

THE STORMY DAYS OF THE ELECTORAL COMMISSION.

The men who made the Constitution and built up our political system, rhetorically known as the fathers, the framers, and the founders of the Republic, had little confidence in what Lincoln called the plain, common people, and less faith in their capacity for self-government.

They were aristocrats. They believed in the rule of the best, and not the rule of the most.

They thought public affairs should be controlled by intelligence, and not by numbers.

They wanted liberty regulated by laws enacted by the wise, interpreted by the learned, and administered by the strong. How far their distrust of universal suffrage as the foundation of the State was justified is shown by the fact that while reluctantly conceding to the popular vote the lower house of Congress, which has been seldom tainted with impurity, they created a Senate, to be chosen by Legislatures—a scheme so prolific in venality, intrigue, bribery, and corruption that it has become the scandal, the reproach, and the menace of republican institutions.

For the choice of a President and Vice-President they invented a plan by which the people were to have nothing to do with the selection of their Executive.

It was so ingeniously clumsy and cumbersome, so defective in safeguards against the most obvious emergencies, so vague

in its definitions, so pregnant with dangers, that, even as immediately modified by the twelfth article of amendment to the Constitution, the marvel is that a catastrophe has been so long postponed.

They provided for the appointment in each State, in such manner as the Legislatures might direct, of electors, to assemble on a stated day at their respective capitals, to ballot in secret session, without consultation with their associates or the constituency, for the persons best qualified in their judgment to serve as Chief Magistrate of the Nation and as President of the Senate for the next four years.

The result of their deliberations being signed in triplicate, one certificate is sent by mail and one by messenger to the President of the Senate, the third being retained against the contingency of loss or destruction.

The second Tuesday in February these certificates are to be opened by the President of the Senate in the presence of the two houses of Congress, and "the votes shall then be counted," but by whom they shall be counted the Constitution saith not. Whether the Vice-President and President of the Senate is a clerk, a custodian, or an umpire is unknown. Whether the joint convention of the two houses, in whose presence the President of the Senate opens the certificates—and "the votes shall then be counted"—is an impotent pageant, or the political tribunal of the Nation, has never been determined. Whether the houses separately and the individual senators and representatives are curious spectators, or jurors, or judges, is an enigma, as it has been for a hundred years.

First by the Congressional Caucus, and then by the National Nominating Convention, the people soon assumed the power of selecting the candidates for whom the Electoral Colleges

should vote, but, the antiquated, bungling, obsolete machinery remains. Theoretically, the electors can vote for any persons they please for President and Vice-President. In 1897 every Bryan elector had the Constitutional right to vote for McKinley; every McKinley elector had the same right to vote for Bryan; all had the right to vote for Mr. Clark, of Montana, or Mr. Adricks, of Delaware—in either of which events the certificates would be opened by the President of the Senate, and "the votes shall then be counted." There is no restraint but loyalty and the decrees of public opinion.

Chancellor Kent, in his commentaries, says the President of the Senate counts the votes and determines the result. It is certain that the first electoral votes were opened and counted, and George Washington was declared elected by John Langdon, a senator from the State of New Hampshire, who was chosen by the Senate as its President, for that sole purpose, before the Government was organized.

It is equally certain that had the President of the Senate in February, 1877, opened the certificates, counted the votes, and declared Hayes and Wheeler elected President and Vice-President, by including the returns from Florida, Louisiana, South Carolina, and Oregon among the others which were not disputed, the House of Representatives, being Democratic, would have at once proceeded to elect Tilden and Hendricks, voting by States. The result would have been two Presidents, each supported by his own party, each claiming title under the Constitution, a double inauguration, the Senate and House arrayed against each other, with the probability of armed collision, anarchy, and civil war. The election of 1876 was the subsiding ground-swell of the war.

After the surrender, the South submitted for a while to emancipation, negro suffrage, civil rights enactments, and the other crude enormities of Reconstruction; but, organizing at length in White Leagues and Ku-Klux Klans, overturned the unstable governments which the ignorance of the former slaves and the cupidity of political adventurers had reared upon the ruins of war. Wealth, intelligence, and education were disfranchised. The social fabric, like a pyramid resting on its apex instead of its base, stood so long as it was supported by bayonets, and, when these were withdrawn, fell with a crash in blood and crime that startled the world with the horrors of its destruction. The North, shocked and appalled by wrongs and outrages which laws were unable either to prevent or to punish, and exasperated by the bewildering failure of the policy of Reconstruction either to protect the negro in his rights or to perpetuate his political power, saw with resentment State after State falling into Democratic control under the supremacy of the civil and military leaders of the Confederacy. Of the eleven seceding States, all save three—Florida, South Carolina, and Louisiana—were lost to the Republicans. These the Democrats hoped to carry for Tilden; or, failing in this, so to corrupt the returns that their electoral votes could not be received and counted.

