

THE NEW
AMERICAN GOVERNMENT
AND ITS WORK

BY

JAMES T. YOUNG

PROFESSOR OF PUBLIC ADMINISTRATION, WHARTON
SCHOOL OF FINANCE AND COMMERCE
UNIVERSITY OF PENNSYLVANIA

New York

THE MACMILLAN COMPANY

1920

All rights reserved

COPYRIGHT, 1915,
By THE MACMILLAN COMPANY.

Set up and electrotyped. Published May, 1915.

PREFACE

THIS book is intended for that large and growing circle of students and readers who want to know not only what the government is, but what it is doing,—its plans and results. In order to meet this need certain distinctive features, it is hoped, may be found in the present treatment. First—The *work* of the government is given fully as much space as its *form* or structure. Political forms are always of interest but they no longer occupy the centre of the stage. Government usefulness and activity are now coming strongly into the foreground and this fact should be clearly reflected in our modern texts. Accordingly much greater emphasis than usual has been given to this part of the subject so that the student may grasp the important achievements and problems of both nation and state. Second—In carrying out this thought, special attention is devoted to Government Regulation of Business because in all parts of the country this has assumed a prime interest for both the university student and the general reader. Third—Certain phases of Social Legislation have also been brought out in order to give a clearer statement of the government's work. Fourth—Judicial decisions unfolding and interpreting the vital and essential public powers have been assigned an unusually prominent place and have supplanted less important matters. The aim here has been to lend more reality, vividness and clarity to a subject that is already beset by too many generalities. Fifth—In describing the structural side of our system, a stronger emphasis has been placed upon the Executive in order to bring the picture more into harmony with the real facts of public practice. Executive leadership to-day is the outstanding feature of our institutions. Instead of combating this fact or presenting it as an aberration from the true type, the present book accepts it unreservedly as a new and more effective form of working out our public problems and welfare. The Executive both in State and nation is set forth not as a self-seeking usurper but rather as a factor for efficiency, a means of carrying out the popular will. Our government is not a finished product nor a perfect crystal, it is still growing, and ever facing new problems. The Executive has shown itself to be peculiarly fitted to study and investigate these new conditions, to plan and propose modern solutions for them and to carry out the mandate of the people in the face of opposition and inertia. Sixth—Our government is here presented as a means of service. It is no longer a mere necessary evil,—nor is it a Moloch, calling upon men for sacrifice only. One goal the author has persistently kept before him,—to picture the new government as it

serves and helps the people, copes with their problems and aids in their struggle for a more abounding commonweal. Municipal government has not been included, since that subject is now handled in all the universities as a separate and distinct part of the field with its own special literature. Special acknowledgment is due to the editor of this series, Dr. Richard T. Ely, for his invaluable criticism, suggestion, and advice. With the faculty and student body at Pennsylvania the author also enjoys such an intimate relation that he feels the book to be largely a product of their inspiring friendship. To them it is dedicated.

APRIL, 1915.

