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VOLUME II—NO. 143. | NEW ORLEANS, WEDNESDAY EVENING, SEPTEMBER 23, 1868. | WHOLE NUMBER 453.

BY TELEGRAPH

Evening Dispatches to the Associated Press.

FROM WASHINGTON

BUREAU REPORT OF THE CAMILLA RIOT.

IMPORTANT NEWS FROM GEORGIA

Governor's Message on Camilla Riot.

ACTION OF THE LEGISLATURE THEREON.

CONGRESSIONAL ELECTION BILL PASSED.

Proceedings of Alabama Legislature.

LATEST NEWS FROM EUROPE.

POLITICAL REVOLUTION IN SPAIN

Interesting Miscellaneous Intelligence.

Argument in the Surratt Case.

WASHINGTON, September 23.—The argument on the special plea in the Surratt case still continues. Mr. Riddle, for the prosecution, argues that the act of Congress of January nineteenth, 1867, nullifies the President's amnestying power, and further, that if potent, Surratt is within its exceptions.

Nothing official has been received from Maine yet. The result will not vary much from 18,500 Republican majority.

French Soldiers on Furlough—Greek Deputation Waiting on Admiral Farragut—Return of the King of Prussia to Berlin—Spanish Fleet Opened Fire on Cadiz—Insurrection in Madrid.

LONDON, September 22.—It is rumored that the Spanish fleet off Cadiz has opened fire on that city, where, at last accounts, the citizens and troops continued firm for the Queen.

PARIS, September 22.—Official dispatches from Spain admit that an insurrection has broken out in Madrid and Seville, but its existence in Murcia and Galicia is denied.

PARIS, September 22.—A report is current that the Minister of War will instantly issue orders for the dismissal to their homes of 80,000 men from the army on furlough.

TRIESTE, September 22.—A deputation of Greek citizens waited upon Admiral Farragut to-day and returned thanks for the sympathy which the United States manifested for the patriots in Candia.

The Admiral said the people of America not only sympathized with the Cretans, but would aid as far as possible the cause of liberty in Crete.

BERLIN, September 22.—The King of Prussia has returned to this city from a tour through the Northern States.

Revolt at Cadiz and Seville—The Spanish Army Formed Into Three Great Divisions—Strength of the Insurgents.

MADRID, September 21.—The decree accepting Gonzales Bravo's resignation named General Jose Concha President of the Council. He has not yet formed a ministry. This morning's Madrid *Gazette* announces that a revolt has occurred at Cadiz and Seville. The government has formed the army into three great divisions, comprising Catalonia, Castile and Andalusia, under Generals Pezuela, Manuel Concha and Novalschez.

These generals have decided to attack the insurgents in the rural districts. The Commandant of Madrid forbids assemblages in the city. A provisional government has been formed in Seville, with Espartero President. The strength of the insurgents is 4000 soldiers 1500 sailors and eleven ships of war. The revolt progresses at all points. Isabella left San Sebastian at midnight of the twentieth for Madrid.

The Japanese Commissioners, the Stonewall and the Republic—Tidal Wave in Yokohoma.

SAN FRANCISCO, September 22.—The Japanese Commissioners who purchased the Stonewall, returned in the Republic for safety. The Southern faction threatened to behead them. They will remain in the United States until the Japanese troubles are settled.

A tidal wave occurred in Yokohoma August fifteenth, twenty-four hours after its occurrence in South America.

River Intelligence.

VICKSBURG, September 23.—Passed down, Success at 9 A. M., Lady Gay at noon. River rising.

Domestic Markets.

NEW YORK, September 23, Noon.—Flour moderately active—favors buyers. Wheat unchanged. Corn unchanged. Mess pork heavy at $28 25 to 28 35. Lard dull. Steam 19⅜ to 19½c. Cotton quiet—middling uplands 26c. Freights quiet.

Money easy. Sterling 108¾. Gold 142⅞. 20's of '62 114¼.

Foreign Markets.

PARIS, September 22.—Bourse steady. Rentes 68.85.