The passions of the combatants were thus aroused to the pitch of frenzy. For the first time in sixteen years the Democrats felt the possibility of resuming national power. The Republicans inflamed the Northern States by presenting the dangers of the "Solid South," insisting that the purpose was to obtain payment for losses in the war, for the assumption of the Confederate debt, with compensation for the emancipated slaves.

These charges made such an impression and were urged with such persistent vehemence that Mr. Hewitt, of New York, in an open letter called them to the attention of Mr. Tilden, who said, in his published reply, that should he be elected President, he should deem it his duty to veto every bill for the assumption or payment of any such debts, losses, damages, or claims, which gave Republican orators precisely the opportunity they desired, and was like an effort to put out a fire by pouring on kerosene.

Neither of the Presidential candidates inspired any personal enthusiasm among his followers.

Hayes was hopelessly prosaic and commonplace. He had been a reputable soldier, and was by profession a lawyer. He was the "dark horse" of the Cincinnati convention, rendered available because in a desperate emergency he had been chosen Governor of Ohio. He had no vices, and the customary sort of rather tiresome and uninteresting virtues. His enemies accused him of sanctimony and hypocrisy, and of sometimes forgetting his promises; but all good men have been slandered by their contemporaries.

Tilden was a cadaverous, fallow-faced attorney, in feeble health, who, having raked together an immense fortune, naturally became a reformer in politics, and was elected Governor of New York. His methods were those of the mole, except that he left no external indications of the silent and tortuous windings of his subterranean pathway. He took personal management of his campaign with a few confidential clerks, and was accused of attempting to purchase the vote necessary to secure a majority of one in the Electoral College. The election took place November 7, and by midnight the general impression was that Tilden had been successful. He had

carried Connecticut, New York, Indiana, and all the Southern States except Florida, South Carolina, and Louisiana, and in those the result was uncertain, though early reports favored the Democrats. The next day the Republicans, many of them, practically gave up the fight and conceded the election of Tilden. The Republicans had the State officers and the returning boards in the disputed States, but they were mysteriously silent. The fortunes of Hayes seemed gloomy, dark, and desperate indeed.

Toward nightfall "Old Zack" Chandler, the chairman of the National Republican Committee, sent out through the Associated Press, with no preface, nor arithmetic, nor index, his celebrated dispatch: "Hayes and Wheeler have 185 votes, and are elected."

The Democrats went into hysterics, and the Republicans recovered their equanimity.

What actually occurred in Florida, Louisiana, and South Carolina the day of the election, and afterward, and who really received a majority of the votes cast, will never be known; but the Hayes electors were certified by the returning boards in due time, and the certificates forwarded to the President of the Senate. Duplicate certificates from each State were also sent in, showing the choice of Democratic electors and their votes for Tilden and Hendricks.

The interval till the meeting of Congress in December was full of apprehension. The Democrats were violent in their denunciations, and threatened to have an army of occupation in Washington to superintend the counting of the electoral votes in February.

Grant was President. When asked if he thought there would be any trouble, he replied: "No, I think not; but it

has been one rule of my life to be always ready." Troops began to gather in the forts along the Potomac. Batteries of artillery came in from the West by rail and rumbled through the streets at night on their way to the Arsenal and the Navy Yard. Groups of soldiers in bright new uniforms, but without arms, strolled to and fro on the Avenue—whether on duty or on furlough no one appeared to know. Possibly Grant was getting ready to have his successor, Hayes or Tilden, peaceably inaugurated and installed.

Recognizing the extreme gravity of the crisis, the brevity of the time, the infirmity of the Constitution, and the tremendous dangers that threatened the peace, and possibly the existence, of the Nation, soon after Congress assembled, a joint committee, consisting of seven members from each house, was appointed to prepare a bill to provide for and regulate the counting of the votes for President and Vice President, and the decision of questions arising thereunder, for the term beginning March 4, 1877.

The Senate was Republican, and appointed Edmunds, Frelinghuysen, Morton, Conkling, Thurman, Bayard, and Ransom.

The House was Democratic, and appointed Payne, of Ohio; Hunton, of Virginia; Hewitt, of New York; Springer, of Illinois; McCrary, of Iowa; Hoar, of Massachusetts; and Willard, of Michigan; in the aggregate, seven Republicans and seven Democrats.

