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VOLUME II—NO. 141. NEW ORLEANS, MONDAY EVENING, SEPTEMBER 21, 1868. WHOLE NUMBER 451.

BY TELEGRAPH

Evening Dispatches to the Associated Press.

FROM WASHINGTON

The Surratt Trial.

DISBURSING OFFICER ABSCONDED

THE MAINE ELECTION.

A Majority of 20,000.

LARGEST VOTE EVER POLLED

Important from Mexico.

INTERESTING MISCELLANEOUS NEWS.

Nolle Prosequi in the Murder Count in Surratt's Case—Both Houses Agreed to Adjourn.

WASHINGTON, September 21.—A nolle prosequi has been entered on the murder indictment in Surratt's case. His counsel take a special plea that the second indictment is barred by the amnesty proclamation, subsequent to which it was found. Court adjourned.

Both Houses have agreed to adjourn from to-day to the fifteenth of October, from that to the tenth of November, and from that to the first Monday in December.

Cable Summary—Naval Force off Cadiz Revolted—War Feeling Quieter—Catholic Clergy in Galway Opposing Candidates—Reported Revolt in Andalusia—Ship Foundered at Sea.

NEW YORK, September 21—*Cable Summary.*—The naval force off Cadiz has revolted. Several generals recently banished have returned and joined the revolt, which the Marquis de la Favre heads, and the leaders of the old O'Donnell party sustain. Several towns have joined the insurrection. An intense panic prevails at the Spanish Court. Troops have been sent southward under General Concha. A rumor prevailed at Paris that Queen Isabella had abdicated.

The war feeling is quieter. The ambiguity of Napoleon causes growing indignation. All other rulers are known to desire peace.

The Hungarian Diet proposes universal religious toleration.

The Catholic clergy in Galway oppose candidates who don't support Gladstone's resolves.

A rising is reported in Andalusia, Spain. The ship Greenock, from Havre for Queenstown, foundered in latitude 40° longitude 49°, in a fourteen hour hurricane. The captain and one seaman lost.

Arrival of Steamship Great Republic—J. Ross Brown at Japan.

SAN FRANCISCO, September 20.—The steamship Great Republic arrived with nine hundred and fifteen passengers and twelve hundred tons of freight.

J. Ross Brown had arrived at Japan.

Japanese complications are increasing. The antiforeign feeling is increasing. Another Imperial decree against Christians had been issued.

River Intelligence.

SOUTHWEST PASS, September 21, Noon.—Barometer 29.65. Wind southeast; light.

Arrived: Steamships Texas, Baker, Indianola, to Kelly & Long; and Hudson, Blakeny, Indianola, to master.

Sailed: Brig Sir Robert Peel, brig J. H. Kennedy, and schooner Constance.

Schooner Jachin, from Lavacca, with cattle on board, for Mobile, is sailing up the pass.

Arrived at Pass-a-L'Outre, schooner Welcome, H. Blohm, nine days from Turk's Island, with salt to C. Seller & Co.

VICKSBURG, September 21.—Passed down, Pink Varble at 5 P. M. yesterday, and Belle Lee at noon to-day. River rising.

Domestic Markets

NEW YORK, September 21.—Money easy. Gold 144⅜; sterling 108½; 5-20's of '62 114¼.

Flour dull and drooping. Wheat slightly favors buyers. Corn dull and unchanged. Mess pork dull at $28 80. Lard dull; steam 19¾@20¼c. Cotton quiet; middling uplands 26½c. Freights firm and advancing.

Foreign Markets.

LIVERPOOL, September 21, Noon.—Cotton steady; sales 12,000 bales; Bombay shipments 14,000 bales. Sugar firmer; 35s. 9d.

Sunday Dispatches to the Associated Press.

WASHINGTON.

Export Collector in Philadelphia—General Kilpatrick and Alex. Stephens in Washington—Homes for American Families—Governor Holden's Son Did Not Make the Incendiary Speech Attributed to Him—Republican Majority in Colorado Territory

WASHINGTON, September 19.—Collector Charles Abel has been appointed Collector in charge of exports for the port of Philadelphia. This is the first appointment under the new law of this class.

General Kilpatrick, Minister to Chili, is here.

Alexander H. Stephens is here. It is stated that Mr. Stephens's mission here is to obtain access to the Confederate archives held by the Government to aid him in the history of the war which he is writing. His access is probable.

Turkish agents are looking up homes in Virginia, Maryland and Delaware for Armenian families shortly expected.

Joseph T. Holden, son of Governor Holden, of North Carolina, in a dispatch to the Congressional Republican Committee, denies that he invoked the god of turpentine in his recent speech to the Radical negroes of North Carolina.

The Denver *Tribune* makes Bradford's majority for Congress 662, with two precincts to hear from.

MASSACHUSETTS.

Accident to Senator Sprague—The Broadway Theatre Shooting Affray.

NEW YORK, September 19.—The *Commercial Advertiser* states that a cable dispatch has been received, announcing the arrival of the Northern Light, heretofore feared lost.

