STATE RIGHTS DEMOCRAT

ISSUED EVERY FRIDAY

—BY—

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SWAMP LANDS.

Decision of the Secretary of the Interior Reversing the Commissioner of the General Land Office in relation to Swamp Lands in Oregon.

DEPARTMENT OF THE INTERIOR, WASHINGTON, April 15, '80.

To the Commissioner of the General Land Office, U.S.A.

SIR:—I have considered the case of Dennis Crowley vs. the State of Oregon, involving the title to the S. W. ¼ of N. E. ¼, the S. E. ¼ of N. W. ¼, and Lots 6, 8, 9 and 10 of Section 19, Township 39 South, Range 9 East, and Lot 4, of Section 24, Township 39 South, Range 8 East, Lakeview Land District, Oregon; on appeal by the State from your decision of January 28, 1879.

The State claims the land under the Act of March 12, 1860 (12 U. S. Statutes, 3). It is clearly swamp and overflowed within the meaning of said Act, and is virtually admitted to be such by Crowley.

These tracts were returned by the Surveyor General in 1858 as a part of Little Klamath Lake, but on a re-survey, made in 1872, plots of which were approved and filed in April, 1873, they were returned as public lands. Tracts of the same general character in Townships 39 and 40 South, Range 8 East, and which were returned in the same manner by said surveys, have been patented to the State as swamps. (List Linkville, approved January 7th, 1876.)

In September, 1872, the Governor of Oregon filed notice of the State's claim, and a list of swamp land selections, embracing said tracts, in the office of the Surveyor General, and on December 1, 1872, he filed a similar notice and list in the proper local Land Office.

From a stipulation filed since the rendition of your decision, it appears that the Governor afterwards filed duplicates of said notices and list in the local office on June 14, 1873, and November 25, 1875.

Evidence in support of the claim of the State was filed in due time in the office of the Surveyor General, but it has not yet been acted upon by your office.

Crowley claims under the pre-emption law. He has the legal qualifications of a pre-emptor.

He settled September 1, 1873, with full knowledge of the claim of the State and of the character of the land. He filed his declaratory statement in time.

On the 13th of March, 1876, he applied to make proof and to enter the land, and asked that the State should be notified and a day set for a hearing.

He also set forth in his application the following:

"You will also take notice that I hereby waive all question as to the swampy character of said land, and base my claim on said land upon my residence, cultivation and improvement, in good faith, as required by law."

By consent, the case was set for hearing on March 20th, 1876, and formal notice issued accordingly.

It is not necessary to recite the proceedings had at the trial.

It is sufficient to say that Crowley virtually admitted the land to be swamp and overflowed, but insisted, nevertheless, that it was subject to disposal under the pre-emption law, and that he had a legal right to enter it, and he thereupon submitted his proof and tendered payment.

His proof shows that he has done all that the pre-emption law requires to entitle a settler to an entry and patent for land subject to pre-emption disposal.

From the foregoing it is apparent that the case should be treated as if the swampy character of the land had been fully and affirmatively proven at the trial; and it follows that the State is not in default in completing the selection under the present arrangement with your office, within the time limited by the second section of the Act of 1860, so far as anything she could do is concerned, the period limited having expired Oct. 29, 1876.

The question for determination upon the facts is whether or not the land was subject to disposal under the pre-emption law.

You held, in effect, that Crowley's compliance in *good faith* with all the requirements of the pre-emption law, including tender of payment, constituted a sale or disposal of the land within the meaning of the proviso to the Act of 1860, and thereupon awarded the land to him, citing as precedents therefor the decisions of my predecessors, in the cases of the State of Oregon vs. Stott and Waggoner, (Copps L. L., 475) and State of Oregon vs. Pre-Emptioners, (Copps L. O. for November, 1876, page 119).

Your decision, in effect, is that the lands in Oregon actually claimed by the State as swamp and overflowed, and proven to be identified as such, are nevertheless subject to settlement and disposal under the pre-emption law at any time prior to the issuing of patent under the Act of 1860.

While this doctrine is supported by some of the language of these decisions, especially that quoted by you, and while it may be true that my predecessors intended to hold that lands in Oregon shown to be swamp and overflowed might be disposed of under the pre-emption law to persons making valid settlements thereon, and who could affirmatively prove that every step in compliance with the law had been taken *in perfect good faith*, it is equally true that, viewing those decisions in the light of the facts of the cases and the matters actually decided, a doctrine or rule is clearly deducible that seems to me to preclude the possibility of *valid pre-emption settlements* upon such lands as *good faith* in the performance of the requirements of the pre-emption law in regard to the same.