They brought to their delicate and difficult task exalted patriotism, matured experience, and the highest intellectual powers. Edmunds, in his opening speech, said the dispute with which they were to deal was probably as great as ever existed in the world under the law. This statement was not sensational. Wars have been waged, kings beheaded, and

dynasties overthrown in controversies far less momentous and complicated than that which now confronted the American people. The legal questions involved were novel. There were no precedents. A contingency had risen for the first time in the history of the Nation, and is liable to rise again, for which the Constitution and the laws were, and still are, inadequate.

But, untried and intricate as was the legal problem, this was trifling compared with the political predicament.

The committee was not only to devise an unconstitutional measure that should be strictly within constitutional limitations (which would not be hard, for that instrument is elastic and hospitable), but to invent a tribunal composed of partisans that should be non-partisan in operation; propitiate the implacables; preserve the prerogatives of the Senate, and maintain the conflicting pretensions of the House; secure the coöperation of those who contended that there was power to "go behind the returns," and those who asserted that the only question to be decided was which certificate was actually given by the authorities of the State; and, most important of all, obtain the cordial support of both parties by holding out to each the hope of cheating the other.

The committee deliberated a month, and on January 18th Senator Edmunds reported what is popularly known as the Electoral Commission Bill, Senator Morton being the only dissenter. As a specimen of political funambulism, it will take rank among the highest achievements of the human mind.

It provided, in substance, for the meeting of the two houses and the course of procedure; for the disposition of questions arising in respect to States from which but one set of certificates had been received; for the reference of questions arising

in respect to States from which more than one certificate had been received, to a Commission consisting of five senators, five representatives, and five justices of the Supreme Court, the decision of majority to be final, unless rejected by concurrent votes of both Houses, in which event their order should prevail; and for the reservation of all legal and constitutional rights, if any, to test the questions of title in the courts.

Four of the Supreme Court justices were designated in the bill—those assigned to the First, Third, Eighth, and Ninth Circuits; they to select the fifth in such manner as they might decide.

Edmunds, in commenting on this clause, declared with some grandiloquence that the choice of the four justices was geographical—one from New England, one from New York, one from the Northwest, and one from the Pacific.

Morton sneeringly replied that they were selected on account of their known previous political predilections, and that the reason why the Democrats favored the bill was because they expected it would elect Tilden.

Curiously enough, it did turn out that two of the justices, Clifford and Field, were Democrats, and two, Miller and Strong, Republicans; but probably Edmunds was not aware of this. At least, he did not mention it in his speech. So far, then, the Commission was equally divided in politics—seven Republicans, seven Democrats, with the fifteenth member in abeyance; the unknown arbiter, the domesman of the Electoral College.

The justices, being two and two, could not well ballot, and were too dignified to pull straws. It became to be understood that seniority of service would control, and their choice would fall on Justice David Davis, who was known to favor Tilden, so this non-partisan Commission would consist of eight

Democrats and seven Republicans. Their joy of the Democracy was unconfined. They considered the bill the supreme effort of human wisdom, for whose praise every place was a temple and all seasons summer.

The Republicans said little. They were taciturn and reserved. What they thought was never disclosed. But what happened was this: The term of General John A. Logan as senator from Illinois was about to expire. He was an active candidate for re-election. The Legislature was so nearly a tie between the Republicans and Democrats that five "independents" held the balance of power. They supported Judge Davis, and, after several days of futile and barren balloting, the Democrats united with them and elected him as Logan's successor. Whereupon the Judge resigned from the Supreme bench to take his seat in the Senate March 4, 1877.

The next ranking justice was Joseph P. Bradley, a Republican, and favorable to the election of Hayes. Thus, by an incredible caprice of Fortune, a gamester's chance, Fate, shuffling the cards, dealt the last trump to the Republicans, and the Commission stood eight to seven for Hayes.

Like the gentleman in Bret Harte's poem who was struck in the abdomen by a red-sandstone specimen and doubled up on the floor, the subsequent proceedings interested the Democrats no more. They denounced the bill as the climax of villainy, and its authors as the supreme malefactors of history. Perhaps their emotions were best described by Judge Jeremiah Black, one of the counsel in the South Carolina case, who said in a speech to the Commission, apropos of nothing: "This Nation has got her great big foot in a trap. It is vain to struggle for her extrication. * * * *"

"Usually it is said, 'In vain the net is spread in the sight of any bird,' but this fowler set the net in the sight of the birds that went into it. It is largely our own fault that we were caught. * * * * At present you have us down and under your feet. Never had you a better right to rejoice. Well may you say: 'We have made a covenant with death, and with hell are we at agreement.'"