Sailed: Steamship Guiding Star, for California, with 600 passengers.

Fire in New York this morning. Loss $175,000.

Foreign importations at this port this week amount to over $5,000,000.

Senator Sprague is confined to his room with a broken leg.

The Broadway Theatre shooting affray was before the court to-day, and Deputies Moore and Hickey were identified as the parties who did the shooting. Case continued.

MEXICO.

Alarm About the Filibusters.

WASHINGTON, September 19.—The New York Herald's Mazatlan letter of August 3d says: "The late New Orleans filibustering expedition is looked upon as a sign that the floating American population are rife for a descent upon Mexican territory, and that an able leader could instantly raise an army of 30,000 for that purpose, if our Government would only wink at the movement. The press of the whole country is alarmed about the filibustering movements from Cuba, New Orleans, the Rio Grande and the Pacific Coast."

Morning Dispatches to the Associated Press

WASHINGTON.

Disbursing Agent Absconded—Arrival of General Howard.

WASHINGTON, September 20.—Captain E. B. Armistead, Disbursing Agent of the Post-office Department, has absconded. His accounts are short from sixty to one hundred thousand dollars.

General Howard has retured.

MAINE.

Official Returns from Three-fourths of the State—Claim to 20 000 Majority Fully Confirmed—Largest Vote Ever Thrown in the State.

[Special Dispatch to the Missouri Democrat.]

AUGUSTA, Me., September 17.—Official returns from more than three-quarters of the towns of the entire State fully confirm our claim to twenty thousand majority. We gain more than nine thousand on last year's majority and are seven thousand in excess of our average majority for the past twelve years. The total vote is by far the largest ever thrown in Maine.

JAMES G. BLAINE.

PHILADELPHIA.

Killed at a Political Meeting.

PHILADELPHIA, September 20.—One man killed at a political meeting in Franklin county, Pennsylvania.

NEW YORK.

Death of an Actor.

NEW YORK, September 20.—John Sefton, the actor, is dead.

OMAHA.

Trains Running to Point of Rocks.

OMAHA, September 19.—A party of government surveyors on the south fork of the Republican river were surprised by Indians, and one of the party killed. The others escaped, losing supplies, instruments and one team.

[Special Dispatch to the Missouri Democrat.]

OMAHA, Nebraska, September 17.—Trains on the Union Pacific to-day commenced running to Point of Rocks, eight hundred and four miles west of Omaha.

LOUISIANA GENERAL ASSEMBLY.

Senate.

MONDAY, September 21, 1868

The Senate was called to order by the President.

The roll was called.

A quorum present.

Prayer by the Rev. Mr. C. P. Maistre.

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

STANDING COMMITTEES.

Mr. Lynch, from the Finance Committee, reported by substitute upon House bill No. 215, an act to provide means for the relief of the State Treasury.

Favorable, with amendments, upon House bill 176, an act to fix and determine the salaries of the Board of Police Commissioners of the city of New Orleans, establishing a Board of Police Commissioners for the city of New Orleans, approved July 9, 1868.

And favorably upon House bill No. 45, an act relating to State and Parish Tax Collectors.

Mr. Smith, from the Committee on Elections, reported progress.

Mr. Darrall, from the Committee on Enrollment, reported the following bills duly engrossed:

Senate joint resolution No. 23, Senate bills Nos. 118 and 94, and House bills Nos. 125, 162 and 11.

MOTIONS.

Mr. Smith moved to reconsider the vote to postpone indefinitely an act relative to the construction of a shell road in the parish of Jefferson.

Mr. Todd moved to lay the motion on the table.

Mr. Smith called for the yeas and nays.

The Senate refused to lay on the table by a vote of seven yeas to sixteen nays.

Mr. Todd, after claiming that the property holders on the line of the proposed shell road were opposed to its construction: The object of constructing the road was to benefit beer gardens, to some of which Mr. Smith must have gone yesterday, that he should come here to-day and move a reconsideration.

The President: Does the Senator mean to insinuate that Mr. Smith has not recovered from the effects of his visit to the beer garden?

Messrs. Ogden and Foute advocated a reconsideration, and alluded to the horrible condition of St. Charles street above the Nicholson pavement. The names of Dan Hickock, Burth Bullitt and others upon a petition were read in favor of the bill.

Mr. Foute to some objections answered that it was immaterial whether a shell, Nicolson or other road be built.

The vote was then reconsidered.

On motion of Mr. Foute, the rules were suspended and the bill taken up and read.

Mr. Foute moved to amend the title so as to make it optional with the Police Jury whether they build a shell road or Nicolson pavement.

Mr. Foute withdrew his amendment.

[The Clerk of the House appeared and asked concurrence of the Senate in several House bills and announced concurrence by the House in several Senate bills.]

Mr. Todd moved to strike out shell road and insert Nicolson pavement, which was voted down.

Mr. Bacon then made a motion to the same effect as that offered by Mr. Foute, which was adopted, and the bill finally passed thereafter.

The order of the day was called.

SPECIAL ORDER OF THE DAY.