LONDON, September 23, Noon.—Consols 94⅛. Bonds 73¾.

LIVERPOOL, September 23, Noon.—Cotton steady—sales estimated at 10,000 bales. Other markets unchanged.

LIVERPOOL, September 23, Afternoon.—Cotton easier, but not lower. Corn 36s. Pork buoyant at 89s. Bacon 56s. Turpentine 26s. 3d.

Morning Dispatches to the Associated Press.

GEORGIA.

Governor's Message on the Camilla Riot—Action of the Legislature Thereon—Congressional Election Bill Passed.

ATLANTA, Sept. 22.—The rencontre at Camilla, Ga., creates much excitement here and throughout the State. Yesterday afternoon, the Governor sent a communication to both Houses relative to the disturbances in Mitchell county, recommending that the President of the United States be petitioned for military sufficient to preserve order in that county. The Governor says that in disregard of the proclamation of the 14th inst., the right of the people to peacefully assemble has been violently and barbarously impaired, and the civil officers are wholly unable to protect the rights of the citizens or maintain peace, and earnestly recommends the Legislature to make immediate application to the President for sufficient military force, to be stationed in Mitchell county, to maintain peace, protect the lives and property of citizens, and have the guilty punished, after due process of law. The fact that this occurrence is the result of a determination, publicly expressed by irresponsible persons of one political party, that another political party shall not hold meetings is too well known. It is gratifying to know that the sentiment is confined to the lawless class and is not countenanced or supported by responsible citizens. The misfortune is that the outrages are not prevented, and unless physical force is added to the honest efforts of the officers of the law, we shall be thrown into a state of anarchy, where neither life or property will be regarded.

On the reading of this report a resolution was offered in the Senate to refer the message of the Governor to the Committee on the State of the Republic. Considerable debate ensued regarding telegraphing to the President. A resolution was offered that as the Senate had heard the statement of the negro, through the Governor, that an account from the white man be read; agreed to, but a substitute was offered for the whole that a special committee be appointed to investigate the whole matter, and report forthwith all the facts. The House also appointed a committee of five to investigate and lay a correct account before the Assembly.

At the request of Major Howard, Agent of the Bureau, Judge Vason and Captain Johnson will investigate the matter, and furnish the necessary papers for information this afternoon.

The Senate committee appointed to take into consideration the message of the Governor relative to the Camilla affair, made report that they find the testimony submitted to the Governor untrue, and accompanying the same with sworn testimony. The report gave rise to an exciting discussion, but was adopted—yeas 22, nays 10.

The House passed a bill, by 112 to 30, appointing the first Tuesday in November for the Congressional election.

The House received a majority and minority report relative to the Governor's message on the Camilla riot. After a heated discussion the majority report was adopted. It is, that they find the evidence referred to by the Governor is not sustained by the evidence produced before the committee, which was returned with the report. They have come to the conclusion that the whole difficulty occurred and originated from the determination of the parties referred to in the Governor's message, to wit: Pearce, Murphy, and Putney, to enter the town of Camilla at the head of an armed company of freedmen, which right was disputed by the sheriff of the county. The persistence of one and determination of the other caused the disturbance. They find that the civil authorities are able to execute the law, and that there is no necessity for military interference.

The report is signed by one Senator and four members of the House. One Senator dissenting from the report, and one said, "I agree with the committee, but believe that other legislation is necessary to preserve order and protect persons and property."

WASHINGTON.

Bureau Report of the Camilla Riot—Butler and the Kimberly Suit.

WASHINGTON, September 22.—A full Cabinet present to-day, except Secretary Browning.

General Howard received a report of the Camilla riot, which he communicated to the Secretary of War. Subsequently, General Schofield had a prolonged interview with the President on the subject. Details not transpired.

General Butler yesterday filed papers in the House relative to the Kimberly suit, claiming that it was a breach of his privileges as a member of the House.

Internal revenue receipts to-day $171,-000.

The special plea in the Surratt case was argued all day and will be resumed to-morrow.

