NEW ORLEANS REPUBLICAN.

GLE COPIES: TEN CENTS. | OFFICIAL ORGAN OF THE REPUBLICAN PARTY OF LOUISIANA. | TERMS: $16 00 PER ANNUM.

VOLUME II—NO. 124. | NEW ORLEANS, TUESDAY MORNING, SEPTEMBER 1, 1868. | WHOLE NUMBER 434.

Y TELEGRAPH.

[Dispatches to the Associated Press.]

ROM WASHINGTON

e New Orleans Appointments.

ulations Regarding Extra Session.

EST NEWS FROM EUROPE.

Continental War Probable.

e War in Paraguay.

RESTING MISCELLANEOUS NEWS.

RKETS, RIVER NEWS, ETC.

WASHINGTON.

ident's Tennessee Visit Delayed—Changes in New York Customhouse—A Georgian Wants a September Session—Major Robinson and Hyman Smith Appointed Inspector of Cigars.

ASHINGTON, August 31.—Over one hundred twenty-five guagers were appointed

illiam M. Robinson and Hyman Smith appointed inspectors of tobacco, snuff, cigars for the Second District of Louisi-

neral Stout, of Kentucky, Chief Clerk patent office, has resigned. Mr. Grin- of Massachusetts, succeeds him.

President delays his visit to Tennes- til the question of a September ses- is settled. The President's health is lent.

retary McCulloch has ordered changes e New York customhouse, reducing expenses $98,000. Other changes are contemplation, which will reduce the ses of collecting customs $1,000,000 ally.

S. F. Gore, a member of Congress Georgia, appeals for a September session of Congress.

orgia letters state that the Legislature probably adjourn before deciding the bility of negroes. Also, that movements are on foot to heal dissentions in the ublican ranks.

ternal revenue receipts to-day, $800,000. response to Southern Radicals who ap- personally for arms for the Southern the President said:

he Federal troops are in a better con- to preserve the peace than a militia from one party to make war upon her."

debt statement will show an increase.

GEORGIA.

Authorizing the Governor to Disband Armed Associations—Eligibility of Colored Members Defended by a lored Man.

ANTA, August 31.—The Senate unani- passed a resolution authorizing the rnor to issue a proclamation disband- armed associations in this State. the House Sims, negro, continued his of eligibility of the negro members. id: "The introduction of the measure eat the negro members has cast a fire- into the House, and if the question pressed it would precipitate war." ter, a negro, followed, and has the to-morrow.

EUROPE.

ations of the United States and Russia—Yacht Challenge—Possibility of War on the Continent—Policy of France on the Preservation of Peace.

IS, August 31.—The Austrian papers discussing the relations of the United and Russia as indicated by the civili- between Farragut and the Russian Min- at Constantinople. The representa- of other powers at Constantinople feel ted.

NDON, August 31.—The yacht Sapho has lenged the Aline, and the challenge has accepted. Details are unknown.

VERPOOL, August 31.—The ship Favor- hence for New Orleans, which went re on the coast of Ireland, has arrived asted, and otherwise damaged.

e steamer Russia ran down the bark aloga off the Banks of Newfoundland. ark sunk and the crew were brought

NDON, August 31.—The possibility of on the Continent is discussed by lead- European journals. The opinion is gen- y expressed that Prussia, though ready war, really desires the continuance of , but that to Austria and Russia peace dispensable, and that the French Em- is now undoubtedly prepared for a ict, but his policy is uncertain. The ral of Toulouse says Marshal Neil, who a visit to that city, told the Council ral that the army was animated by the spirit, armament complete, arsenals financial resources inexhaustible. Com- with other European powers, France was equally ready for peace or war.

e think that the necessity of diverting discontent of certain classes in France cause the Emperor to adopt a warlike y. They say the election by so large a ority of the Liberal candidate, M. Grevy, he department of Jura, and manifesta- of general disaffection on the part of ents at the medical schools and univer- , the great success of the *Lanterne*, and deep and widespread indignation at its ression are signs of public temper suf- t in themselves to alarm the Emperor. to these the circumstances which fol- the expense of keeping an abnormal ment on foot, and the encouragement offered by the success of the last loan, there is reason, these people say, to ex- war in the autumn or spring.

roboration of these views is sought in re- leading editorials in the *Constitutionnel*, ng the claims of the Empress Eugenie ency. It is argued that such claims not be put forth at this time were it anticipated that the Emperor might to lead an army, and be exposed to the s of the field. On the other hand are fficial pledges of peace daily made, the e officially given to act as if assured of , and the argument so frequently urged the French government that the very pleteness of armament is a guaranty of Recent and sudden changes of feel- in the Bourse and the variations in are explained as results of the alter- ascendency of these opposing views at financial centre of France.

NDON, August 31.—The city government k adopted a resolution favoring the arge of all Fenian prisoners.

son Jones has withdrawn from the lamentary contest in Queens county, nd, opposition having been created g his Catholic supporters by reports he was a partisan of Garibaldi.

he Portuguese Cortes has been pro- ued.

araguayans deny the reported conspir- against Lopez.

