oblivious of the presence of a score or more of people, who were anxious to get in or out of the car, the door of which he was blockading. The lady was the first to realize the situation, and remarking laughingly, "There, that will do!" she made her way back into the car, blushing like a rose, while the crowd that had witnessed the little scene smiled audibly.—*Sacramento Union.*

Judge Carpenter's Decision—The decision of Judge Carpenter would fill about four columns of our paper, and we will content ourselves with the substance of it, as follows:

1. That D. H. Chamberlain was not legally installed as Governor of South Carolina.

2. Wade Hampton was not legally installed into the office of Governor of said State.

3. The Governor holds his office for two years, and until his successor is chosen and qualified; and as there has been no legal qualification of his successor, D. H. Chamberlain is lawfully in the possession of the executive office and entitled to discharge the functions of the same until such qualification takes place.

Doctor LeMoyne, the cremator, has two more bodies placed at his disposal. Now, "if a body meet a body co min' thro' the fire" what will happen?

Politics and Collection Plates.

Recently a Radical, who is also a preacher, tacked old Uncle Remus on the subject of politics.

"I understand, old man," said he, "that you are a Democrat."

"I dunno 'bout dat, boss."

"Well, it comes pretty straight."

"I know dey got two sides, one what dey call Demmy crat and de udder what dey call Radikel, but I don't bodder wid 'em w'en de wedder gets dis stiff."

"But I hear you vote the Democratic ticket every time."

"I wote wid my young marster what I nussed w'en he wan't no bigger dan a buck rabbit."

"Now don't you know that this is going back on your color?"

"But hit ain't gwine back on my belly, an' ef I don't tend ter dat de fus' cole rain dat come 'long mout wash de color right out me. I aint takin' no chances in dis bizness, boss. I'm a gitten' ole, and de ol'er I gits de hongrier I gits—I duz for a fac'."

"Look at me. I vote the Republican ticket, and I'm not losing any flesh"

"You sorter preaches 'round like, don't you, boss?"

"Sometimes. Yes. Why?"

"Caze dat's whar de fun comes in. I don't git no chance for ter feed outen no beaver hat, an' I don't eat offen no plates what dey takes up church kleckshins in. I'm a mighty lonesome ole nigger, an' I has ter scuffle 'long de bes' I kin widout enny congergashen at my back."

The preacher looked at his watch, and said that he would talk some other other time, while Uncle Remus, with a serene smile upon his venerable face, went down the street singing:

Oh? whar shill we go w'en de great day comes,
Wid de blowin' uv de trumpets an de bangin' uv de drums?
How many po' sinners will be cotch'd out late,
An' fine no latch to de golden gate?

[*Atlanta Constitution.*

Women who shiver at the sight of a door ajar, or an open window, will endure the impact of a frosty moustache as serenely as if a sunbeam had slid over them.—*Brooklyn Argus.*

Said she: "Dear, it is just twelve years since that Christmas eve when you washed my face with snow and kissed my tears away." Said he: "Is that all?"

The original Uncle Tom in "Uncle Tom's Cabin" is alleged to have recently died at Indianapolis at the ripe age of one hundred years.

A Troy man wanted his $600 horse clipped so that he would shine, and a few days after clipping the animal was shining up to a bone yard.

If it isn't "professional" for a doctor to advertise, it isn't right for newspapers to mention the number of patients he kills weekly.

White undressed kids are the favorite glove for street wear, as they bear cleaning usually well.

Six churches in New York city have been notified to enlarge their means of exit.

Sale of Mortgaged Property.

In pursuance of authority conferred on me by a power of attorney contained in a deed by Henry Rush and Mary A. E. Rush, of date the 22nd day of March, 1875, I, acting for and on behalf of my assignees, Messrs. Witte Bros., will offer for sale on the first Monday in February next, at public outcry, to the highest bidder, before the court house door in Winnsboro, between the hours of 11 o'clock, a. m., and 5 o'clock p. m., the following described property, to wit:

All that lot or parcel of land situated and lying in the county of Fairfield and State of South Carolina, upon the head waters of Sonia's Creek, bounded on the north by lands of George Moor, on the south by lands of Franklin McCloud, on the east by lands of Louisa Melton, and on the west by lands of Henry Heins, and containing THREE HUNDRED ACRES, more or less.

ALSO,

One iron-gray mare, three cows and three calves.

This sale is for the purpose of foreclosing a mortgage given to me by Henry Rush and Mary A E. Rush, of date the 22nd day of March, 1875.

Terms of sale, CASH.

Purchaser to pay for papers.

jan 4 5t T. H. CLARKE.