TABLE OF CONTENTS

	PAGE
PREFACE.....	v
LIST OF CASES CITED	ix
CHAPTER	
I. INTRODUCTION.....	3
II. THE PRESIDENT.....	10
III. THE HOUSE OF REPRESENTATIVES.....	45
IV. THE SENATE.....	76
V. THE POWERS OF CONGRESS—TAXATION AND FINANCE.....	94
VI. THE POWERS OF CONGRESS—THE REGULATION OF COMMERCE.....	119
VII. THE POWERS OF CONGRESS—THE SHERMAN ACT.....	141
VIII. THE POWERS OF CONGRESS—PUBLICITY, THE TRADE COM- MISSION AND THE CLAYTON ACT.....	165
IX. THE POWERS OF CONGRESS—FEDERAL POLICE POWER OVER INTERSTATE COMMERCE.....	187
X. THE POWERS OF CONGRESS—THEIR RELATION TO STATE POW- ERS OVER COMMERCE.....	203
XI. THE POWERS OF CONGRESS—THE POSTAL POWER.....	219
XII. THE POWERS OF CONGRESS—THE WAR POWER.....	231
XIII. THE POWERS OF CONGRESS—CONTROL OVER THE TERRITORIES AND OTHER POWERS.....	245
XIV. THE NATIONAL CONSERVATION POLICY.....	260
XV. THE FEDERAL JUDICIARY.....	275
XVI. THE STATE GOVERNMENT—THE CONSTITUTION.....	298
XVII. THE STATE—CONTINUED—THE EXECUTIVE, LEGISLATURE AND COURTS.....	314
XVIII. THE STATE AND ITS WORK—BUSINESS PROTECTION AND REGU- LATION.....	342
XIX. THE STATE—CONTINUED—LABOR.....	369
XX. THE STATE—CONTINUED—THE STATE AND EDUCATION.....	399
XXI. THE STATE—CONTINUED—HEALTH, CHARITIES AND CORREC- TION.....	419
XXII. THE STATE—CONTINUED—HIGHWAYS AND FINANCES.....	442
XXIII. CONSTITUTIONAL PROTECTION OF BUSINESS AND PERSONAL RIGHTS—SAFEGUARDS OF INDIVIDUALS AND CORPORATIONS... ..	453
XXIV. CONSTITUTIONAL PROTECTIONS—CONTINUED—THE POLICE POWER.....	496
XXV. CONSTITUTIONAL PROTECTIONS—TAXATION.....	519
XXVI. THE PARTY.....	549
XXVII. PUBLIC OPINION.....	575
XXVIII. THE CIVIL SERVICE.....	592
XXIX. DIRECT LEGISLATION—THE SHORT BALLOT.....	609
APPENDIX A—THE CONSTITUTION.....	629
APPENDIX B—THE DISTRUST OF STATE LEGISLATURES—THE REMEDY.. THE SHORT BALLOT.....	643 651

**THE NEW AMERICAN GOVERNMENT
AND ITS WORK**

THE NEW AMERICAN GOVERNMENT

CHAPTER I

INTRODUCTION

HOW BUSINESS INFLUENCES GOVERNMENT

OUR national government is passing through an era of sweeping and important changes. The one central fact that stands out clearly in all these changes is the concentration of power. Political leaders have decried this tendency, magazine writers have denounced it, newspaper editors have deplored it, even the people themselves dislike and distrust what is called "centralization," yet it goes steadily on with such quiet, irresistible force that we must finally accept it as a feature of our plan of government. Let us glance at some of the forms of concentration produced by the conditions of the last few decades.

1. The Supremacy of the National Government.—In the titanic struggle between the State and the Nation, victory has been with the Nation. This question was settled in one form as long ago as the Civil War, but since then the national government has grown strong not by reason of military power but because of the magnitude of our internal problems and our growing foreign policy. Leaving behind us the petty jealousies of the States we have become Americans, and our sympathies and interests lie with the whole people rather than with any section. Foremost in producing this result has been the unifying and consolidating force of our expanding business interests. These have knit us together in a way that no constitutional convention could ever have accomplished. It is related of President Lincoln that desiring to arrange for the transportation of Union troops to the South, he sent for Mr. Thomas Scott of the Pennsylvania Railroad, and with him went over a railway map of the country. The President expressed his astonishment at finding that all the great lines ran East and West and that the problem of rail transporting southward was an almost impossible one. To all of which Mr. Scott tersely replied, "Mr. President, if the railroad lines had run North and South, there would have been no war."

In 1789 every influence seemed to favor the supremacy of the State as the center of gravity in government. The scheming of small politicians, the State patriotism of the people, the traditions

of local self-government, the fear of centralization, all of these forces made the people chary of conferring strong powers on the central authority. But gradually the farmer and the banker, the cotton grower and the manufacturer have found that their interests although located in different parts of the country, were closely intertwined. "Business" has refused to be confined within bounds and has reached out to include whole sections and districts, located in more than one State. This expansion was hastened by the stock corporation, which by its immense capital made it possible to unite the branches of an entire industry. When finally the rise of swift and cheap transport facilities and means of communication generally, brought all sections of the people into the closest business relations with each other, the knell of State sovereignty was sounded and the supremacy of the union became inevitable. The Nation was first.

2. In the struggle just described, Congress has developed much greater powers than it exercised fifty or even thirty years ago. New problems have arisen which could not have been foreseen by the Fathers of the Constitution. New mechanical inventions have occurred revolutionizing the world of commerce and enormously increasing those aspects of business that come under the control of the national government. To meet these new needs Congress has extended its activity beyond the old limits until at the present time the legislative power of the Nation has reached a point that would have been regarded as dangerous, if not fatal, by the framers of the Constitution. Yet this concentration has been in response to a strong natural demand, and has resulted favorably to the welfare of the people.