ARIS, August 31.—In a public speech at Marseilles Mr. Behic assured his ers that the policy of France was for preservation of peace. The Emperor, said, would guard it without ambition without weakness. The military pre- taken by the government would e peace sure.

IENNA, August 31.—The Minister of Jus- has notified the civil courts that in case clergy refuse the necessary certificates civil marriages, they must be forced by al process.

FLORENCE, August 31.—General Garibaldi has resigned his seat in the national Parliament.

PARAGUAY.

Why the Fortress of Humaita was Abandoned—Position of Affairs There—New Line of Fortifications Completed.

LONDON, August 31.—Accounts of recent events on the Rio Parana have been received from Paraguayan sources. The Paraguayans claim that the allies received a severe check in two battles on the sixteenth and eighteenth of July, and that the fortress of Humaita was evacuated without the knowledge of the enemy; all the heavy guns were spiked, and arms, ammunition and stores removed. The governments of Chile and Bolivia have offered their good offices to Lopez as mediators.

The *Patrie* of Paris has advices from Paraguay which explain that Humiata was abandoned because General Lopez had completed his new defensive line of fortifications on the Tebicuari. The Paraguayans are confident that the allies, though holding the river, would not attempt to enter the interior of the country, and they believed the war would soon be brought to an end by the lassitude of the combined powers.

MISCELLANEOUS.

Annexation of Panama to the United States—Severe Winter in Chili—Kilpatrick Returns to the United States—Another Section of Union Pacific Railroad—Colored Man Shot in North Carolina—Rebel Account of Incendiarism.

NEW YORK, August 30.—Owen Murphy was beaten to death with a hammer by Cornelius Macarthy in Williamsburg last night.

A Panama letter says the natives openly declare annexation to the United States as the only salvation for the Isthmus.

The Peruvian Congress opened on the 28th July. Mr. Seward's offer of mediation with Spain is likely to be accepted.

Winter in Chili is unusually severe, and several snow slides have occurred. An avalanche buried twenty-four persons in a mine, killing all of them.

General Kilpatrick was to leave on the twenty-seventh of July for the United States.

A telegram from Omaha announces the completion of another section of the Union Pacific Railroad. It is now running 780 miles west from Omaha. The construction is being still pushed forward with great energy. At the other end the road is completed nearly three hundred miles, and graded one hundred miles more. The company has a large amount of iron and other material on the way. There is every reason to believe that both sections of the road will be completed at a much earlier date than previously announced.

WILMINGTON, (N. C.) August 31.—A difficulty occurred in Wilson county on Saturday, between Zeno H. Green, white, and Dave Ruffin, colored, in which the latter was shot and slightly wounded in the leg. Green was arrested, and bound over to the Superior Court.

About eleven o'clock that night Green's barn was discovered to be on fire, but he and his family were afraid to venture out of the house for fear of being murdered. Grimes, a colored man, was seen near the barn just before the fire. He was arrested, tried before a magistrate, and his guilt so clearly established that in default of $300 bail he was sent to jail. There is considerable excitement in the community, but hopes are entertained that no further disturbance will occur.

BOSTON, August 31.—A train of cars near Lowell, yesterday, ran into a crowd of boys on a bridge, killing two, aged 7 and 10 years.

PHILADELPHIA, August 31.—The match game of Base Ball, between the Atlantic of New York and the Athletes of Philadelphia was interrupted at the ninth inning by a rain storm. The scores stood, Athletes 18, Atlantics 9. There was an immense crowd in attendance.

OTTOWA, August 31.—It is reported that Governor Monck will be retained as Governor General sometime longer.

An important witness against Whelan has disappeared.

Terrific fires are again breaking out in the woods near Bellemont village, Sunnydale, and thirty houses have been destroyed. Other villages are in eminent danger.

RICHMOND, August 31.—The United States Marshal has levied on the rolling stock of the Virginia and Tennessee Railroad Company, in an execution for debts due by the Company on their coupons, amounting to $8000. The running of the road is not interfered with.

COLUMBIA, S. C., August 31.—Motions were introduced into the Legislature to-day looking to adjournment.

The Governor has issued a circular in relation to armed organizations and the introduction of arms into the State. He disapproves of both, and calls on all persons to keep the peace, and says he will use his authority for that purpose.

River Intelligence.

SOUTHWEST PASS, August 31, 11 A. M.—Barometer 29.70. Wind southeast, fresh.

Arrived, steamship I. C. Harris, Talbott, master, from Brazos Santiago, with $74,000 in specie, one hundred and fifty-nine head of cattle, and sundries to C. A. Whitney & Co.; ship Assam Valley, Evans, master, from Liverpool, with cargo to master; schooner Pacinta, Batista, master, from Tabasco, to F. Camerden.

Sailed, steamship Texas.

6 P. M.—Barometer 29:60. Wind southeast and light. An arrival from Havana reports the city healthy. No departures.

LOUISVILLE, August 31.—River stationary, with three feet five inches in the canal. Weather warm and wet.

ST. LOUIS, August 31.—River stationary.

MARKETS.

Domestic Markets.