The bill passed the Senate 47 to 17 and the House 191 to 86, exactly as it came from the committee. It was approved by President Grant, January 29th, with a special message, in which he characterized the measure as one that afforded "wise and constitutional means of escape from imminent peril to the institutions of the country."

January 30th the Senate chose Edmunds, Morton, Frelinghuysen, Thurman, and Bayard, and the House, Payne, Hunton, Abbott, Hoar, and Garfield, as the Congressional members of the Commission. The same day the four associate justices of the Supreme Court selected Justice Bradley as the fifth member, and the tribunal was complete.

They assembled January 31st, at 11 A. M., in the Supreme Court room at the Capitol, organized, appointed their staff, adopted rules, and, shortly before noon, February 1st, notified the Senate and House that they were ready to proceed to the performance of their duties.

The President *pro tempore* appointed Mr. Allison, of Iowa, and Mr. Ingalls, of Kansas, tellers on the part of the Senate; and Speaker Randall appointed Mr. Cook, of Georgia, and Mr. Stone, of Missouri, tellers on the part of the House.

On motion of Mr. Edmunds, at one o'clock the Senate huddled in careless, disorderly array out of its chamber, and marched by twos in straggling procession through the Rotunda,

between ranks of curious and silent spectators, halting for an instant at the door of the Hall of Representatives.

At the head of the column was the President *pro tem.*, escorted by the Sergeant-at-Arms, and followed by the venerable assistant doorkeeper, Isaac Bassett, carrying the electoral certificates in two square black-walnut boxes with brass handles on the covers, like a commercial traveler with his sample-cases going into the office of the leading hotel. One box contained the certificates sent by messenger, the other, those sent by mail; about half a bushel of each.

The House arose to receive the Senate, which took seats in the body of the hall upon the right of the presiding officer. The Speaker vacated the chair, which was taken by President Ferry. Randall, imperturbable and impassive, sat at his left. The Secretary of the Senate, the Clerk of the House, and the tellers sat at the Clerk's desk, the stenographers and other officials having tables in front and on either side of the platform. The galleries were packed. The silence was profound—an expectant hush, as when the curtain rises for the prologue at the first presentation of a great drama.

The President of the Senate called the joint meeting to order, announced its object, and, with a new, sharp, long knife, the Sergeant-at-Arms had provided, proceeded to slit the envelope containing the certificate of the State of Alabama received by messenger, which he handed to Senator Allison, who read it in full, giving ten votes to Tilden and Hendricks. Then he opened the envelope received by mail from the same State and handed it down to be read, when Senator Conkling somewhat impatiently suggested that it could hardly be necessary to read the duplicate in full, and that hereafter as one was read the other should be compared.

The certificates were opened in alphabetical order, Alabama being followed by Arkansas, California, Colorado, and Delaware, to none of which were objections made, and the reading droned monotonously along till half past two, when Florida was reached, the first of the disputed States from which triplicate returns had been received: one, from the Republican Governor and Secretary of State, certifying the choice of the Hayes electors; the second, from the Attorney-General, certifying that the returns showed the election of the Tilden electors; the third, by the Democratic Governor and Secretary of State chosen at the general election, certifying to proceedings under an act of the Legislature and the judgment of a State court in favor of the Tilden electors. An objection was also filed that one of the Hayes electors at the time of his appointment held an office of trust and profit under the United States, and was therefore ineligible.

All the papers, exhibits, and certificates, with the objections signed by senators and representatives, were immediately transmitted to the Commission, which was in session, and the Senate withdrew to its chamber to wait for the decision, which was not reached till late in the evening of February 9th.

The sessions of the Commission were held in the vaulted hall which the Senate left for its new chamber January 4, 1859; the historic room where Webster hurled the thunderbolts of his logic and eloquence at Hayne, and which resounded to the oratorical duels between Calhoun and Clay.

In one of the upper corridors hangs a painting by Mrs. Fassett, perhaps of greater historic interest than artistic value, representing Mr. Evarts addressing the tribunal before an audience that fills the room. The portraits include many of the most eminent personages, at the bar and in public life, of an

epoch made illustrious by their achievements in oratory and statesmanship.