House bill No. 197, an act providing for the administration of public schools, was taken up.

The bill is pending.

House of Representatives.

House met at twelve o'clock, Speaker Lowell in the chair. Fifty-two members present.

Prayer by Rev. Mr. Satchell.

On motion of Mr. Tureaud, of St. James, the reading of the journal was dispensed with.

On motion of Mr. Kent, of St. Helena, leave of absence for ten days was granted Mr. Haskell, of Calcasieu.

On motion of Mr. Carr, of Orleans, the rules were suspended to allow him to introduce a resolution to pay per diem to Theogene Castillo, of St. Landry, from the commencement of the session.

The resolution was adopted.

The rules were suspended to allow Mr. Hill, of Assension, to introduce a resolution for the payment of Supervisors of the late registration.

Resolution adopted.

The rules were suspended to allow Mr. Isabelle, of Orleans, to introduce a resolution providing for the payment of sixteen dollars a day to the Speaker.

The Committee on Public Education reported on Senate bill No. 138 favorably.

The House went into Committee of the Whole to consider the bill, which was recommended for adoption, Mr. May, of Orleans, in the chair.

The committee rose, and the bill went to its third reading and final passage, and was sent to the Senate for concurrence.

The Committee on the Judiciary reported Senate bills Nos. 44, 173, 187, which were placed on the calendar for third reading.

The Committee on Parochial Affairs reported favorably on Senate bills Nos. 135, 159, 154, which were placed on the calendar.

Mr. Raymond, of Jefferson, gave notice of his intention to introduce a bill reducing licenses.

A message was received from the Senate concurring in House bills Nos. 125, 11, 181, and asking concurrence in Senate bills Nos. 173, 93, 118.

OFFICIAL.

PROCEEDINGS OF THE GENERAL ASSEMBLY OF THE STATE OF LOUISIANA.

JOURNAL OF THE SENATE.

Seventy-First Day's Session.

SATURDAY, September, 19, 1868.

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

The roll was called—the following members present:

Anderson, Bacon, Beares, Blackman, Campbell, Coupland, Darrall, Egan, Foute, François, Jewell, Kelso, Lewis, Lynch, Monette, Offutt, O'Hara, Packard, Pinchback, Pollard, Randall, Ray, Smith, Todd, Whitney, Wilcox, Williams, Wittgenstein—28.

Prayer by the Chaplain, Rev. Mr. Turner.

On motion of Mr. Pollard the reading of the minutes was dispensed with.

STANDING COMMITTEES.

Mr. Darrall, from the Committee on Enrollment, reported the following bills as duly enrolled:

Senate bills Nos. 110, 214, 148, 205, and Senate joint resolution 18.

And the following bill duly engrossed:

House bill No. 181.

Mr. Kelso, from the Committee on Public Lands and Levees, reported unfavorably upon Senate bill No. 213, an act to incorporate the Louisiana Homestead Association.

SPECIAL COMMITTEES.

Mr. Todd, from the special committee to investigate the amount of labor performed by the clerks of the Committee on the Conduct of the Late Election, reported in favor of allowing them extra compensation.

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

Rules suspended.

An act for the relief of the ex-Judges of the Supreme Court of the State of Louisiana.

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

Mr. O'Hara: I arise to a question of privilege. I desire that my name be recorded among the votes on the adoption of the civil rights bill. I believe that it would be mere courtesy toward me if the Senate receded from its refusal yesterday to grant me this privilege.

Mr. Foute: I move a reconsideration of the vote of yesterday, by which Mr. O'Hara was refused the privilege of recording his vote on the adoption of the civil rights bill.

The vote was reconsidered.

Mr. Foute: I move that Mr. O'Hara be permitted to record his vote.

Adopted.

Mr. O'Hara: I vote yea.

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

Rules suspended.

An act relative to partitions was read.

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

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

Rules suspended and the following read:

Resolved, That a joint committee of both Houses of the General Assembly be appointed, to consist of three members of each House to examine for a suitable location for a State House and other necessary State buildings in the city of New Orleans, and to report the result of their examination to the General Assembly, and that said committee be authorized to provide a suitable building for a State House until one is built by the State.

Mr. Ray: I ask for a suspension of the rules to put the resolution on its second reading.

Rules suspended and the resolution read.

The resolution was considered engrossed.

Under a suspension of the rules the resolution was read a third time and adopted.

ACCORDING TO PREVIOUS NOTICE.

By Mr. Day:

Joint resolution making it the duty of the Secretary of State to furnish to each of the parish judges and members of the Legislature with a copy of the Civil Code, Code of Practice and Revised Statutes of the State.

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

The order of the day was called.

BILLS ON FIRST READING.

House joint resolution No. 224, appropriating the sum of $300 to the widow of Michael Butler, police officer of the city of New Orleans, murdered in the discharge of his duties.

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

Mr. Ray: I ask for a suspension of the rules to take up a bill out of order.

Rules suspended.

House bill No. 162, an act relative to juries, and to establish and fix the drawing of the grand and petit jurors in and for the State of Louisiana, was read.