NEW YORK, August 31.—Cotton steady and quiet; sales to-day 900 bales; middlings 30½c. Flour, superfine $6 80@8; extra $7 85@8 75. Wheat declined 2@4c. during the day. Corn heavy; declined 1c. Provisions generally steady. Lard, steam rendered 18½@19¼c. Groceries dull and unchanged. Turpentine 44@45c. Rosin $2 80 @7. Freights quiet and unchanged. Money very easy; call loans 3@4; discounts 6½@7.

Gold closed weak, at 144⅝. Sterling very dull, with small sales at 9. Southern bonds firm, but little doing. Stock tend up; 5-20's of 1862, with coupons, 113⅞; Tennessee's 64; new 63; North Carolina's 70; Virginia's 53½.

Foreign Markets.

LIVERPOOL, August 31.—Cotton closed firm and more active; sales to-day 15,000 bales. Corn 36; wheat quiet and steady; pale rosin 14 and 6; others unchanged.

LONDON, August 31, Evening.—Consols 93⅝; bonds 72.

FRANKFORT, August 31.—Bonds declining, 75¼a75⅜.

HAVANA, August 31.—Sugar dull, 7¼@7½ for No. 12; Muscovado dull at 7¼@7½ for fair to good refining, and 7¾@8 for grocery grades. Molasses sugar dull at 6@7¼ for Nos. 7 to 10. Exchange on London 13¼@14; on the United States, short sight for currency 28@29 discount; gold sixty days' sight 1½@2 ℔ cent premium.

The Democrats revile the Freedmen's Bureau without stint, though a large part of its expenditure has been in behalf of poor and wretched white people in the Southern States, who would have starved without assistance, and who were victims of the Confederate rebellion.

Vallandigham is repudiated by the honest Democracy of his district. General Vandeveer and hundreds of others have promptly repudiated the traitor, and announce their intention to "vote as they shot"—against rebels in every guise.

LOUISIANA GENERAL ASSEMBLY.

THE CONTESTED SENATORIAL ELECTION CASE.

JEWELL OUT AND PINCHBACK IN.

HEAVY DAY'S WORK IN THE HOUSE.

Metropolitan Police Bill Gone to the Senate.

SENATE.

Fifty-Fourth Day's Session.

MONDAY, August 31, 1868.

The Senate was called to order by the President at twelve o'clock.

The roll was called; the following members present:

Bacon, Blackman, Braughn, Campbell, Coupland, Darrall, Egan, Foute, François, Futch, E. L. Jewell, Kelso, Lewis, Monette, Ogden, O'Hara, Packard, Poindexter, Pollard, Ray, Smith, Whitney, Wilcox, Williams, and Wittgenstein—25.

Prayer by the Chaplain, Rev. Mr. Turner.

On motion of Mr. Wittgenstein, the reading of the minutes was dispensed with.

A message from the Governor was received.

STANDING COMMITTEES.

Mr. Ray, from the Committee on Internal Improvements, and Mr. Campbell, from the Committee on Corporations and Parochial Affairs, reported progress.

Mr. Ray, from the Judiciary Committee, reported favorably with amendments, upon Senate bill 144, "an act to amend an act entitled an act relative to District Attorneys," approved March 30, 1868.

Mr. Packard, from the Joint Committee on Registration, reported as follows:

Your Committee, on the part of the Senate, appointed to meet conferees on the part of the House of Representatives, to take into consideration the subject matter of a registration of the qualified voters of this State, respectfully ask leave to report in compliance with a resolution that passed the Senate on Saturday, that they have made progress as far as possible in the premises, having made a complete draft of a bill which embodies an expression of the manifest wishes of both Houses, as shown by the features of the two bills that have already been offered. The numerous appeals from the Senate, having reached the ears of that august body, the House of Representatives, through the magnanimity of the presiding officer at last, and said body having ordered the wishes of the Senate complied with, it is to be hoped, after due deliberation, the long wished for conferees will be appointed on the part of the House of Representatives, and that the Joint Committee, at an early day, will be able to report a bill acceptable to both Houses.

The President: I have received the following communication from the city authorities, and the accompanying memorial from the police:

MAYORALTY OF NEW ORLEANS,
City Hall, August 29, 1868.

[No. —. —New Series.]

Resolved, That the Mayor be and he is hereby requested to transmit to the presiding officers of the General Assembly a petition of certain police officers referred by him to the consideration of the Common Council.

(Signed) ALFRED KEARNY,
President Board of Assistant Aldermen.
(Signed) THOMAS MARKEY,
President Board of Aldermen.

Approved August 29, 1868.
(Signed) JOHN R. CONWAY, Mayor.

A true copy:
JOHN W. OVERALL, Secretary.

OFFICE OF THE LIEUTENANT OF POLICE,
First District,
New Orleans, August 27, 1868.