The wisdom of having a strictly political capital, absolutely under the control of the Government, away from business, commercial, and industrial centers, was never more clearly demonstrated than during the pendency of these transactions. The revolutions, *emeutes*, and *coups d'etat* of France are due, more than to any other cause, to the location of the executive and legislative departments in Paris, surrounded by idle and frenzied mobs that invade and threaten and disturb, destroying independence and rendering tranquil deliberation and dispassionate judgment impossible.

Had Congress and the Commission sat in Baltimore or New York, that month of national jeopardy, among raging multitudes of infuriated partisans with their parades and mass-meetings, and the demonstrations of demagogues, no prophet could have foretold what the end would be.

Even in Washington, so somnolent and obsequious, where public opinion is subdued to what it works in, like the dyer's hand, it looked squally enough at times, especially toward the close. Probably Watterson's call for a hundred thousand "one-armed Kentuckians," as the wags travestied it, to superintend the electoral count, was the rhapsody of an automatic rhetorician, but the town swarmed with disreputable and unbidden guests, who haunted the Capitol, lounged in the lobbies, sauntered through the grounds, and crowded the galleries of the House at every joint session. The police were reinforced. Detectives in plain clothes and heavily armed were stationed among the spectators. A vague terror brooded in the air—the apprehension of an impending tragedy.

As an illustration, rather amusing now, of the trepidations of the time, word came to Ferry one morning, either by anonymous letter or through the report of a detective, that as the Senate passed through the Rotunda at noon on its way to the House, a gang of ruffians were to assault the head of the consecrated column and in the confusion take the boxes containing the certificates from Captain Bassett, carry them off, and destroy the returns not counted. It seemed feasible enough, and, if successful, would have prematurely closed the functions of the Commission and given the House the opportunity, coveted by the implacables, of electing Tilden President, voting by States as the Constitution provides when there is no choice by the electors.

The hour of meeting was near at hand. The time for deliberation was short. Ferry, who was naturally somewhat of an alarmist, held a hurried consultation with his staff, and it was finally decided to empty the boxes secretly and take the returns over as personal assets. To Bassett this seemed little short of sacrilege, like rifling the Ark of the covenant. It was contrary to the precedents of half a century. But Ferry decided that it was an emergency, and, as what is past help should be past grief, the boxes were unlocked and the returns stowed away in the breast pockets and side pockets and coat-tail pockets of the tellers and other officials, and Bassett marched with his empty packing cases at the head of the procession.

Of course nothing happened. There was no assault. I imagine none was contemplated. Some joker, no doubt, played on Ferry's credulity. The boxes were placed under the Clerk's desk in the House, the returns collected from their extemporaneous receptacles and returned to proper custody, and the incident was closed.

The array of counsel has not in any forum been surpassed in learning and eloquence. Prominent among them were Jeremiah S. Black, Secretary of State and Attorney-General under Buchanan; Montgomery Blair, Lincoln's Postmaster-General; Matthew Carpenter, previously and afterwards senator from Wisconsin; William M. Evarts, Attorney-General in the Cabinet of Andrew Johnson, and afterward Secretary of State under Hayes; George Hoadley, at one time Governor of Ohio; Stanley Matthews, senator from Ohio and justice of the Supreme Court; Charles O'Connor, perhaps the leader of the New York bar; Samuel Shellabarger, member of Congress from Ohio during the war; Lyman Trumbull, eighteen years senator from Illinois; and William C. Whitney, afterwards Cleveland's Secretary of the Navy. Others scarcely less eminent pleaded briefs, and several senators and members of Congress participated in the arguments.

Stripped of all superfluities, subtleties, and technicalities, the Republican contention was that the returns of the electoral votes, duly certified by the State authorities, were final and conclusive, and that neither Congress nor the Commission could receive evidence from any outside source, either that the electors were not chosen, or that others were, or that there had been fraud, forgery, violence, or other irregularities, either in the election, the canvassing board, or any proceedings subsequent thereto.

The Democrats insisted upon the right to go behind the returns and prove that the Tilden, and not the Hayes, electors were chosen by the people, and that the certificates were forged and fraudulent.

Whether Tilden or Hayes had the majority in Florida, Louisiana, or South Carolina is not capable of proof. It is

doubtful if there has been an absolutely square and honest Presidential election since the time of George Washington. It is not likely there ever will be. There will always be buying and selling and juggling and cheating, not sufficient in all cases, it may be, to change the result. Clay's supporters always believed he was defeated by frauds in Louisiana in 1844. So, although the Electoral Commission was packed for Hayes, by destiny, and the result was as well known when they took the oath of office as when they adjourned *sine die*, yet the doctrine was sound.