Colonel E. J. Stany relieves Captain Hoyt as Quartermaster at New Orleans.

Commissioner Rollins was before the Committee on Retrenchment to-day, explaining the hitch in the supervisorships.

ALABAMA.

The Question of Registration and Election.

MONTGOMERY, September 22.—The Assembly did but little to-day. In the House a resolution was adopted for the appointment of a committee to wait on the Governor and learn what he desired the Legislature to do.

A member offered a resolution of instruction to the Committee on Registration, to report in the morning what progress they had made.

A member of the committee seconded the resolution, saying that the registration bill was delayed because every other member of the committee was opposed to an election by the people in November.

EUROPE.

The Rebellion in Spain—The Queen's Authority Defied—Her Return to Madrid Obstructed.

LONDON, September 21, Midnight.—The following has been received from Spain:

The resignations of Gonzales Bravo and his Cabinet have been accepted. A parley had been held between the loyal officers and some rebel leaders—result unknown. Fourteen thousand rebels were gathered near Valladolid to prevent the Queen's return to Madrid. The revolutionists hold the whole of Andalusia.

It is stated that the revolutionists are acting in the support of the Duke de Montpensier.

The Spanish Minister Bravo, who recently resigned, had fled. The Queen is at St. Sebastian, and the road infested with revolutionists to prevent her return to Madrid. Martial law has been proclaimed in Spain.

Later.—The telegraph wires in Spain are disordered in every direction. The news received is uncertain and contradictory. Generals Prim and Deroda are at the head of the insurgents, marching on the capital.

MISCELLANEOUS.

Officers of the Grand Lodge of Odd Fellows—Explosion at an Oil Factory.

BALTIMORE, September 22.—The Grand Lodge of Odd Fellows elected Edward D. Farnsworth, of Nashville, Grand Sire; Frederick D. Stuart, of the District of Columbia, Deputy Grand Sire; James L. Ridgely, Grand Secretary, and Joshua Van Sant, Grand Treasurer.

JERSEY CITY, September 22.—Richards & Verplanks' oil factory exploded to-day, killing two and fatally wounding two men.

The Fighting Last Night.

In the House to-day the following was introduced by Mr. McVean, of Caddo:

Joint Resolution.—Be it resolved by the Senate and House of Representatives, That a joint committee of five be appointed—two from the Senate and three from the House—to inquire and investigate into the cause of the disturbance that took place on the twenty-second of September, in the city of New Orleans; and they are hereby empowered to send for persons and papers.

It passed the House, and was sent to the Senate for concurrence.

OFFICIAL.

PROCEEDINGS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF LOUISIANA.

JOURNAL OF THE SENATE.

Seventy-Third Day's Session.

TUESDAY, September 22, 1868.

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

The roll was called; present the following members:

Anderson, Bacon, Beares, Blackman, Campbell, Coupland, Darrall, Day, Egan, Foute, Jewell, Kelso, Lewis, Lynch, Monette, Ogden, O'Hara, Packard, Pinchback, Poindexter, Pollard, Randall, Ray, Smith, Thompson, Todd, White, Whitney, Wilcox, Williams, Wittgenstein—30.

Prayer by the Chaplain, Rev. Mr. Turner.

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

STANDING COMMITTEES.

Mr. Ray, from the Judiciary Committee, reported favorably upon Senate bill No. 230, an act for the relief of B. Delle Piane, a former resident of the parish of East Baton Rouge, and Lacey, Marks and Butler, attorneys at law, New Orleans, and upon Senate bill No. 203, to prohibit the receiving of city notes of indebtedness becoming due after the passage of this act, and also prohibiting the city of New Orleans from paying out any city notes, and providing a penalty for the violation of this act.

Mr. Lynch, from the Committee on Finance, reported unfavorably upon House joint resolution authorizing the Warrant Clerk to draw additional warrants for the payment of the per diem of members.

Favorably, with amendments, upon substitute for House bill No. 215, an act to provide means for the relief of the State Treasurer; and favorably upon Senate bill No. 234, an act for the relief of the ex-Judges of the Supreme Court of the State of Louisiana, or their assigns.