The case of the State vs. Stott and Waggoner was similar to the one under consideration.

The land was first returned as a part of a lake, but in 1868 it appeared that it was uncovered for nearly half of each year; and yielding valuable pasturage, the lines of the public surveys were extended over it, and the plot was amended accordingly. The pre emptioners offered their declaratory statements Aug. 26th and 27th, 1871, respectively.

The State asserted her claim by filing a list of selections Sept. 19, 1871, and this respect the case was more favorable to the pre-emption rights than the present one.

Crowley having settled subsequently to the filing of the list by the Governor.

The claimants appeared at the local office and made proof of compliance with the law and tendered payment. Your office, finding that the State had asserted a claim prior to proof and tender of payment by the claimants, ordered a hearing. The local officers awarded the land to the State.

You reversed their decision and awarded the tracts to Stott and Waggoner, holding that the land was *not* of the character granted. On appeal, my predecessor reversed your decision, and awarded the land to the State, on the ground that the claimants had not acted in good faith, and held that the evidence was such as almost "to preclude the possibility of the defendants being claimants in good faith; and this conclusion seems to have been reached mainly from the fact that with full knowledge of the claim of the State and the fact that for more than one-half of every year the land was covered by water. * * * They moved upon the tracts and erected small houses or cabins."

Other circumstances leading to the conclusion that the parties were not claiming in good faith arose, it would seem, out of the character of the land itself.

It was too wet to cultivate, and on account of it being wet the cabins were erected on posts.

Crowley was a little more fortunate than Stott and Waggoner in this, that he found a spot of about four acres which, unlike the balance of his claim, was not submerged during the season of high water, and which he could cultivate and upon which he could erect buildings.

But this fact by no means changes the principal, which, if followed, would defeat Crowley's claim, as it did Stott's and Waggoner's.

In your decision of the other case cited, in which entries had actually been been made by pre-emptors, you stated, "This office holds that a *valid settlement*, under the pre-emption law, followed by cultivation, final proof, and payment, a tender of purchase money, prior to issue of patent to the State, is such a disposition of the land as to bring it within the exception of the Act of March 12, 1860, no matter whether the land is really swamp or not."

Upon appeal, my predecessor dissented from this doctrine, and his decision was to the effect that a valid settlement could *not* be made upon swamp lands in Oregon where the State had given notice of her claim, and it follows indubitably that unless there is a valid settlement there can be no disposal under the pre-emption law.

He held, "To settle upon land of a swampy character would of itself, I think, raise a sufficient doubt of good faith on the part of such settler as, upon application, to justify an order for an investigation, and if, in addition to the character of the land, notice had been received at the local office that the State claimed said land as swamp, it would be an additional proof of the want of good faith."

Surely not from the fact alone that the land was swampy.

In States to which the swamp land grant has not been extended the fact that land is wet or swampy raises no presumption of bad faith in one who settles upon it, nor is swamp land in terms excluded from disposition by the pre-emption law.

What, then, was meant in the decision that a settlement upon swamp land in Oregon, with notice of the claim of the State, would be in bad faith or wanting in good faith?

Evidently nothing more than that under such a state of facts it must have been known that the lands belonged to the State and not to the United States; and that a valid settlement under the pre-emption law cannot be made upon land which does not belong to the United States, or which is legally reserved for any purpose, for in that decision, as well as in the case of the State vs. Stott and Waggoner, it was held that the grant of 1860 was *in presenti*.

A settlement in bad faith or wanting in good faith is an invalid settlement. A settlement upon lands *not* belonging to the United States and when the settler knows that the land is legally reserved appropriated, or that it does not belong to the United States, his settlement thereon may properly enough be said to be in bad faith, or wanting in good faith, and in this sense I think the expression was used. Other language in the decision would seem to leave no doubt of this; for it was said that the Act of 1860 was notice to all the Government had * * * granted to the State of Oregon with certain restrictions all the swamp lands and overflowed lands * * * which remained unsold at the passage of the Act. And again that "Under the pre-emption Act lands reserved by law or otherwise for specific purposes are not subject to entry."

How can a *valid* pre-emption settlement be made upon land identified as coming within the operative terms of a *present grant* to the State?