After the first test vote, I remember Morton came hobbling into the chamber on his canes and took his seat, which was just behind mine. I asked him how the Commission stood. "Oh!" he replied, with a grimace of savage satisfaction, "eight to seven, of course. That settles it."

Though the Commission voted "eight to seven" in favor of the Hayes electors from Florida at its evening session, Friday, February 9, it was not till the joint meeting of Monday, the 12th, that the vote of the State was counted, after which the returns from Georgia, Illinois, Indiana, Iowa, Kansas, and Kentucky were opened without objection. The certificate from Louisiana was challenged, and the duplicates, with the objections from both sides, were read and presented at five o'clock P. M. to the Commission by Mr. Gorham, the Secretary of the Senate. They were counted eight days later, February 20th, with Maine, Maryland, and Massachusetts. Objection was filed to one of the electors of Michigan the same day, but not sustained by either house, and that State was counted with Minnesota, Mississippi, Missouri, and Nebraska. An objection to the eligibility of one of the electors from Nevada was overruled by both houses, and the next day,

February 21st, the full vote of Nevada was polled, followed by New Hampshire, New Jersey, New York, North Carolina, and Ohio. When the certificate from Oregon was opened, objections were presented to the eligibility of one of the electors, and the papers were sent to the Commission, which heard arguments till February 24th, when, the decision being in favor of the Hayes electors, the full vote of the State was counted for Hayes. Thereupon objections were immediately made to a Pennsylvania elector, and both houses adjourned over till Monday, February 26th. At this time Senator Thurman resigned from the Commission on account of ill health, and Senator Kernan, of New York, was chosen to fill the vacancy.

Monday afternoon Pennsylvania was counted, and an objection then filed to a Rhode Island elector, which was so transparently frivolous that it was rejected in both houses—whereupon the Democrats filibustered from 3:30 till 6, when Rhode Island was put in the Hayes list. This brought the poll to South Carolina, which was a storm-centre, and the duplicate returns and other papers at 6:30 P. M. went to the Commission, which then adjourned till the next day at ten. There were now but five days till the end of Grant's term.

South Carolina was counted the evening of February 28th, followed by Tennessee and Texas, and, on objection to the eligibility of an elector from Vermont, both houses took a recess till 10 A. M., Thursday, March 1st.

As the end drew nearer the nutineers in the House of Representatives became rabid with rage. They defied the efforts of the presiding officer to preserve order. They interposed dilatory motions, and became violent in their efforts to delay the final count beyond the fourth of March.

Thursday, March 1st, was spent from ten in the morning till nearly midnight by the House in a parliamentary wrangle over an objection to the eligibility of the elector from Vermont, which the Senate had overruled the night before.

The joint meeting resumed its sessions at eleven o'clock at night, and the vote of Vermont was counted, followed by Virginia and West Virginia, which were not disputed. This left only Wisconsin, and it was supposed the dreary, wretched conflict was ended; but as soon as the certificate was opened, an objection was presented. The Senate returned to its chamber, and waited three hours for the House to decide that it should not.

At four o'clock, Friday morning, March 2nd, the Senate shambled over to the House. The vote of Wisconsin was announced; the count of the thirty eight States was concluded. Teller Allison read the tally sheet, and handed it up to Senator Ferry, who said: "In announcing the final result of the electoral vote, the Chair trusts that all present, whether on the floor or in the galleries, will refrain from all demonstrations whatever; that nothing shall transpire on this occasion to mar the dignity and moderation which have characterized these proceedings, in the main so reputable to the American people and worthy of the respect of the world." He then read the state of the vote, and declared Hayes and Wheeler elected President and Vice-President for four years from March 4, 1877.

The *finale* of the drama was neither dignified, impressive, nor inspiring. The light from the paneled ceiling fell though an atmosphere dim and murky with dust and smoke. The actors and the spectators were drowsy, frowsy, and dishev-

eled. The hall was in squalid confusion and disorder, foul with the *débris* of a protracted session.

That no incongruity might be wanting, some enthusiast had sent Ferry, for signing the final transcript, the tail-feather of an eagle from Lake Superior. This he had made into a quill pen, whose plume reached his shoulder as he was affixing his signature to the scroll.

At ten minutes past four the gavel fell, the lights were turned out, and the curtain went down. There was but one day till the end of Grant's term!

The gray light of a bleak and bitter dawn was just visible on the great dome as I rode homeward through the silent and deserted streets of the sleeping city.