To the Hon. J. R. Conway, Mayor of New Orleans:

DEAR SIR—The undersigned having been appointed a committee by their brother officers, at a meeting held for that purpose, beg to present to you a statement of their pecuniary condition, and the sufferings they have been compelled to endure by reason of the non-payment of their wages by the city; and to ask from you such aid in procuring for them relief as your official position enables you to accomplish. It has been repeatedly asserted that many of the police officers were suffering for the necessaries of life, but it is not believed that the city officials are aware of the wide-spread and general destitution that actually prevails among us. Certainly they are not aware that many, very many are without means to procure the commonest necessaries of life, and that their families are in absolute want, or the impulse of common humanity would move them to the adoption of some measures for our relief. Yet such is the case. For months our children have been crying for bread, and without relieving we have only been enabled to protract the agonies of starvation. Our best officers have been reduced to beggary and to solicit from the charitable, whose residences they guarded, bread to take home to their families. In one instance a child of a good and faithful officer died from the effects of hunger and unwholesome and insufficient food. Sickness has prostrated the families of many, and they are without means to procure medicines or the attendance of a physician. Hopeless and despairing they have appealed to their friends in vain. All are alike destitute and without the means of support. Our employment prevents our engaging in other pursuits, even if remunerative work was to be obtained, and now with months of unliquidated dues owing to us from the city, we come to you, appealing for a redress of our grievances and a liquidation of our claims. It is not charity we ask, but the honest reward of labor faithfully performed. Not for ourselves alone, but the helpless dependent upon our exertions, and who look to us for support. It is no fancy picture of imaginary distress, but an actual fact, a fact that could stir sympathetic emotions in every honest heart. We have borne up under repeated disappointments; we have struggled and hoped against hope; but we can do so no longer. Gaunt want stares us in the face, our families starving, in many instances shelterless, we appeal to the magnanimity of the city we serve for an alleviation of our distress. To you, as to one in whom we might hope to find a friend, we have submitted this appeal, and ask your intercession with the Honorable Common Council for relief.

With great respect for you personally, we subscribe ourselves your obedient servants,

THOS. H. CUMMINGS,
Clerk Central Police Station.
J. A. McMANUS,
Sergeant Fourth District Police.
JAMES GIBNEY,
Sergeant First District.
JAMES DORSEY,
Sergeant First District.
ED. HARKING,
Sergeant Fourth District.
ROBERT BARRY,
Corporal First District.
EDWARD FLOOD,
First District Police.

A true copy:
E. L. BOWER, Assistant Secretary.

Mr. Ray: I move the communication and memorial be referred to the Finance Committee.

Adopted.

The President: I have also received a memorial from the Male and Female Harmonial Benevolent Association.

The memorial was read.

On motion of Mr. Ray the memorial was referred to the Committee on Corporations.

RESOLUTIONS.

Mr. O'Hara: I wish to introduce a resolution providing, in view of the vacancy occurring in the Senate by the election of Mr. Harris to the Senate of the United States, that hereafter eighteen members of this body shall compose a quorum.

The resolution was read.

Mr. Bacon: I move to refer to the Judiciary Committee.

The President: Considering that the resolution is in conflict with the rules of the Senate, I decide that the resolution is out of order.

Mr. Lewis: I ask for a suspension of the rules to present a petition from D. E. Haynes, asking for relief.

Rules suspended and the petition read and referred to the Committee on Claims.

Mr. Wittgenstein: I ask for a suspension of the rules to introduce a bill.

Rules suspended.

An act for the organization and government of the University of Louisiana.

Read twice under a suspension of the rules, referred to the Committee on Education, and ordered to be printed.

BILLS ACCORDING TO PREVIOUS NOTICE.

Senate bill No. —, an act amendatory to an act fixing the compensation of employes of the General Assembly, etc.

Read twice under a suspension of the rules, and referred to the Finance Committee.

Mr. Ray: I ask for a suspension of the rules to introduce a bill.

Rules suspended.

An act providing a fee bill for clerks in criminal cases, and the mode of collecting them.

Read twice under a suspension of the rules, and referred to the Finance Committee.

On motion of Mr. Ray the rules were suspended each time for the introduction of the following entitled bills:

An act requiring the Board of Internal Improvements to cause to be examined the levee known as the Possum Fork Levee, in the State of Arkansas.

Read twice under a suspension of the rules, and referred to the Committee on Internal Improvements.

An act to amend and re-enact article 575 of the Civil Code of Practice.

Read twice under a suspension of the rules, and referred to the Judiciary Committee.

An act to amend and re-enact article 825 of the Civil Code.

Read twice under a suspension of the rules, and referred to the Judiciary Committee.

An act to amend an act entitled an act relative to criminal proceedings, approved March 14, 1855.

Read twice under a suspension of the rules, and referred to the Judiciary Committee.

A message from the Governor was received.

An act to incorporate the Teche Navigation Company.

Read twice under a suspension of the rules, and referred to the Judiciary Committee.

An act for the relief of Alfred Shaw.

Read twice under a suspension of the rules, and referred to the Committee on Claims.

Mr. Wilcox: I ask for a suspension of the rules to take up Senate bill 134.

The Senate refused to suspend the rules.

UNFINISHED BUSINESS.

The majority report of the Committee on Elections and Returns in the case of P. B. S. Pinchback, contesting the seat of E. L. Jewell, was taken up and read.