Whatever may be the opinion as to the effect of the decision cited by you, I am firmly convinced that it is error to so construe the Act as to permit pre-emption entries of swamp lands and overflowed lands in Oregon in the face of an asserted claim of the State or with official knowledge, on the part of the Government of the fact that the land is swamp and overflowed; and there are many reasons why such a construction should *not* prevail.

While the selections of 1872 may have been irregular, having been made prior to the confirmation of the later surveys of said Township, they nevertheless constituted notice of the State's claim; and as the State made no default in renewing the claim after notice of the confirmation filing of the plats and in presenting proof in support thereof; no other disposition of the land was permissable until after a final determination that the land was not of the character contemplated by the grant.

From the very nature of the case a decision that the land was swamp and overflowed at the date of the grant, within the meaning of the Act, necessarily defeats Crowley's claim.

In Sheply vs Cowan (1 Otto, 336) the court said: "Whenever in the disposition of the public lands any action is required to be taken by an officer of the land department all proceedings tending to defeat such action are implicitly inhibited * * * A sale is as much prohibited by a law of Congress, when to allow it would defeat the object of that law as though the inhibition were in direct terms declared."

The filing of notice of claim and lists of selections and proofs in support thereof, clearly required action by the land department.

The State thus submitted her claims for confirmation under the Act, which confirmation has been held to be the issuing of Patent; but a decision by this Department that the land was swamp and overflowed at the date of the grant is to all intents and purposes such a confirmation, for such a decision would entitle the State to a patent; and the right to a patent once vested is, in our system of disposal of the public domain so far as the Government is concerned, equivalent to a patent issued.

Carroll vs. Safford, 3, Howard 441, and 461.

Wetherspoon vs. Duncan, 4, Wall 210, 212.

Stark vs. Starrs, 6, Wall, 418.

Barney vs. Dolph, 7, Otto, 652, 656.

And in any case in which the claim is initiated by some act of the claimant the patent when issued relates back to the date of the initiatory act and cuts off all intervening claims.

(Sheply vs. Cowan, 1, Otto, 337.)

In French vs. Fyan (3, Otto, 170), involving title to land under the Act of 1850 (9, Stat., 519), the Court said: "The patent therefore which is the evidence that the lands contained in it had been identified as swamp lands under the Act relates back and gives certainty to the title as of the date of the grant."

To decide, therefore, that a specified tract is swamp and overflowed is to identify it as falling within the grant itself, and the patent when issued evidences the fact.

It therefore makes no difference in this case whether patents under the Act of 1860 to Oregon be considered as relating back to the date of the grant or to the date of the initiatory Act of the State in asserting her claim.

In either case a patent to the State would cut off the intervening claim of Crowley, and to decide that the land is of the character granted entitles the State to a patent and under the Act of 1860, makes it the duty of the Secretary of the Interior to certify the land as swamp.

It is therefore clear that pending the consideration of the State's claim after she has submitted it for such confirmation, *no other disposition of the land can be made.*

A construction of the Act of 1860 that would admit of a disposition of land in Oregon to pre-emption claimants pending an asserted and undetermined claim of the State, or with official knowledge on the part of the Government that the land was actually swamp and overflowed at the date of the grant would be repugnant to every canon and principle of construction in such cases known to the law, as well as against the ordinary method of proceedings of your office.

Such a construction would involve a possible defeat of the grant and should be avoided.

Again the swamp land grant of 1850 has been uniformly held to be a grant *in presenti* vesting an immediate interest in the State decision of the department; 1st, Lester, No's 578, 595, April 25th, 1862, June 27th, 1862. 2nd, Lester, No. 269, 13, and Nov. 11, 1873, Decision of the Supreme Court, Railroad Co. vs. Fremont County, 9, Wall. 87; Railroad Co. vs. Smith, id. 95, French vs. Fyan.

3 Otto, 169.

The provisions of the Act making such grant were extended to Minnesota and Oregon by the Act of 1860, the Grant being limited only by the proviso, and *the statute must be construed as if all provisions of the Act of 1850 had been actually incorporated in it.*

The grant thus made to Minnesota and Oregon has been held to be a present one.

(Decision of the Department, "State vs. Stott et. al." and "State vs. Pre-emptors," Supra Dec. 4, 1867, Copp L. O. p January 1878, 149 and "Gaston vs. Stott," 5, Oregon 59.

The grant of 1850 had been treated as a *present one* and generally understood to be such long prior to 1860.

In extending that grant to Minnesota and Oregon Congress knew perfectly well it was thus making a grant in presenti.