The bill was taken up section by section.

Sections one to eleven inclusive were read and adopted.

Mr. Ray: I move that the bill be adopted as a whole.

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

The yeas and nays were ordered, resulting:

Yeas: Braughn, Campbell, Coupland, Darrall, Day, Lewis, Lynch, Monette, O'Hara, Packard, Pollard, Randall, Ray, Smith, Todd, Wilcox, Williams, Wittgenstein—18.

Nay: Egan—1.

The bill was adopted as a whole.

The bill was considered engrossed.

Under a suspension of the rules the bill was read a third time and finally adopted with its title.

House bill No. 182, an act supplementary to an act to incorporate the New Orleans Mechanics' Society, passed February 17, 1821.

Read twice under suspension of the rules and referred to the Committee on Corporations.

House bill No. 174, an act to prevent the issue of false receipts or bills of lading, and to punish fraudulent transfers of property by cotton presses, wharfingers and others.

Read twice under suspension of the rules and referred to the Committee on Commerce.

House bill No. 184, an act to amend and re-enact the fourth section of an act relative to judicial and other sales made at public auction, approved March 12, 1855.

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

House joint resolution No. 214, authorizing the Warrant Clerk to draw additional warrants for the payment of the per diem of members.

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

House bill No. 165, an act repealing an act supplementary to the several acts relating to the town of Franklin, in the parish of St. Mary, and fixing the salary and compensation of the Mayor and Councilmen of said town.

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

SPECIAL ORDER OF THE DAY.

Senate bill No. 181, an act in relation to incorporations for agricultural purposes was read.

Mr. Campbell: I move to refer this bill to a Special Committee of seven.

Adopted.

Mr. Lewis: I ask for a suspension of the rules to take up Senate bill No. 191, an act relative to and requiring the inspection of beef and pork.

Rules suspended and the bill read.

Mr. Braughn: I move that the bill be postponed indefinitely and call for the yeas and nays.

The yeas and nays were ordered, resulting:

Yeas: Anderson, Bacon, Blackman, Braughn, Coupland, Day, Egan, Jewell, Lynch, Packard, Pinchback, Randall, Ray, Todd, Williams, Wilcox—16.

Nays: Campbell, Kelso, Lewis, Pollard, Smith and Wittgenstein—6.

The bill was postponed indefinitely.

House bill No. 98, an act authorizing the Police Jury of the parish of Jefferson to construct a shell road, was read.

Mr. Todd: I move that the bill be postponed indefinitely and call for the yeas and nays.

The yeas and nays were ordered, resulting:

Yeas: Anderson, Blackman, Braughn, Day, Egan, Lewis, Monette, Pollard, Randall, Smith, Todd, Wilcox, Williams, Wittgenstein—14.

Nays: Bacon, Coupland, Jewell, Kelso, Lynch, Packard, Pinchback, Ray, and Whitney—9.

The bill was postponed indefinitely.

Senate bill No. 118, substitute, an act to limit and control the assessment of parish and municipal taxes in this State, was read.

Mr. Day: I move that the bill be considered engrossed for a third reading.

Adopted.

Under a suspension of the rules the bill was read a third time and finally adopted.

Mr. Day: I move to amend the title by striking out the words "in this State" and inserting "in the parish of East Baton Rouge."

Adopted.

The title was adopted as amended.

Mr. O'Hara: I ask for a suspension of the rules to take up a bill.

Rules suspended.

House bill No. 197, an act relative to the administration of the public schools of New Orleans, was read.

Mr. Lynch: I move that the bill be printed and made the special order of the day on Monday.

Adopted.

BILLS ON SECOND READING.

Senate bill No. 94, an act to amend an act entitled an act relative to the inspection of tobacco.

The bill was taken up section by section.

The first section was read.

Mr. Ray: I move that the word "three," in line fourteen, be stricken out and the word "five" be inserted instead.

Adopted.

The section was adopted as amended.

The second to the fifth sections, inclusive, were read and adopted.

Mr. Ray: I move the adoption of the bill as a whole.

Adopted.

The bill was considered engrossed.

Under suspension of the rules the bill was read a third time and finally adopted with its title.

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

Rules suspended.

An act making appropriations for the general expenses of the State, for the unexpired term of the year ending the thirty-first day of December, 1868.

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

The Senate went into executive session.

The executive session being raised, Mr. Braughn was granted three days' leave of absence, and the Senate adjourned.

CHAS. H. MERRITT,
Secretary of Senate.

In the Senate on Wednesday, September 16:

Mr. Blackman: I move that a delay of three days be granted in the case of C. C. Antoine vs. Reuben White before it is taken up.

I will state as a reason for this motion that several members are absent from the city, and others can not be in their seats to-day. I, therefore, hope this delay will be granted.

Mr. Smith: I move to lay that motion on the table.

The yeas and nays being ordered, the motion to postpone was laid on the table.