Mr. Lewis: I move that the doors of the bar of the Senate be closed and members be prohibited from leaving the room.

The President: It will require a suspension of the rules to put the motion.

Mr. Smith: I ask that the rules be suspended in order that the motion be put.

The President ordered the yeas and nays to be called, resulting:

Yeas: Campbell, Coupland, Darrall, François, Kelso, Lewis, Monette, O'Hara, Packard, Poindexter, Pollard, Smith, Whitney, Wittgenstein—14.

Nays: Bacon, Blackman, Braughn, Foute, E. L. Jewell, Ogden, Ray, Wilcox,—8.

The Senate refused to suspend the rules.

Mr. Braughn: I move that the bill be postponed and made the special order of the day on Wednesday next.

The Clerk of the House of Representatives appeared with a message from that body, and announced that the House had concurred in Senate bill No. 70, an act to establish a Metropolitan Police District, and to provide for the government thereof, with amendments, and the following bill without amendments: Senate bill, an act to amend and re-adopt section one of an act entitled "an act for the corporation, organization, etc., of public improvements, etc., approved March 14, 1855.

Senate bill No. 141, an act fixing the times of holding the District Courts in the nine Judicial Districts.

Senate bill No. 10, an act to organize the Parish Courts of this State, etc.

Senate bill No. 34, an act to regulate appeals in the District Court of the parish of Jefferson.

Senate bill No. 59, an act revising and amending the charter of the city of Jefferson.

Senate bill No. 142, an act extending protection to laborers in the exercise of free suffrage.

Senate bill No. 163, an act authorizing the Secretary of State to administer oaths in certain cases.

And asked concurrence in the following bills:

House bill, an act to protect all persons in their civil and public rights.

House joint resolution No. 81, appointing a joint committee to investigate the actions of the first and second Drainage Commissioners.

House bill No. 84, an act removing the seat of justice of the parish of Carroll, from the town of Floyd, and fixing it at the village of Elton in said parish, on the Mississippi river.

House bill No. 12, an act to amend an act entitled an act to transfer all the causes now pending before the courts of the State, under the Constitution of 1864, to the courts created by the Constitution of 1868.

House bill No. 147, an act to establish the fees due witnesses who are duly subpenaed before the several Senate and House Committees.

House bill No. 153, an act entitled an act to incorporate the town of Downsville, in Union parish, Louisiana.

The same officer also presented a sealed communication from the House to the Senate.

Mr. Smith: I move to lay on the table Mr. Braughn's motion to postpone.

Mr. Braughn: I call for the yeas and nays.

The yeas and nays were ordered resulting:

Yeas: Campbell, Darrall, François, Kelso, Lewis, Monette, O'Hara, Packard, Poindexter, Pollard, Smith, Whitney, Wittgenstein—13.

Nays: Bacon, Blackman, Braughn, Coupland, Foute, E. L. Jewell, Ray, Whitney, Wilcox—9.

Mr. Braughn's motion to postpone was laid on the table.

Mr. Wilcox: I move to postpone the bill, and that it be made the special order of the day on Thursday, and that members be compelled to remain in the Senate hall.

Mr. Poindexter: I move to lay the motion on the table.

Mr. Braughn: I call for the yeas and nays.

The yeas and nays were ordered, resulting:

Yeas: Campbell, Coupland, Darrall, François, Kelso, Lewis, Monette, O'Hara, Packard, Poindexter, Pollard, Smith, Whitney, Wittgenstein—14.

Yeas: Bacon, Blackman, Braughn, Foute, Ogden, Wilcox—6.

The motion to postpone was laid on the table.

Mr. O'Hara: I move the adoption of the majority report, and call the previous question.

Mr. Blackman: I move to adjourn.

Mr. Ogden: I call for the yeas and nays.

Yeas: none.

Nays: Campbell, Coupland, Darrall, François, Kelso, Lewis, Monette, O'Hara, Packard, Poindexter, Pollard, Smith, Whitney, Wilcox, Wittgenstein—15.

No quorum voting.

A call of the House was ordered after some time had elapsed.

The following members answered to their names:

Campbell, Coupland, Darrall, Foute, François, E. L. Jewell, Kelso, Monette, Packard, Poindexter, Pollard, Ray, Smith, Whitney, Wilcox, Wittgenstein—16.

No quorum.

Mr. Campbell: I move that the Sergeant-at-Arms be instructed to bring in absent members, that the door of the bar be closed, and members prohibited from leaving the room.

The motion was adopted, Sergeant-at-Arms sent for absent members, and the Doorkeeper was ordered to close the door and allow no member to leave.

After half an hour had elapsed, the President ordered a call of the House.

The following members answered to their names:

Bacon, Blackman, Braughn, Campbell, Coupland, Darrall, Egan, Foute, François, F. L. Jewell, Kelso, Lewis, Monette, Ogden, O'Hara, Packard, Poindexter, Pollard, Ray, Smith, Thompson, Whitney, Wilcox, Wittgenstein—24.

A full quorum present.

Mr. Ray: I move that the report be made the special order of the day on Thursday at one o'clock.

Mr. Lewis: I arise to a point of order.