Mr. Lynch, from the Committee on Printing, reported, without action, House bill No. 178, an act to amend an act entitled an act relative to public printing.

Mr. O'Hara, from the Committee on Claims, reported favorably upon an act providing for the purchase of Fisher's historical painting of the battle of New Orleans; and reported back without action Senate bill 151, an act for the relief of W. W. Hamlin.

Mr. Smith, from the Committee on Elections and Returns, presented a report in the case of C. C. Antoine, contesting the seat of Reuben White, with the following conclusions:

The undersigned members of your committee respectfully submit the evidence of frauds in the parish of Caddo, in the Twenty-First Senatorial District, and the argument of the counsel for C. C. Antoine, who claims the seat made vacant by the decision of the Senate if the ineligibility of Reuben White, and that C. C. Antoine (as set forth in his petition) was legally elected. And with due consideration, and upon a full and careful examination of the evidence, together with the numerous affidavits which were introduced, and which we have not deemed it necessary to print, no other conclusion can be entertained by the undersigned members of your Committee on Elections and Returns, than, that C. C. Antoine is clearly entitled to his seat as Senator from the Twenty-First Senatorial District, and would respectfully recommend the passage of the following resolution:

Resolved, That C. C. Antoine be and he hereby is declared legally elected Senator from the Twenty-First Senatorial District, State of Louisiana, and that he be sworn to fulfill the duties of that office, and allowed to take his seat as Senator in this honorable body.

MORTIMER F. SMITH,
Chairman.
GEORGE Y. KELSO,
ROBERT POINDEXTER,
PATRICK O'HARA.

J. B. RICHARDSON, Secretary.

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

Rules suspended.

An act to establish a Board of Public Works for the city of New Orleans.

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

Mr. Todd: I ask for a suspension of the rules to take up a bill.

The rules were suspended, and the following

Senate bill No. 203, an act to prohibit the receiving of city notes for indebtedness becoming due after the passage of this act, and also prohibiting the city of New Orleans from paying out any city notes and providing a penality for the violation of this act was read.

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

Adopted.

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

Rules suspended.

An act to receive warrants in payment for taxes.

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

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

Rules suspended.

House bill No. 45, an act relating to State and Parish Tax Collectors, was read.

Mr. Lynch: I move to recommit the bill to the Finance Committee.

Adopted.

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

Rules suspended.

An act to provide for the arrest of criminals in certain cases.

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 bill No. 154, an act to authorize and require the Mayor and Common Council of the city of New Orleans to issue bonds for the redemption of city notes and for the liquidation of other indebtedness.

Read twice under a suspension of the rules and refered to the special committee of the city delegation and Finance Committee jointly.

House bill No. 8, an act relative to notaries public.

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

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

Rules suspended.

An act relative to Notaries Public.

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

House bill No. 40, an act relative to removing obstructions and wrecks from the Boguefalaya river, parish of St. Tammany.

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

House bill No. 83, an act relative to the divisions of lands under legal sales.

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

House bill No. 97, an act to incorporate a Hook and Ladder Company in the town of Franklin, parish of St. Mary, Louisiana.

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

House bill 158, an act to provide for the payment of the interest and principal of State bonds.

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

House bill No. 201, an act for the relief of J. C. Kathman, late Chief of Bureau of Immigration.

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

House bill No. 203, an act for the relief of Charles E. Fortier and Mrs. Hypolite Fortier.

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

House bill No. 212, an act fixing the time and prescribing the manner of holding general elections for representative in Congress.

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

House joint resolution No. 217, tendering the thanks of the General Assembly to Mr. E. Gotthiel for the able manner in which he represented the State of Louisiana at the late Paris Exposition was read.

Mr. Ray: I move that the rules be suspended for a second reading.

Rules suspended and the resolution read.

The resolution 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. 180, an act for the relief of A. E. Lockett.

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

House bill No. 221, an act providing for the administration of the public schools in the State of Louisiana.