3. Inside Congress a Few Men in Each House have Succeeded in Gaining Sufficient Power to Control Legislation.—They have built up a clique or organization of leaders whose sway over the law-making bodies is well-nigh absolute. The average congressman, unless he belongs to the organization, is powerless. This peculiar legislative system, which is described in detail in the Chapter on The House of Representatives, is generally admitted to be dangerous and even harmful, but it has survived because it seemed to be the less of two evils. The alternative is stagnation. Concentration of power is necessary in order to carry out the party program. The people have held the majority party responsible for legislation, and that party in order to fulfill its pledges and strengthen its hold on popular favor has felt obliged to centralize.

4. But the greatest example of political concentration is seen in the executive office.¹ Here our country has turned its back on the traditions of Revolutionary days and has created a one-man power of the strongest type. The President, who was intended to be merely an agent of the Congress, has become the leader of both legislative and executive branches. Such a change has not

¹ See the Chapter on The President.

been deliberately planned, but has come about through the same necessity for producing results and for getting work done that has affected the other parts of the government. The President to-day and the President of a century ago really belong to two distinct types of government, and though the text of the Constitution remains unchanged, yet the substance of the Presidential influence has increased beyond the worst fears of the Fathers. He is now the leader, if not the master, of the government.

The Theory of Checks and Balances.—The great changes just described have all been opposed to the spirit and intentions of the men who drafted our form of government. If there was one fear that animated all members of the Convention of 1787, it was the dread of highly concentrated power. As Englishmen they had long believed in the doctrine that government should be built up of Checks and Balances, that is, every authority, officer or legislative body should have some other authority which would check its power and prevent it from becoming absolute or despotic. One form of this doctrine is the theory of "Division of Powers." A brilliant French writer, in a book ¹ which was read and studied carefully by influential members of the Convention of 1787, declared that the division of government into the executive, legislative, and judicial departments was a necessary means of preserving the liberty of the citizens against oppression. His method of reasoning was simple. He asks, in what country is the freedom of the citizen best preserved? At the time of writing England was undoubtedly the freest country in the world. How is this freedom of the citizen secured in England? The author's answer was that the British government at that time separated sharply the executive power of the King from the legislative power of Parliament and the judicial power exercised by judges appointed for life. No other country at that time carried this division of powers as far as did Great Britain. Montesquieu therefore concluded that the division of powers was the most effective means of preserving the liberty of the citizen from government despotism. The Fathers followed this theory faithfully in 1787. The three departments were separated as far as possible, and where their co-operation was necessary, they were set in balance as checks against each other. It will be noticed that the underlying motive of the Fathers was the *fear of oppression*. Briefly expressed it is: "Let us divide governmental power into minute particles, giving a small part to each authority so that none may become supreme or even dangerous."

Such in brief is the famous doctrine of Checks and Balances. It is a theory inspired by fear. This theory is now confronted by a new set of intensely practical conditions: namely,

- I. The growth in volume of government business.
- II. The rise of technical questions in government.
- III. A popular demand for greater speed in government action.

¹ Montesquieu: *The Spirit of the Laws*.

IV. The large size and slowness of legislative bodies.

I. Growth of Government Business.—The rise of manufacturing industry and large transportation enterprises has immensely increased the duties of all branches of our government. Manufacturing has involved:

Government efforts to aid and protect the national industries in every legitimate way,

The rise of the factory system,

The development of commercial law, requiring uniformity,

The desire for equal opportunity for all manufacturers and shippers on the railways,

Need of technical education,

Rise of large cities,

Demand for better health protection both in factory and tenement house,

Use of child labor,

Growth of a distinct labor class with separate interests,

Rise of other class interests.

As we glance over this list the surprising fact appears that every one of the changes noted involves some necessity for government action. Many of them fall under the authority of the State and city governments, yet all influence directly or indirectly the national government also, so that its work has multiplied by great leaps and bounds in the last few decades until, at the present time, each Congress is inundated by an avalanche of over 30,000 bills, orders and resolutions. This great increase in the volume of public business means that a radical change must be made in the old methods of work and in our government machinery, in order to secure results.