When the quorum was broken the previous question was pending.

The President: The previous question had been called for, but not yet ordered. The point is not well taken.

Mr. O'Hara: I move to lay on the table Mr. Ray's motion to postpone.

Mr. Braughn: I call for the yeas and nays.

The yeas and nays were ordered, and resulted:

Yeas: Campbell, Darrall, François, Kelso, Lewis, Monette, O'Hara, Packard, Poindexter, Pollard, Smith, Whitney, Wittgenstein—13.

Nays: Bacon, Blackman, Braughn, Coupland, Egan, Foute, F. L. Jewell, Ogden, Ray, Thompson, Wilcox—10.

The motion of Mr. Ray to postpone was laid on the table.

Mr. O'Hara: I move the previous question on the adoption of the majority report.

Mr. Blackman: I call for an executive session.

Mr. O'Hara: I arise to a point of order.

A call for an executive session cannot be entertained pending the previous question.

The President: The point is well taken.

The yeas and nays were called for and ordered, resulting:

Yeas: Campbell, Coupland, Darrell, François, Kelso, Lewis, Monette, Ogden, O'Hara, Packard, Poindexter, Pollard, Ray, Smith, Whitney, Wilcox, Wittgenstein—17.

Nays: Bacon, Blackman, Braughn, Egan, Foute, F. L. Jewell, Thompson—7.

The majority report of the Committee on Elections was adopted.

Mr. Poindexter: I move a reconsideration of the vote just taken.

Mr. O'Hara: I move to lay the motion on the table.

Adopted.

Mr. Ogden: I ask the privilege of changing my vote—vote yea to nay—in view of the fact that my object in voting as I did was to enable me to give notice of reconsideration on Monday next, which was not entertained.

Mr. O'Hara: I move that Mr. Ogden be permitted to change his vote.

Adopted.

Mr. O'Hara: I move that P. B. S. Pinchback be sworn as Senator elect from the Second District.

Adopted.

Mr. Pinchback was sworn and took his seat.

The Senate then went into executive session, and adjourned thereafter without transacting any business.

In the Senate, on Friday, August 28, the majority report of the Committee on Elections in the case of P. B. S. Pinchback vs. E. L. Jewell having been presented, Mr. Futch said:

Mr. President, as a member of this committee, and not having examined the testimony that has been printed or seen the report, I would ask that I have time to make a minority report.

The President: The report lies over under the rules till to-morrow.

Mr. Futch: I should like to have two or three days. The reason I have not made a report as yet is that I have been unwell, and am still so.

The President: To-morrow, when the report comes up under the rules, you can ask for time to make a minority report.

Mr. Smith: Mr. President, I see there is a very strong effort on the part of certain parties to snub the Committee on Elections, if I may be permitted to use that term, and make them the creature of another committee, as you might say. I think the Committee on Elections is capable of acting in this case without any advice from the Committee on Judiciary. Therefore, I move to lay that resolution upon the table.

Mr. O'Hara: I wish the gentleman would withdraw that motion.

Mr. Smith: I will withdraw the motion, to give Senator O'Hara an opportunity to speak.

Mr. O'Hara: Mr. President, by a previous resolution of this body it was ordered that where any question of doubt arose in the minds of the committee, they should apply to the Attorney General of the State for his decision. I have no objection to the advice of the Judiciary Committee, but I believe the decision of the Attorney General upon these matters is generally considered to be final, and it saves a great deal of time and trouble. Where we have been in doubt heretofore we applied to the Attorney General, and had his decision.

We can do that in the future as we have done in the past. Therefore, the resolution sending the Committee on Elections to the Committee on Judiciary is perfectly useless.

Mr. Blackman: Mr. President, I wish to state this: That it is not with any intention of casting a reflection on the Committee on Elections, because they may discharge their duty faithfully and honestly, and according to their understanding of the law. But this question arises every day, in every election case, as to whether the law upon the statute book with regard to election cases should be complied with, and whether or not the Committee on Elections is bound to abide by that law as much as every citizen of the State is bound to comply with every law on the statute books.

As I state, this question is often raised before that committee. Parties consider themselves aggrieved by the decisions of that committee, and it is perfectly proper, and it has always been the custom of every deliberating body when questions arose that should be decided by a judiciary committee—when points of law arose that involved the consitutionality or legality of any law—I say it has always been customary for the Senate to refer the persons interested in them to the Judiciary Committee, which is supposed to be composed of lawyers, men who are well informed with regard to the law. Therefore it can be no reflection upon the committee.

This committee had no power to investigate the constitutionality or legality of any law as to the fact whether it is in force or not. But that is a question which legitimately belongs to the Judiciary Committee, and its decision upon it will save trouble and prevent that question being raised and argued at length by every contestant.

For these reasons I offered the resolution to refer such questions to the Judiciary Committee.

It is not a proposition to take from the Committee on Elections their privilege and right to decide upon the rights of contestants; but it is simply a question whether the laws that existed prior to the adoption of the present constitution upon this subject are now in force and must be complied with by contestants and sustained by the Committee on Elections, or whether they are not now binding and should be disregarded by the committee, while they pursue their own judgment and understanding.