It would therefore be absurd to suppose that after making such a grant a proviso intended to defeat it was added,

It follows that, where the Government has finally determined, either by evidence submitted by the State or furnished by its own surveys that lands in Oregon are of the character granted by the Act of 1860, they are then identified as falling within the operative times of the grant itself, and they cannot be brought within the exception, nor can the State's title be divested by any other attempted disposal,

Again lands thus identified do not belong to the United States, and consequently are not Public lands, Under the Act of 1841 pre-emption settlement is admissible only upon Public land; and by Section 2257 U. S. Revised Statutes; only lands belonging to the United States and subject to the right of pre-emption. Moreover under the Act of 1841, and sec. 2258 U. S. Revised Statutes lands lawfully reserved for any purpose are expressly excluded from pre-emption disposal and in the Cases of Railroad Company vs. Fremont county and Railroad Company vs. Smith it was held that the Act of 1850 created a reservation of Swamp land and it has been frequently decided that a patent issued for land previously granted or reserved is void.

A pre-emption claim cannot therefore be recognized to land known to be granted or reserved where the claim was initiated subsequent to the grant or reservation, and it seems clear that lands identified as falling within the operative terms of a present grant cannot be otherwise disposed of by the United States.

It is unnecessary in the case to further consider the scope, force or intent of the proviso to the Act of 1860, whether it was intended to protect only valid claims initiated prior to the passage of the Act, or to prevent the disturbing of entries which in the course of adjusting the grant may be found to have been allowed in good faith in the absence of any claim of the State and without proof or knowledge by the Government that the lands covered thereby were swamp.

That it was not intended to continue the disposal under general laws of land found to be swamp or to dispose of lands in the face of an asserted and undetermined claim of the State is obvious

To this extent only is it here intended to construe the proviso. Your decision is reversed and the papers submitted with your letter of October 3d, 1879, are herewith returned.

Very Respectfully,
C. SCHURZ,
Secretary.

MR. GEORGE'S SPEECH.

ALBANY, May 11, 1880.

Editor Democrat:

There are some portions of Mr. George's speech, made in this city on Saturday, the 8th inst., that, with your permission, I propose to examine. And first, the Federal election law. Mr. George said it acted "like a charm." That the President'al election of 1876 was fairly conducted under the machinery of said law in the city of New York, I concede to be true, for a Congressional Committee have so found the facts, and so reported, but Mr. George withheld and did not give us any account of the means brought to bear to accomplish this happy result, which I will now supply. The State of New York and the City of New York were prepared with their civil force and their militia to repel unjust interference in the election by Federal force or otherwise. A conflict was impending. The better part of the citizens of both parties agreed upon a plan of action by which the Federal, State, and City officers and police were to, and did, act in harmony and concert. Hence it was not to the Federal election law that the people of New York City owed the fairness and quietness of said election, but to the local authorities who for once did hold the Federal Marshals and Supervisors in check. To show the necessity of this Federal election law Mr. George referred to the New York City election of November, 1868, and Mr. Greeley's letter to Mr. Tilden in reference thereto, and saddled what he was pleased to call the infamy of that election upon the Democratic party. In this he was equally unfair, not to say false. It is well known to every intelligent man in the land who has taken the pains to inform himself upon the subject that the entire machinery of the elections of 1868 and 1870 in New York City was in the hands of Police Commissioners, each of whom were appointed by a Republican Legislature, and that the Democratic party of New York City were powerless to say who should receive or count their votes, or pass upon the qualification of the persons offering to vote. No fraud was possible except by the connivance of Republican officials.

The alleged fraud of 1868 was the large number of foreigners naturalized during that year, whose papers, it was said, were illegal, because the record of them kept in the Courts were imperfect, and in some cases no record at all was kept. But why was it that ten years was suffered to elapse before legal steps were taken to test the validity of these naturalization papers? The attempt was not made until 1878, and in that year a Federal officer—the United States Commissioner—steps in and unblushingly boasts that *he* struck from the registry 30,012 votes in the City of New York of those naturalized in 1868, many of whom had served in the Federal army. But a Federal Judge—Blatchford—and a State Judge—Tweedman—both held "that the applicant for citizenship was not responsible for any non-compliance in making up the record, and that though some of these naturalization papers were irregular, more of them were valid." So much for the great fraud of 1868, that it was inconvenient for Mr. George to relate.