Mr. Braughn: Mr. President, I rise to a personal explanation. I was in hopes that the Senate, on the grounds stated by the Senator from Claiborne, would postpone action upon Mr. White's case. We desired it because five Democratic Senators are to-day absent from their seats, and I understand that four of them are absent without leave, Senator Futch being the only one of them who saw proper to obtain leave from the house before absenting himself. I desire it, sir, to be placed on record that I do not wish to be held responsible for the neglect and absence of Democratic Senators representing their constituents upon this floor. My family, sir, has been absent during the greater part of the summer, and the attraction for me to go and stay with them has been equally as great as that which has actuated other gentlemen to seek their families and their homes; but from a sense of duty that I owe to the State and to my constituents, and from a sense of courtesy that is due to the Senate, I have remained in my seat, with an exception of three days for which I obtained a leave and promptly returned when it had expired. If these five gentlemen were here to-day and had been here on other occasions perhaps the action of the Senate would have been different. And it is natural, sir, that I should wish to clear myself from the responsibility which must rest upon the minority in this house for their neglect. As a member who has endeavored to discharge the duties of his office to the best of his judgment and ability, I protest, sir, against this wanton neglect on the part of Senators in this house. If they can satisfy their constituents that sufficient cause has taken them from the House, I have no objection. But I do not wish it said hereafter that I have been to blame for their actions. Senators Foute, Ogden, Thompson and Day, I am informed, are all absent without leave, and to what extent these gentlemen have carried this action on other occasions you, the Senate, can judge. I trust the Senate will protest against their absence, and take such steps as may be necessary to secure their attendance.

Mr. Bacon: Mr. President, I will simply remark that a gentleman informed me that Senator Thompson had informed him that his family is sick, and that he could not fulfill an engagement with him in another matter for that reason.

The President: The Senate has rarely refused a leave of absence to any Senator. I have myself noticed with astonishment and regret the practice of Senators of absenting themselves without leave.

Mr. Pinchback: Mr. President, I voted against the resolution postponing action upon this case for three days, because it has been before the Senate Committee nearly three months, and it seems to me that nearly every Senator must have his mind made up on it. And after the rebuke which Senator Braughn has administered to his colleagues for absenting themselves without leave, I do not see why we should postpone the case on their account, although the case might probably be influenced by their presence. I therefore hope it will be taken up and acted on to-day.

Mr. Pinchback offered the following resolution:

Resolved, That the Warrant Clerk of the Senate, or his representative, be required to attend the session from twelve o'clock to two o'clock daily in order that the members may be enabled to transact their business with the Warrant Clerk without being compelled to unnecessary loss of time.

Mr. Pinchback: The object of my resolution is to have the Warrant Clerk come here and discharge his duty or send some one to do it. He is paid a handsome salary by each House, and I think he should have an office in this building.

Mr. Whitney: Mr. President, I will inform the Senator that Mr. Smith has a clerk in one of the committee rooms. I got a warrant signed by him this morning.

Mr. Pinchback: I have been unable to find the Warrant Clerk in his office except during the same hours that the Senate is in session, and I do not want to be absent from my seat.

Mr. Wilcox: I will suggest an amendment, that he be required to be in his office, or have some one here, from ten o'clock to twelve.

The amendment was accepted.

Mr. Blackman: Mr. President, I will state that I have known Mr. Smith in the capacity of Warrant Clerk for the Legislature in 1865, 1866 and 1867, as well as for the present Legislature, and that he has always faithfully and efficiently discharged his duties as such: and to my certain knowledge his clerks come to this building and are ready to make out the warrants of those who are entitled thereto.

Mr. Pinchback: I wish to cast no reflection on Mr. Smith; I have found him very courteous when I have called on him, but I think he should have an office here in this building.

Mr. Lynch: Mr. President, I suggest that Mr. Blackman, or some other Senator who knows where the office is, conduct Senator Pinchback there. (Laughter.) Without intending any discourtesy to the Senator, I move to lay the resolution on the table.

The yeas and nays being ordered, the resolution was laid on the table.

Mr. Braughn: I think a simple suggestion to Mr. Smith to have a clerk here from ten o'clock until twelve will be sufficient, and that arrangement will obviate the difficulty.

The majority and minority reports in the case of C. C. Antoine vs. Reuben White being under consideration,

Mr. Smith moved the adoption of the majority report.

Mr. Blackman: Is not the contestant to appear and present his case?

The President: A resolution was passed, giving contestants in another case the right to do so; but it has no bearing on this case.

Mr. Blackman: Mr. President, on the adoption of the first resolution, as to the eligibility of Mr. White, I will state that I do not believe that any argument I may adduce on this occasion will change the action of the Senate, and in presenting a few points, which, I believe, will show the eligibility of the Honorable Reuben White to the seat upon this floor, I shall be as brief as possible, and I would ask the members of the Senate to consider the question not in a partisan light, not as a question whether a Democrat shall hold his position upon this floor, or be driven from it and a Republican seated in his stead, but that, with the solemn obligations we have taken to support the Constitution of Louisiana and to try these election cases in accordance with law, that the evidence will be tendered and the Senate guided in its decisions by a spirit of justice.