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

House bill No. 223, an act for the relief of the African Methodist Episcopal Church of New Orleans.

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

House bill No. 225, an act for the relief of Alexander Walker.

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

House joint resolution No. 226, authorizing a joint committee of the General Assembly to investigate the manner in which foreigners are furnished with naturalization papers without declaring their intention to become citizens.

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

SPECIAL ORDER OF THE DAY.

Senate bill No. 190, substitute, an act to amend article No. 99 of the Constitution.

Mr. Ray: I propose that a call of the House be ordered.

The President: The Secretary will please call the roll.

The roll was called.

The following members answered to their names:

Anderson, Bacon, Beares, Blackman, Campbell, Darrall, Day, Egan, Foute, Jewell, Kelso, Lynch, Monette, Ogden, O'Hara, Pinchback, Poindexter, Pollard, Randall, Ray, Smith, Thompson, Wilcox, Williams, Wittgenstein—25.

Mr. Ray: I move that the bill be considered engrossed.

The Clerk of the House of Representatives appeared with a message from that body asking concurrence of the Senate in House joint resolution No. 230, requesting the Senators and Representatives from Louisiana in Congress to propose an act repealing any laws now in force by Congress prohibiting the State from organizing a State militia, and House bill No. 231, an act to repeal an act entitled an act authorizing the issue of two hundred thousand dollars of warrants by the Auditor on the Treasurer of the State, to provide by the sale thereof funds to meet the current expenses of the General Assembly; also informing the Senate that the House had concurred without amendment in Senate bill No. 138, an act for the relief of the parishes of Washington, St. Martin, Livingston, Rapides, Terrebonne, Jefferson, St. Tammany, Caddo, City of Jefferson, and parish of St. Charles, to pay school warrants Nos. 384, 385, 287, 389, 390, 391, 392, 393, 423, and 429.

A debate on Senate joint resolution 190 ensued.

Mr. Ray: I move to postpone the resolution until one o'clock on Wednesday, the bill to have preference over all other business.

Mr. Pollard: I move to postpone indefinitely the consideration of the resolution.

Lost.

Mr. Ray's motion to postpone until Wednesday at one o'clock was adopted.

The Senate went into executive session.

The executive session having been raised, the Senate adjourned without transacting any further business.

CHAS. H. MERRITT,

[The following is the remainder of the debate in the Senate on Wednesday, September 16:]

Mr. Blackman: Mr. President, I will read from "Law and Practice of Legislative Assemblies," by Mr. Cushing, on the effect of voting for disqualified persons:

"If an election is made of a person who is ineligible, that is, of a person who is incapable of being elected, the election of such a person is absolutely void, even if he is voted for at the same time with others who are eligible and who are accordingly elected; and this is equally true whether the disability is known to the electors or not; whether a majority of all the votes or a plurality only is necessary to the election, and whether the votes are given orally or by ballot."

The principle above applies equally where the constitution or law points out among other eligible persons the particular candidates to be voted for, in which case votes given for other persons are void. Thus the Constitutions of Maine and Massachusetts providing that in case of a failure to elect Senators at the general election the deficiency shall be supplied on the day of meeting of the Legislature by such Senators as may be elected, and the members of the other branch from among the persons voted for and not elected as Senators, all votes given on such occasions for any other than the candidates designated by law, though otherwise eligible, are thrown away.

In England where a plurality only is necessary to an election, and where the votes are given orally, it is also held that if the electors have notice of the disqualification of a candidate, every vote given for him afterwards, will be thrown away, and considered as not having been given at all. The effect of this rule is, that not only will the election of a disqualified person be held void; but if such election takes place after notice of the disqualification is given to the electors, the candidate having the next highest number of votes will be elected. This doctrine, however hard it may seem, is founded in the familiar principle that every man is bound to know the law with reference to any act which he undertakes to do; and, consequently, that when an elector is apprised of the fact of disqualification if a candidate, and notwithstanding gives his vote for him, the elector takes upon himself the risk for losing his vote if his construction of the law turns out to be wrong.