II. The Technical Nature of Modern Public Questions.—Most of the government problems of to-day cannot be settled by a popular vote. Even though our voters were all university graduates we could not reasonably demand that they work out a plan of government regulation or control. The location of an Isthmian Canal, the reorganization of the army, the construction of a navy, the more rational development of our postal facilities, the planning of systems of irrigation, the regulation of corporate finance, the control of railway rates and the management of our colonial dependencies are national questions of prime importance that cannot be settled by simple common sense and patriotism. They require rather the careful study of trained specialists and experts. If we examine the public problems brought up for discussion in the President's message we find that they are not only industrial or commercial but also *technical* in character.

How does this fact influence our government? Unquestionably it causes a greater concentration of power, because it means the gathering of these technical problems into the hands of men with scientific training and skill whose function is to present their solu-

tion in such form that legislative bodies and the public generally can say "yes" or "no." Such a method of handling public questions is impossible under the old system of divided powers and responsibilities. The modern plan involves strong leadership and the systematizing of public affairs to an extent that was unknown in the earlier decades of the Republic. Our government hitherto has resembled some large industry, like that of sugar refining for example. A large number of small, independent plants, with expensive methods of production, high prices and a limited demand form the first stage of development. Then comes a stronger demand, new and important mechanical processes are discovered and it becomes possible to apply these processes so profitably by manufacturing on a large scale that the price of the product falls rapidly. Furthermore the development of the industry leads to the opening up of new lands and it becomes necessary for the sugar refiner to enter into closer business relations with the beet growers. Eventually also the refining interests find it profitable to purchase large tracts of sugar cane land in the tropics and operate immense plantations. But with each of these stages in the development of the industry, the business becomes more complex and requires a greater use of skilled experts and specialists. Eventually the whole sugar industry is reorganized on a modern basis; those enterprises which are able to make use of the latest scientific researches and inventions survive, and those which fail to do so are gradually displaced by competition. In this process the industry has been centralized under the control or leadership of one or two large corporations because production on a large scale, the systematizing of methods and the development of valuable inventions can only be secured by concentrating the management and control of the business.

So with our government: The early stage of divided powers and checks and balances continued as long as the number of things to be done by the government was small and the nature of these tasks was simple, but as greater and more complicated problems began to present themselves the advantages of system, science and method increased until finally the government is being reorganized on a modern basis of efficiency. It is this greater effectiveness that justifies concentration.

III. The Demand for Quick Government.—An interesting change in the political psychology of the American people is the nervousness and impatience of delay that we now show towards public questions. Instead of the meditation and reflection on political problems that marked our early history as a nation we now think in sudden gasps, spasms and outbursts of emotion. Whether it be the hysterical outbreak of a lynching mob or the serious, earnest efforts of a city improvement club, we are inclined to rush matters, and we are impatient of obstacles, once it is known that an evil exists and demands a remedy. The age of oratory, eloquence and prolonged discussion has almost passed. The people want action,

immediate action. Doubtless it were better that more deliberation be exercised, that in the quaint phrase of a former State governor "celerity should be contempered with cunctation," but such is not the view of the people as a whole.

This demand for a quick government is after all an inevitable result of our surroundings. It is primarily due to modern means of communication, which enable us to speak five times where we formerly thought once. We see and communicate with more people, travel over a larger territory, are interested in a far broader scope of affairs and transact more business in one day than our forefathers could in a fortnight,—all because of better means of communication. The demand for speed feeds on itself. With each year a larger proportion of human energy is devoted to the saving of time. Modern business conditions are in this way breeding a "quick" man with swift mental processes, a wonderful capacity to see and grasp the opportunities of the moment, but with a corresponding intolerance of delay. Is it strange that this new type of man wants a government that will produce quick results? But a quick government means a concentrated government. Not only must the control of these urgent matters be placed in the central authority, but within the latter itself the executive and legislative work must be so arranged that affairs can be dispatched and decisions reached with the utmost celerity.

Such are the new and changed conditions which in the last thirty years have arisen to confront our government,—our government which was founded on the old theory of checks and balances. Any one of these influences would have been enough of itself to cause some change in our political methods, but all combined have been irresistible; before them the whole fabric of divided powers has given way and a new system is taking its place.