Now Mr. President, in the first place the only evidence which the contestant has introduced to establish the ineligibility of Mr. White, is the Senate journal, or a book purporting to be the journal of the State Senate of the years 1859, '60 and '61. When that was attempted to be introduced by the counsel for the contestant before the committee, Mr. White objected to its introduction as evidence, on the grounds that there was no testimony that it was the real journal of the Senate for those years.

The book referred to is before us—it is not a printed journal of the Senate, nor thrown to the world by the official printer of the State, which would force us to receive it as good evidence. It is simply a written book signed by the Secretary of the Senate, and this book was received in evidence in the trial of this case by the Committee on Election returns. Now, sir, I hold that in any court of justice, not only in the State of Louisiana, but throughout the civilized world in a case of such magnitude where the party is on trial for nothing more nor less than treason, such evidence as this would be discarded as no evidence at all. Not a single solitary witness has testified that it was signed by the Secretary or the gentleman purporting to be the Secretary of the Senate for the years 1859, 1860 and 1861; and, sir, particularly was it necessary under all those high rules of evidence which guard the rights of individuals now. I state, sir, that in violation of all these rules of evidence, the Committee on Election returns have seen fit to receive in testimony a book called the journal of the Senate of Louisiana, without even establishing the fact that it was such a book—a simple written book, coming from, God knows where; it may have been written by other hands than those of the Secretary of the Senate, and it is upon this inadequate evidence that Mr. White is declared by the committee ineligible.

Have they shown by any positive and solid evidence that Mr. White was a member of the Legislature of 1860 and 1861? Assuredly not. Have they shown that if he was he took any other oath than that to support the Constitution of the United States and of the State of Louisiana? No. Will gentlemen tell me that by simply retaining his position there as a member of the Legislature (to which he is said to have been elected previous to the secession of the State) he thereby gave aid or countenance to the rebellion? Or has it been proved that he was not opposed in toto to the action of the convention, and to every act of the Legislature after secession was sustained by it? They simply take it for granted that Mr. White, by his presence in that Legislature, did aid the rebellion. They have no right to draw any such conclusion. It is said that Mr. White was nominated for a member of the secession Legislature. They have not shown that it was Mr. *Reuben* White. There might have been twenty other Whites in the parish of Caddo.

Now, Mr. President, I will state that there are members of this Senate here who, by the duty they owe their constituents who have sent them here to do what is possible to protect their rights, are compelled to sit here day by day, witnessing the passage of acts which I and other members upon this floor regard as wrong and fruitful of evil; acts which we oppose with all our power; and yet, according to the line of argument adopted in the majority report, it could be said that we enter into the spirit of and aid and abet every single measure, however oppressive and fraught with evil, and are as much responsible for them as those who bring them forward and force them through in spite of our opposition. Now, the outside world might as well accuse us of assisting these measures passed by the Legislature as to accuse Mr. White of aiding in the rebellion simply because he discharged an honest duty to an honest constituency by holding his seat as a member of that Legislature.

I wish to establish the other fact by the report of the committee itself. That by the provisions of the Constitution of 1852, under which Mr. White was elected, it would have been impossible for him to cast any vote in that Legislature at the time he is said to have done so. Under that Constitution the members were required to be elected on the first Monday in November every two years. If Mr. White had been elected in 1859, as alleged by this committee, and had retained his seat even up to November, 1861—a new election having been ordered and having taken place in Louisiana for Representatives and Senators—Mr. White's seat would necessarily have been vacated, and the new members would have taken their seats. Now, sir, I wish to refer gentlemen to the report of this committee, to show that Mr. White could not have voted, as it is stated he did, for members of the Confederate States Congress. Remember, Mr. President, that this election took place on the first Monday in November, 1861—that by the Constitution of the State itself Mr. White and the members of that Legislature went out of office on the first Monday of November, 1861. The report of the committee says the voting occurred on Friday, November 29, 1861. How could it be possible that Mr. White participated in this election for members of the Confederate States Senate which was held twenty-ninth day of November, when his term expired on the first Monday of November? Now, sir, in regard to the testimony that was received by the committee, especially in regard to the book said to have been the Senate journal of this State for 1861. Such testimony would not be received in any court in this or any other country. Simply a book, coming from God knows where, written by God knows who, and for a purpose God knows what. But waiving this point for the sake of argument, and admitting that Mr. White was a member of that Legislature and participated in this election, it would not render him ineligible under the fourteenth amendment to the Constitution of the United States, or under the Constitution of the State of Louisiana, because he must first have abjured his allegiance to the Government of the United States and to the State of Louisiana, and given his allegiance to an entirely new government. But the evidence does not disclose the fact that this Mr. White was even a member of that Legislature, much less that he voted for these members of the Confederate States Senate or favored one single solitary act calculated to assist the rebellion. The contestant himself has not established the fact, and he can not establish the fact that any other oath was taken by the members of that Legislature to which it is assumed that Mr. White belonged than the oath to support the Constitution of the State of Louisiana and that of the United States. If Mr. White took no other oath how can you say for a moment that he has ever abjured his allegiance to the United States, and participated in the rebellion?