In this country, it is equally true, that the election of a disqualified person is absolutely void; and in those States where a plurality elects, and where the votes are given orally, as in England, votes given for a candidate after notice of his disqualification are thrown away, and the candidate having the next highest number of votes is elected.

In reference to elections by ballot, in which secrecy is the distinguishing feature, and in which, consequently, neither the returning officers, nor the electors themselves, are supposed to know for whom the votes are given until the result is declared, it seems not unreasonable to consider the votes for ineligible candidates to be thrown away in all cases, and the opposing candidate elected, where the electors know, or must be presumed to know, the disability; and in all cases where there is no such actual or presumed knowledge to hold the whole proceeding merely void.

This, then, is the evidence of distinguished lawyers and members of the bar in the town of Shreveport. Judge Land stated that he was clearly eligible to any office to which the people of the State might see fit to elect him. Now, sir, this question of eligibility was not raised by the contestant at the time of the election. It was the duty of this contestant to raise this point then, and to make known the ineligibility of his opponent. But such was not the case.

Then, sir, if Senators believe the evidence before them sufficiently to bring their minds to a decision that Mr. White is ineligible under article fourteen of the Constitution, which I believe they cannot do, for if they are guided by the rules of evidence and those principles of law which guide courts of justice, they will declare that he is eligible to his seat and will retain him in it; but if, on the contrary, they decide him to be ineligible, it will be but justice and fairness to the people who he represents that the election should be declared void and the people should be authorized to hold another election. This is the only legal or just course that can be adopted under the circumstances. I believe, sir, that the law will not only bear out such a course, but I believe that it makes it imperative.

I shall ask the Senate to divide the question; first, as to whether Mr. White is ineligible under the evidence and the law, and second, whether Mr. Antoine shall be permitted to pursue the contest.

Mr. Braughn: I second the motion to divide.

Mr. O'Hara: Mr. President, I simply rise to call the attention of the Senate to one fact which seems to have escaped the memory of the honorable gentleman who has addressed the Senate. The journal of the Senate of 1861 was produced, and if this is granted here as evidence, Mr. Reuben White is clearly ineligible; and I do not know, sir, that I can say anything better than it is said here in the brief of counsel for the contestant, General Sheldon. He says:

"In the matter of the contest for the Senatorial seat from the parish of Caddo, the contestant makes the following points:

"The sitting Senator, Mr. White, admits that he was a member of the Legislature of 1860. Then he must have taken an oath to support the Constitution of the United States, for he was chosen under the State Constitution of 1852. Article 90 of that Constitution requires all officers to take an oath to support the Constitution of the United States. Therefore, the first condition of disfranchisement under the fourteenth article of the United States Constitution is established, for he held a legislative office in this State, and it being presumed that he complied with the requirements of law, must have taken an oath to support the Constitution of the United States."

"The second condition remains to be inquired into. Did he subsequently aid the rebellion?

"Being a member of the Legislature in 1860, he must have been elected on the first Monday of November, 1859, and for a period of two years, commencing the third Monday of January, 1860, and ending the third Monday of January, 1862.

"See articles 5, 147 and 153 of the Constitution of 1852.

"Senate journal introduced in evidence shows a Mr. White, and one only, to have been a member of the Legislature after the secession of the State, and that he participated in the election of Senators to the Confederate Congress. This was clearly aiding the rebellion in a most decided and efficient way, for it was giving to that so-called government one of the most necessary and efficient branches—a legislative department.

"It is possible that the sitting Senator may quibble and say that the Mr. White who nominated B. L. Hodge, of Caddo, for Confederate Senator is not the White who is now contending for his Senatorial seat from Caddo. He was a member in 1860 and must have been chosen in 1859, and his term did not expire until January, 1862. It is at least a presumption that the two supposed Whites are one and the same man. This is testimony enough to hang a man charged with murder unless he could prove an *alibi* in defense. It is certainly a *prima facie* case, one which Mr. White could easily disprove if he was not in fact the member who voted for a Confederate Senator. There can be no doubt about the fact that Mr. White glided in the legislative current from the flag of the United States to that of the Confederacy with the entire legislative body to which he belonged."