I think that members of the Senate will sustain the resolution on the ground that it does not interfere with the functions of the Committee on Elections in the least, but that it is intended simply to furnish them with an authoritative decision as to whether the laws on election cases are to be complied with or disregarded by them.

Mr. Braughn called for the yeas and nays on the motion to table, which resulted—yeas 10, nays 13.

Mr. Braughn: I hope, sir, the resolution will be adopted. It simply contemplates a reference to the Judiciary Committee of the question whether the laws of the State are to be complied with in respect to election cases. We know very well that we, as a body, can not inquire into the different questions before the Committee on Elections. It is necessary that such questions should be decided by that committee, and I know, for I experienced the fact myself, that questions of law, questions of evidence, and important rulings are made by that committee, which agree with one side or the other, and it is nothing but common justice to a party feeling himself aggrieved that he should have the privilege of appealing to the Judiciary Committee of the Senate for their decision upon the questions. I therefore think the resolution is an eminently proper one, and move its adoption.

Mr. Campbell: Mr. President, I agree, sir, fully with the chairman of the Committee on Elections, that this motion or resolution is one expressing a distrust in the ability and the correctness of the decision of that committee—that this thing of referring a portion of a matter which belongs to one committee of the Senate to another standing committee to decide for them, is an expression of distrust in the ability, or honesty, or both, of that committee, and a proceeding which is unprecedented in this body, or any other of the kind with which I am acquainted. I would like to know, sir, what other committee of this House there is before which questions of law are not coming every day, and before which parties of different interests come every day.

If the Senators desire that this committee should be discharged—if they desire that the Committee on Judiciary may be the Committee on Elections, let them make the question direct that the committee be discharged and another appointed. But this is simply whipping the devil around the stump, and I move that the resolution be postponed indefinitely.

Mr. Blackman: The gentleman has stated that it is unprecedented to refer questions involving points of law from another committee to the Judiciary.

If my memory serves me right, the Senate has already referred questions of finance from other committees to the Finance Committee. It is a custom not only of the Senate of the United States, but in every deliberative body in this nation, wherever the question has been raised in regard to the legality of any law about which a committee is in doubt, to refer it to a Judiciary Committee. If in the Senate there be any doubt as to the law upon a question before them for consideration, they have universally referred to the Judiciary Committee, whose province it is to examine these questions and points of law, and make their decisions thereon. They devote their time and attention to the study of the laws of the State, and they are presumed to be more thoroughly acquainted with the law, and more ready to give a decision upon points of law, than any other committee. Hence they are called the Judiciary Committee.

Now, sir, as has been stated, this resolution is not introduced to cast a slur upon the Committee on Elections, but in order to expedite these cases—in order to bring this question to a determination and decision.

As to the point of delay, the Committee on Elections may go on and examine into these cases. The Judiciary Committee need not interfere in the least with their investigations; while the Judiciary Committee are examining these points of law the Committee on Elections can proceed with their investigations.

If the Committee on Elections in the case now before it, receive instructions from the Judiciary Committee upon the law of the case, then all other cases involving the same questions can be governed by it. Moreover, by referring this and similar questions to the Judiciary Committee, much time will be saved, as the Judiciary Committee will generally be able to decide these questions with but little delay. In this case the decision of the Judiciary Committee could be had to-morrow, or the day after at farthest, whereas it would take the Committee on Elections several days to decide the same question.

I therefore think it perfectly proper that the Senate should refer to the Judiciary Committee, and I think it will be no evidence of disrespect to or distrust in the integrity of the Committee on Elections to do so.

Mr. Coupland: Mr. President, I am not disposed to take it as any reflection upon the Committee on Elections. I do not believe the gentleman intends it. But I think he has taken the wrong course. I believe the State has a legal adviser perfectly competent to decide all such questions, and that it is his duty to decide them when called upon so to do. When the Committee on Elections are in doubt upon any question of law, or as to the legality of any proceeding, they are privileged to get the decision of the Attorney General of the State, who is certainly as competent to give such decisions as the Judiciary Committee. The Senate itself, by a resolution, has directed them to refer the subject to the Attorney General of the State, and I do not think that the decision of the Judiciary Committee would be any better before this body than the opinion of the Attorney General. In fact we would be in a measure bound by the decision of the Attorney General, but I can not conceive wherein we would be bound by any decision of the Judiciary committee, because all their decisions are brought before the Senate for their action upon them. Hence I can not see the urgent necessity of throwing this case before the Judiciary Committee. If the gentleman will allow me to amend his resolution, I would amend it by giving the Judiciary Committee the investigation of *all* election cases, with reference not only to their legal but all other bearings. I would like to be relieved from the Committee on Elections, as it is not a labor of love, I assure you. And if the gentleman will accept my amendment I shall be in favor of the resolution—otherwise I shall insist that the decisions of the Attorney General are binding, and he is the proper advisor of the committee.

Mr. Blackman: I will not accept the amendment.

Mr. Coupland: Then I shall insist that the decisions of the Attorney General are final, and oppose the resolution.