Now, as to the other part of the evidence by which it was sought to show that Mr. White did actually participate in the rebellion, the first is the evidence of Mr. Sweet found on page five of this report. It is as follows:

"Charles L. Sweet being duly sworn deposes and says:

"I reside in Algiers. I resided in Shreveport up to the last of February, 1861. I went there in 1858."

General Sheldon to Mr. Sweet:

"Do you know Reuben White?"

"I know Reuben White, Senator from Caddo. I know that he was a member of the Legislature previous to the war. To the best of my knowledge and belief, Mr. White helped to fit out the Caddo Greys. I have heard Mr. White talk in aid of the Confederacy. He and Dr. Ball, Charles McCarty, Judge Creswell, Judge Jones and Newton Wright used to get together in front of Dr. Ball's drug store and talk about killing Yankees, five or six before breakfast. He voted for secession, and I have heard him argue in favor of the Confederacy and against the Government of the United States. He told a young man, a Mr. Hinkle, that if he would go to the war he would see that his family wanted for nothing. I mean the war on the Confederate side."

This is the examination in chief.

Now, Mr. President, listen to the cross-examination of this same witness:

"I heard Mr. White say that he voted for secession, and for delegates to the secession convention at Baton Rouge.

"I do not think that Mr. White was a member of the secession convention.

"The ordinance of secession was never submitted to the people.

"I do not recollect whether the delegates to the convention were instructed to vote for secession or not.

"I did not see Mr. White vote the ticket for secession.

"I voted against secession; I voted an open ticket, to the great displeasure of many of the people of Caddo.

"I know there were two candidates—Union and Disunion.

"Mr. George Williamson was a Disunion candidate; Syrien Beal was a Union candidate.

"I voted for the Union candidate, Syrien Beal.

"I do not know which one of these candidates Mr. White voted for.

"I do not recollect the language Mr. White used in his conversation, but he argued in favor of whipping the Yankees.

"I have heard Mr. White talk as much as anybody else, but do not recollect the exact words or argument used.

"I know Mr. Hinckle.

"Mr. Hinckle is a man of family.

"He had a mother and brother at the time of the war.

"His brother was about twelve or fourteen years old.

"They had a little place of their own.

"I could not say whether Mrs. Hinckle was dependent for her livelihood upon her son or not.

"Have heard Mr. Hinckle say that he was the main stay of the family.

"Mr. Hinckle did go to the war.

"I do not know whether Mr. White did support Mr. Hinckle's family while he was in the war.

"I was standing within about three feet of Mr. White when he told Mr. Hinckle he would support his family if he would go to the war.

"I was in Caddo parish during the Presidential election in 1860, and voted for Stephen A. Douglas.

"I think Mr. White was chairman of the Bell and Everett club.

"I do not know whether Mr. White is a registered voter or not.

"He was not last September.

"The committee adjourned to meet to-morrow morning at nine o'clock."

Now, Mr. President, if this is the kind of testimony upon which the committee founded their report—the evidence of this Mr. Sweet, who, though he says distinctly in his examination in chief that Mr. White voted for secession, and yet admitted in his cross-examination that he can not remember which one of the candidates Mr. White voted for—now, I ask, sir, is this evidence sufficient to convince the mind of any intelligent being that Mr. White ever gave an iota of aid to secession? I think it is not.

The next evidence to which I will call the attention of the Senate is that of Calvin Walker, found on page fifteen of this report, who says:

"That he resided during the war in Shreveport.

"I know Hon. Reuben White.

"He had slaves during the war.

"Mr. White had his colored people at work for the Confederate service throwing up breastworks.

"He furnished corn to the Confederate army,

By Mr. Blackman to Calvin Walker:

"I saw men on the breastworks and talked with them, and saw the wagons coming from Mr. White's house with the corn.

"I knew they were Government wagons.

"I was present when they went to his house for the corn.

"I did not see Mr. White at the time at the place where they got the corn.

"I do not know that Mr. White was there at the time."

This is the evidence to establish the fact that Mr. White did all he could in favor of the Confederacy. Mr. Buckner, who was a Quartermaster in the Confederate army, and who discharged his duties during the entire war, stated that every single one of those fortifications around Shreveport were built by pressed laborers under the command of Major General Smith. He further states that the corn, provisions, and other things needed by the army were impressed by it when not sold to it, and that most of the supplies were impressed during that period, which is the case, as gentlemen upon this floor very well know.

Now, sir, notwithstanding it is in evidence that there was this strong pressure brought to bear upon men to compel them to assist the cause of the rebellion whether they were willing or not; notwithstanding they were frequently *forced* to do it, this evidence does not establish the fact that Mr. White ever gave a single dollar's worth of aid or comfort to the enemies of the United States. The witness (Walker) says that Mr. White was not present when the corn from his crib was taken, and he does not pretend to say that he even knew anything about his hands working on the breastworks. It is more than probable under the testimony that these laborers and this corn were impressed.