But in all that has been said, it must be remembered that we Americans have not voluntarily given up the old doctrine of division of powers—we have not intentionally gone about to repeal that doctrine. The man who invented the steam engine and the trolley motor is responsible for it. A political theory is the result of conditions; a change of conditions brings a new theory. The passenger elevator has changed the architecture and "sky line" of our cities, the discovery of germs has given us a new preventive policy of public health; and so, gradually and insensibly without the blare of trumpet or the eloquence of orators our mechanical and industrial growth has created a new political philosophy. The keynote of this newer American government is Efficiency. Work must be done, problems attacked and solved, national policy planned and executed; the government must produce results for the people. We have always thought of government as a necessary evil. We have been patriotic, we have fought, bled, and died for our native land, but for the government itself we have always cherished the half-concealed feeling that the less it attempted, the better. Our

grand old Constitution itself is always referred to on the Fourth of July as the "palladium of our liberties," which in plain English means, that it keeps the government from abusing us. That curious persistent idea,—that the government must always be kept from doing something which it is about to perpetrate, is now on the eve of disappearance, and we are developing in its place a new thought that the government is to perform a great and increasing amount of public service for the whole people. Government is now to be a means to an end, not the end itself. We are no longer, in the words of a prominent New Yorker, to believe that government is like the air, to be noticed only when it is bad. Hereafter, it is to be not a burden but a convenience. And what a marvelous vista of possibilities this new doctrine has already opened up in our national policy. Millions of acres of land have been reclaimed for cultivation by modern systems of drainage and irrigation. Hundreds of millions of dollars worth of new crops have been added to our national wealth and prosperity by the Department of Agriculture. The people of hitherto unattainable regions of South America and Australia are brought within the reach of the Atlantic seaboard by the greatest engineering feat of modern times. And in the State governments the new idea is taking root no less rapidly and with amazing results. Hitherto unconquerable obstacles to greater prosperity, and problems of health and crime and poverty are now being attacked with the confidence and inspiration born of this new belief that the purpose of government is Service. It is this belief in the greater usefulness of government that has created the demand for efficiency. Against this universal demand are balanced the fears of the fathers, the general dislike of concentrated power, the traditional arguments against centralization and the natural conservatism of our people in political matters. Efficiency has gradually turned the scale. We are fairly launched on our new career with a set of political institutions whose form is the same as of yore, but whose real substance is as different from that planned in 1787 as are the conditions of that day from ours.

REFERENCES

- HERBERT CROLY: *Progressive Democracy*.
W. H. ALLEN: *Efficient Democracy*.

CHAPTER II

THE PRESIDENT

IN our progress towards a stronger system of government, the great surprise of the Constitution has been the Executive. Designed to be a mere faithful agent of the Congress, he has become the real head of the government; dreaded by all as a prospective tyrant he has grown to be a tribune of the people. It is not easy to find a single aspect of the President's office which has worked out as it was originally intended. The limits and restrictions placed on him have proven vain, the powers originally given him have grown steadily with the increasing work of government, and the attitude of the people has become one of dependence rather than distrust. Even the method of choosing the President, upon which the fathers spent so much of their ingenuity and inventive skill has worked out far differently from their plans. If the men of 1787 could see the Executive office as it is to-day they would not recognize their handiwork. Yet with few exceptions the changes have been along the line of greater simplicity, directness and strength and have all tended to make the government more effective and more responsive to the popular will.

Election of the President.¹—The thought of the framers was that the President should be removed from the masses of the people by an indirect election, in order to prevent some wave of popular enthusiasm from sweeping into office a demagogue or a military leader who might subvert the political institutions of the new Republic. To prevent this the fathers designed the plan of selection by Presidential Electors who in turn should be chosen by the various States in such manner as the State legislatures would determine. It was expected that the legislatures themselves would choose the Electors, and this method was at first followed. It was also expected that the Presidential Electors when chosen, meeting in each State at the capitol, would weigh and consider the merits of respective candidates, making a choice perhaps from prominent members of Congress who were known to be men of proved statesmanship and ability. As there were in 1787 no parties such as later developed, it was not foreseen that party politics would play any rôle in the choice. In order to secure the election of an equally qualified man as Vice-President it was originally provided that in balloting at the State capitol each Presidential Elector should vote for two persons for President, and that of

¹ The method of nominating the President is described in the Chapter on The Party.

these two, the one who received the majority of all the Electoral votes should be the President, and he who received the next largest number should be the Vice-President. Such in brief was the plan of Presidential election. Its essential feature was the choice by "the best" of the people, it being assumed that the Presidential Electors would be "the best" because they were chosen by men of unusual ability, to wit, the State legislatures. But although this plan had been thought out with great care it was not based upon the real political conditions of the time and it did not provide for political parties. It was not a natural method.