There is another chapter of illegal voting, to which Mr. George did not refer, that my self-imposed task calls upon me to notice. I refer now to the Republican City of Philadelphia, in the Republican State of Pennsylvania, and the Presidential election of 1876. That city, with a population of about 800,000, had a registration for that election of 186,000. New York City, with a population nearly fifty per cent. greater, had a registration at the same time of 183,000—three thousand less than Philadelphia. Over 20,000 of the names upon the Philadelphia registry were, after the election, stricken out by the Courts. Over 8,000 were in their graves when their names were registered. Behold the two cities, ye Radical orators, and denounce corruption until your speech fails.

Again, Mr. George referred to what he was pleased to call the attempt of the Democracy in Congress to coerce the President; taking the President by the throat; that the motives of the Democrats in Congress in seeking a modification of the Federal election law were corrupt; that they might be able to carry the elections through fraud, etc. Let us see if there is not another side to this part of Mr. George's discourse that he did not hold up for the audience to look upon. There certainly is, and I will proceed to show it. First, it is known to all that in our country the people are the ultimate source of all power; that their representatives in Congress are supposed to reflect the will of the people; that the President, while he is the chief executive officer of the Federal government, is none the less a servant of the people, and when they spoke to him through their representatives and said, "the States claim and demand the right to conduct all elections, as exercised from the foundation of the government," it was his duty to yield, for he did not pretend that any constitutional question interposed. But what did he do? Instead of Congress throttling the President, and saying to him, "sign this bill, or we will starve the government," the President throttled Congress, the people's representatives, and virtually said to them, "if you divest me of the power to appoint as many Marshals as I see fit, to surround the polls, to arrest and take to prison, without complaint or warrant, as many Democratic voters as they choose, and otherwise intimidate Democratic voters, to the end that the Republican cause shall prevail, I will starve the government!"

Mr. Editor, this is no over-drawn picture of that other side which Mr. George did not show. If the Republicans claim to exercise the right to attribute to Democrats corrupt motives in seeking to repeal the law, Democrats can with equally good reason claim that the law was enacted for the purpose of continuing the Republican party in power by fraud and intimidation.

WILLAMETTE.

THE SUPREME JUDGESHIP.

The following is entitled to great weight, coming as it does from the *Sunday Welcome*, the leading, and about the only purely independent paper in the State. Read it closely:

The action of certain so-called independent papers in trying to force politics into the canvass for judges is condemned by all independent voters. Politics, it is justly claimed, should never enter into the canvass, only the fitness of the candidates themselves for the position sought should be considered; and as the independent paper it is, the *Sunday Welcome* eschews politics and supports those, who in its opinion, is considered the best fitted for the bench.

For Supreme Court the Democrats have placed the following candidates in the field: J. K. Kelley, of Multnomah: P. P. Prim, of Jackson, and John Burnett, of Benton. And the Republicans have nominated the following for the same position: J. B. Waldo, of Multnomah; W. B. Lord, of Marion, and E. B. Watson, of Jackson. Of the Democratic nominees, Hon. J. K. Kelley and Hon. P. P. Prim are on the bench, and their course, outside of a few who were offended by decisions rendered against them, has given unqualified satisfaction and marked them as persons above bribery either by bulldozing, threats or otherwise. One of the best arguments for their election is unconsciously put forth by the *Oregonian* in its advocacy of the election of Judge Boise for the third judicial district. Judge Boise is one of the judges of the Supreme Court, and in participating in its proceedings, and who jointly with either one or both of the other judges, render decisions in all cases brought before the court, should, we would think, merit equal condemnation, provided the condemnation was just, with Judges Kelly and Prim. But the *Oregonian* singles out the two Democratic members for condemnation and stands up for the Republicans. Surely this is consistency with a vengeance, and shows what an independent newspaper it is. If Judge Boise does not merit condemnation, neither do Judges Kelly and Prim.

After a thorough canvass of the candidates we will support, unless more substantial reasons be adduced than those brought forward by bulldozers and those differing in politics, J. K. Kelly, P. P. Prim and W. B. Lord, the first two Democrats, and the latter Republican. Our reasons, we will, as the canvass progresses, give at times more fully, but for the present, we will only say that Judges Kelly and Prim have maturer age, experience and ability, and Mr. Lord, the vitality and quickness of younger years, combined with legal learning. The first two are experienced in all the different qualifications or positions which pre-eminently fits them for the judiciary of this State; as their history is, to a great extent, the history of the State. This, of itself, is of the greatest possible advantage in cases brought before the Supreme Court, wherein a personal knowledge of the constitutional and legislative history of the State is required.