Another witness (George Jones) swears:

"I was in Shreveport the day New Orleans was captured.

"I have known Mr. White between fifteen and sixteen years.

"I know that there was during the war a body of men in Shreveport called Minute Men.

"I saw Reuben White with a ribbon on, and I asked what that meant, and was told that it was the badge of the Minute Men.

"It was understood that these men wearing the badge were the Minute Men of Shreveport.

"I saw him with that badge on during the time I staid there, about three weeks, and off and on, in a store where his name was on.

"I will not swear that Mr. White belonged to the Minute Men Company in Shreveport, but will swear that I was told that Mr. White belonged to that organization, and that I saw him wearing the ribbon.

"The ribbon was red, and about as wide as my little finger; it was pinned on his coat.

"I saw him with his stick in his hand marching down to the boat with the Shreveport Guards when they went away."

Yet, sir, we have the evidence of two other gentlemen who positively assert here on oath that they belonged to that same company of Minute Men of Shreveport and that Mr. White never belonged to such organization; and yet this witness, (Jones), with eyes that could see everything, swears that he saw Mr. White with this badge on and swears that he was told that he belonged to these Minute Men, and that it was understood that the men who wore these badges were the Minute Men of Shreveport. And yet these gentlemen who were members of that organization swear that Mr. White never was a member of that organization. Now if it is upon such testimony as this that this committee have made their majority report, I must state that there can be no justice or fairness on the part of that majority.

Now as to the other part—the second resolution in the majority report:

"That C. C. Antoine be permitted to appear before your committee and establish his right to a seat in your honorable body in accordance with his petition and the petition of other voters in the Twenty-first Senatorial District, that he may receive full justice and relief in the premises."

Now, Mr. President, what is sought to be done by this committee? A committee composed of Senators of the State of Louisiana after having discussed the question and given it as their opinion that Mr. White is ineligible under the amendment to the Constitution of the United States, after having thus deprived him of again appearing before you as a Senator, they yet at the same time ask that this contestant be still further permitted to appear before them to pursue his claim on the ground of fraud. How unjust is this. Having hurled one Senator from his seat by ex-parte evidence, it is then asked under this resolution that this contestant be still further permitted to pursue his claim in the absence of Mr. White, and in the absence of any of the citizens of Caddo who have sent Mr. White here to represent them—to have Mr. Antoine seated upon this floor whether Mr. White is eligible or ineligible. Now, Mr. President, if Mr. White is ineligible it is simply the duty of the Senate to declare the election a nullity and illegal, and return it to this people for a new election. I hold that every principle of justice, of law and of equity imperatively dictate this course to the Senate—that if they turn Mr. White out of the Senate they say in so many words that the people of the parish of Caddo have cast their votes for an ineligible man, and hence the election was void. It is certainly not probable that Mr. White's constituents voted for him with the knowledge of his ineligibility; there is not a shadow of evidence that they did not vote for him in the utmost good faith and in the fullest belief in his eligibility. And if they did this—in fact, if they did not vote for him knowing him to be ineligible—there is certainly no ground of law or justice that authorizes any other course than that of declaring the election a nullity and returning it to the people for their action. If Mr. White is ineligible the Senate has not the slightest ground to suppose that his constituents knew it or suspicioned it when they voted for him, and it would therefore be an act of the grossest injustice to deprive them of a representative in the Senate because it has been discovered that the man of their choice was ineligible, and still much more unjust to fill the place of that man with a man perhaps directly opposed to all their interests.

[TO BE CONTINUED.]

JOURNAL OF THE HOUSE.

Seventy-Second Day's Session.

SATURDAY, September 19, 1868.

The House met pursuant to adjournment. Speaker Lowell in the chair.

The roll being called, fifty-eight members answered to their names.

Speaker Lowell, Abbot, Alexander, Antoine, Adolphe, Belot, Brewster, Collins, Currel, Crawford, Deslonde, Dewees, Dufresne, Demarest, Dupart, Evans, Faulkner, Fouts, Guigonet, Gair, Gray, Hill, Haskell, Honore, Harper, Hutchinson, Holland, Hall, Heidenhain, Kent, Le Blanc, Leroy, Morris, Moliere, Mahier, McVean, Melvin, Mansion, Morey, Noble, Pearce, Pratt, Page, Prejean, Reese, Rey, Slaton, Sterrett, Simms, Taylor, Tureaud, Umphreys, Walsh, Wilson, William C. Williams, H. Williams, Waters, D. Young—58.

Prayer by Rev. Mr. Satchell.

On motion of Mr. Rey, of Orleans, the reading of the journal was dispensed with.

Leave of absence for five days was granted to Mr. Page, of Jefferson.

Under a suspension of the rules Mr. Hall, of Orleans, offered the following resolution, which was not adopted:

Resolved, That Augustin Maurice be allowed and paid his mileage and per diem from the first day of the session up to the time his case was decided by the House in reference to a seat as Representative from the Eighth District, parish of Orleans.

A petition of the Mayor of Shreveport.

[CONTINUED ON FOURTH PAGE.]