The Indirect Method in Practice.—The Election of 1800 in which Jefferson and Burr were the chief contestants showed that the plan was weak in important points, notably that so long as each Presidential Elector voted for two persons for President there was a danger that the man who received the second highest number of votes and thereby became Vice-President would be of a different party from the President. In case of the death of the President the control of the Executive would therefore pass to the minority party. Party feeling at this time was even more bitter than at present. In order to remedy this weakness the Twelfth Amendment was adopted in 1804; its principal provisions are that each Presidential Elector shall vote for one person as President and one person as Vice-President.¹ Another feature of the indirect system, which has attracted much attention, is its uncertainty. In 1876 a serious dispute arose over the contested returns from four doubtful States. These votes would decide the election, and in each State two sets of returns, one Republican and one Democratic, were sent to Washington. On account of the importance of the dispute, an Electoral Commission of fifteen members was provided for by Congress to decide which returns should be accepted. Eight of the members were Republicans and seven Democrats. By a strict party vote of eight to seven the Republican returns were accepted from all four States and the Republican candidate, Hayes, was thereby declared elected over his Democratic competitor, Tilden. The partisan nature of the Electoral Commission vote and the fact that Tilden had the larger number of popular votes led to great dissatisfaction and even to talk of civil strife. Congress has therefore provided by law that in case any State shall hereafter send in two sets of returns, those returns shall be counted which are accepted by both Houses acting separately, and in case the two Houses cannot agree the vote of the State shall be lost.

A third criticism has been aroused by the needless complexity of the indirect system. All the Electors are now chosen by the voters,

¹ In case no one Presidential candidate receives a majority of all the electors, the House of Representatives chooses the President from the three candidates having the highest votes. After the popular election in November, the Presidential Electors meet at the respective State capitols on the first Monday of the following January, and cast their votes. The returns from the respective States being sent to Washington are counted on the second Wednesday of February.

why not let the people vote directly for the President? The original idea that the masses of the people should not know who the candidates would be, and that they should not take part in the choice, has now been abandoned for over a century. The nominee of each party is chosen in a party convention in June or July, and is known to the people as a candidate. Furthermore, the men nominated as the Presidential Electors by each party if elected, are morally pledged to vote for the candidate of their party:—to vote for the opposite party's candidate would be universally regarded as an act of treachery, although it could not be punished by law. The ballot used in the popular election of the Electors clearly states which party they will support if elected. For example the names of the Republican Electors are grouped in one column, under the name of that party, the Democrats in another, etc. Everything possible is therefore done in order that the people *may* understand clearly and make a conscious choice. To preserve the old fiction that the people are not electing the President is therefore in the face of all these facts, manifestly unwise and even harmful. It is true of all political institutions that the greater their naturalness and simplicity, the greater their chances of success and permanence. Our Presidential electoral system has failed because it is a complex method based on a distrust of the people.

Injustice of the Indirect Method.—Finally, the gravest and most serious weakness of the indirect plan is that one candidate may be chosen by the people while another is elected by the Electors. The popular choice is thus defeated. Twice in our history this unfortunate result has occurred. In 1876 Samuel J. Tilden received a popular plurality but was defeated in the Electoral Commission, and in 1888 Grover Cleveland received a popular plurality of 98,017 but the Electoral College by a majority of 65 votes elected Benjamin Harrison.

This is possible because in choosing their Presidential Electors the States do not divide themselves into districts with one Elector for each district, as is done in the election of Congressmen, but each State gives all of its Presidential Electors to that party which wins the popular election in the State, no matter how small the majority may be. The popular majority in a State may be only 1,000 for a party, yet that party receives all the Electors. The minority are given none.

New York has 45 Presidential Electors.

Pennsylvania has 38 Presidential Electors.

New York is a "doubtful" State, with the parties evenly divided, while Pennsylvania was for years overwhelmingly Republican. Let us suppose that Pennsylvania gives the Republican ticket a majority of 200,000 popular votes and that New York goes Democratic by only 50,000 popular majority. Omitting the rest of the States from the calculation the result of the election in these two would then be:—