Mr. Smith: Mr. President, I will state that these points which have been raised by the defendants in the case of Reagan vs. Day have been referred to the Attorney General for his action, and in regard to this resolution, with due respect to the opinion of the gentleman, I must say that I consider it an insult to every member of the Committee on Elections. I call the previous question.

Mr. Bacon: Mr. President, there seems to be some feeling in this matter on the part of members of the Committe of Elections. I think these gentlemen ought not to feel any sensitiveness upon this subject. I believe no one of the members of that committee except, perhaps, Mr. Thompson is a lawyer by profession, or perhaps Mr. Futch and Mr. Thompson. They ought not to think it a reflection on them that questions of law are referred to that committee which is the body which has been raised as a standing committee for our guidance and instruction upon legal questions.

No one, sir, whether he be a lawyer or not should feel himself at all reflected upon if questions which involve legal decisions are left to that committee.

The Committee on Elections, sir, is expected to be engaged in preparing evidence and not in legal inquiry. They give us the facts and we decide upon them. Now, there is a question of law which comes up connected with their report and it is proposed that this question of law may be referred to our law advisers.

Gentlemen have told us that the Senate has authorized them to apply to the Attorney General for his opinion. We have done so. The gentlemen may have or may not have the opinion of the Attorney General. If they have, it is only the opinion of a law officer of the State, who has been elected for the purpose of prosecuting its claims before the Supreme Court and certain cases before the First District Court of this city. It is a novel thing, however, for an Attorney General to give his opinion to the legislative body of the State concerning their proposed action.

Mr. Smith: I would like to ask the gentleman if Congress calls upon their Committee on Judiciary or refers questions from other committees to that committee?

Mr. Bacon: Yes, sir, it is a common practice.

Mr. Smith: I would like the gentleman to point to an instance.

Mr. Bacon: It is a common thing, as he will see by the files of the *Globe*. Now, as to any discourtesy which may have been intended to the Committee on Elections in this matter, I answer, we have certainly acted with remarkable courtesy to them in that we have not referred these questions to them conjointly with the Judiciary Committee long ago.

We have done that. The gentleman forgets that we have constantly been referring bills to the Judiciary Committee and the Finance Committee conjointly, and the Judiciary Committee and other committees conjointly, putting the Judiciary Committee in for the purpose of having its opinion as to the constitutionality or legality of the law proposed. I don't think there is any impropriety or rudeness in so doing toward other committees. By referring this important question of law to the Committee on Elections, we have allowed these cases to be dragged along so slowly as to weary the patience of all interested, whereas if we had referred them to the Committee on Judiciary, they would have decided them at once, and thus greatly facilitated business.

As to who is the proper adviser in this matter, I would state that the very article of the constitution quoted by the Senator from De Soto a few minutes ago, as to the fact that the members of this body are the proper judges of the qualifications of their own members, shows that the Attorney General is not the proper person to decide. We are a law unto ourselves. The nearest we can get to an authoritative exposition of the law is to refer it to the Judiciary Committee.

I think it is more disrespectful to the Judiciary Committee that when we have an important legal question before us we should *not* refer it promptly to that committee, whom we have selected as our legal advisers upon such subjects, and that we should with such rude timerity go forward and act upon questions upon the crude notions of those who have bestowed no careful attention to these legal subjects, and no careful investigation as to what laws are of binding effect in the particular cases before them. If there is any want of respect shown in this matter, that want of respect is shown to the Judiciary Committee in being unwilling to receive their opinion upon these legal subjects with respectful consideration, and in being unwilling to act upon and be guided by them.

The Committee on Elections is competent to obtain first a summary of the evidence and second to make a statement of the facts to the Senate. The Committee on the Judiciary is the proper one to give us an opinion upon the subject of what is law and what is not law, what is binding under the constitution and what is not binding under the constitution. We should enter upon no such investigations and come to no such conclusions without first asking their advice.

Mr. Thompson: Mr. President, as a member of the committee I rise for the purpose of advocating the passage of the resolution. There have been questions presented to that committee in respect to which they have ignored the plainest statutes of the State. I do not consider that under the obligations I have taken as a Senator here; that it is my duty to go into an investigation of the case, unless it is presented in a legal and formal manner.

If the contestants do not comply with the law, I do not see how we can, under our obligations as Senators, go into an investigation of the case. There must be some starting point, and it must be presented in a legal manner; and, unless so presented, it should be rejected. The passage of the resolution will save the Committee on Elections much time and trouble, and it will save expense to the State; because, if we go into an investigation, which is legal in its character, all the labors we perform in disregard of law amount to nothing before this body.

I therefore hope this resolution may pass.

Mr. Pollard: Mr. President, I wish to say a few words on the question, which I don't understand very well. The Committee on Elections was appointed by the Senate. They appointed honest men—men who understood their business and the law; and when they make reports they ought to be respected.

I am just as much in favor of the Judiciary Committee as any other gentleman is, because I believe that committee are as capable of doing business, if any committee is. But, at the same time, in case that committee should err, which way shall we go then?

Supposing that committee is not right.

[CONTINUED ON FOURTH PAGE.]