As to the charges brought forward against Judge Kelly in the Patrick cipher dispatches from this State in the Presidential embroilment, no one knowing him personally or by reputation gives the charges the least consideration. This is the better set forth by the action of the United States Senate when the matter was about to be investigated John Kelly, then United States Senator from Oregon, made a statement of the facts in the premises, which by his colleague, Senator Mitchell, and his fellow Senators were accepted, whereupon the affair was dropped. It is a noticeable fact that his vilest enemies are unable to make any charges against him save this one.—*Welcome.*

The following is a provision of the new school law at Utah: "Any pupil of a district school, at the option of his parents or guardian, or at his own option if he has no parent or guardian, may continue his studies to the four fundamental branches—spelling, reading, writing, and arithmetic. The tuition fee of any pupil, by or in whose behalf such option shall be taken, shall in no case exceed $1 per term, in addition to his proportion of the territorial appropriation.

WASHINGTON LETTER.

[FROM OUR REGULAR CORRESPONDENT.]

WASHINGTON, D. C., May 7.

Editor Democrat:

While Congress is occupied with routine business, showing considerable industry in dispatching it, there is little to attract special attention, and but for the general interest in political affairs outside of Washington we should have rather quiet times here just now. But the importance attaching to the several political conventions lately held, and their bearing upon the approaching campaign, has given the politicians of the Capitol all the excitement necessary, and some serious reflections as well. The compromise in the interest of harmony in the Pennsylvania Convention was unlooked for, and the announcement of it was received with very great satisfaction. It is gratifying to know that both Speaker Randall and Senator Wallace, who have so long been leaders of warring factions, realize that the cause of Democracy is more than personal supremacy, and that personal strifes must sink out of sight before it. Both certainly had too much at stake, in common with the party, this year to admit of divisions, and the party at large could not have forgiven them for their failure to bury the hatchet. According to all accounts received here Cameronism will have its hands full in Pennsylvania this year.

It is to be regretted that the New York Democrats are not united. Yet the situation there was materially different. So long as the Tammany Hall and John Kelly factions were in open rebellion and loudly proclaiming that they would not abide by the action of either the State or the National Convention, unless the action was precisely to their notion, there was no chance for a compromise. The action of the regular convention is generally regarded to have been all that could be done consistent with the dignity and honor of the party. The personal interests of any Democratic candidate are nothing, but the great principle of majority rule is everything, and any man, or set of men, who openly declare war upon it can not be regarded as true Democrats. It seems not unlikely that Mr. Kelly is paving the way for an attempt to carry out his bargain to deliver the State of New York to Conkling this year, but there are signs that he will not be able to deliver as large a following as formerly.

It really does seem to be an unfortunate circumstance that so many Democrats have joined in the bitter personal attacks upon prominent candidates in the party, and more than any other one thing that has placed our chances of success this year in jeopardy. I am not championing the cause of Mr. Tilden, but as a fair man and an earnest Democrat I am free to say, with thousands of others, that the opposition to him has been most disgraceful, under all the circumstances. Even if he were not the able and devoted Democrat that he is, he stands, so long as he lives, as the representative of a great cause—the victim of a great wrong, not alone to himself, but to the party and the liberties of the American people.

The Democratic party owed to itself to stamp that outrage with the brand of overwhelming condemnation. Let it be quietly asked of Democrats anywhere, who they think ought to be the next President of the United States, and nine out of ten will tell you Samuel J. Tilden; yet not half that proportion now favor his nomination because they feel that the opposition to him is too great—that he has been slaughtered in the house of his friends. Here in Congress we have some of the bitterest opponents of Tilden. They say they are against him because he was "cowardly" in not seating himself when elected, yet many of them are the very ones who were the hottest in favor of the Electoral Commission swindle, and who hob-nobbed with Charley Foster and other friends of the present fraud before the count finished. This is plain talk, but it is the truth. And now this sort of thing has gone so far that, unless there is a powerful reaction, I do not think it would be safe to nominate Tilden. Leaving poetic justice out of the question, there are two other Democrats whom I would personally like to see in the Presidential mansion, in preference to Tilden or anybody else. They are Horatio Seymour and Allan G. Thurman. But both are apparently out of the question. This District has just elected two Seymour delegates to Cincinnati, and the Washington *Post* continues to advocate his nomination, yet I personally know that he positively will not run, udder any circumstances. As to the Republican nomination, there is scarcely a shadow of a doubt. Grant will be the man.

PHOXO.