This is the law which governs in all contested election cases. It is the principle which governs the English Parliament, and every State in this nation. If the party is ineligible, and the electors who cast their votes for him knowing him to be ineligible, they have not been guilty of a contempt of law, but they have simply voted for their choice, and if he is afterward declared ineligible, the election must be declared void. Now, as to the fact whether Mr. White was known to be ineligible by the electors of his parish, what, sir, is the evidence of Judge A. B. Leviser, a lawyer of distinguished ability? It is as follows:

"Shortly after the late election of the seventeenth and eighteenth of April last I learned from Hon. T. T. Land that he, with other prominent members of the Shreveport bar, had been formerly consulted by Hon. Reuben White as to his (White's) eligibility to a seat in the General Assembly of Louisiana under the new Constitution. Judge Land stated to me that it was the unanimous opinion of himself and those in consultation with him that Mr. White was undoubtedly eligible. I also had conversations more or less frequent with Mr. White touching the disabilities prescribed by the Constitution, and from his statement of the facts have always been of the opinion that the disabilities denounced did not reach his case. I further state that I am a citizen of the parish of Caddo, where Mr. White was a candidate for the Senate at the late election, and that in my opinion it was the general opinion of the voters of said parish at the time of the election that Mr. White was eligible to the office of State Senator.

"I further state that Mr. White and myself are near neighbors and that we are in the habit of interchanging our political views very freely, and I believe that I have been well informed as to his real political sentiments for the last twelve months. I can not say that he has ever actively assisted in carrying out the reconstruction laws, while on the other hand I believe he has never tendered any opposition to those laws. His political course has been that of sound conservation, opposed to all extremes, alway ready to submit to the will of the majority.

A. B. LEVISER.

"Sworn and subscribed to before me this twenty-third day of July, 1868.

C. H. MERRITT,
Secretary of the Senate."

This is as far as I wish to read. Now, I would ask the Senators here if they see in this whole report one effort that Mr. White has made to prove that he was not the gentleman elected to the Senate in 1859? I want to ask if he has proven if he is not the man who nominated B. L. Hodge and eventually voted for the celebrated Benjamin? If so, I have not seen it. But the question of eligibility or ineligibility, I think is clearly settled in the mind of nearly every Senator present, and then comes the proposition to divide. And I ask is it fair? Is it granting an impartial decision to the contestant, Mr. Antoine? We will read his petition to the Senate—his notice to Reuben White, contesting his seat, which is as follows:

"SHREVEPORT, La., April 24, 1868.

Mr. Reuben White:

SIR—By the returns of votes cast in this parish for State Senator, as made by the Commissioners of Election, and examined by the Board of Registers, there appears to be (1494) one thousand four hundred and ninety-four votes for Reuben White, and (1240) one thousand two hundred and forty votes for Cæsar C. Antoine, thereby electing Reuben White by a plurality of two hundred and fifty-four (254) votes, which election you are hereby notified will be contested by me on the following grounds:

First—That you are ineligible, being disfranchised by the Constitution ratified on the 17th and 18th days of April, 1868, and the fourteenth amendment to the Constitution and under which the Senator must qualify.

Second—That no legal election was held as prescribed by the laws of Congress, and the orders of the military commander, and the instructions of the Board of Registers in Ward No. 2, which gave you a majority of (200) two hundred votes, nor in Ward No. 5, which gave you a majority of (135) one hundred and thirty-five votes.

Third—That (140) one hundred and forty or thereabouts who would have voted for me, living in Ward No. 4, in what is known as Marks' Precinct, were deprived of the privilege of casting their votes on account of no poll being open in said precinct, and not being allowed to vote at Shreveport, Louisiana.

Fourth—That many votes were cast for you by persons not legaly qualified to vote in the Ward where they were admitted to vote.

Fifth—That many votes were thrown for you by voters who desired to cast their votes for me, but were compelled to vote as they did through fear and intimidation—all of which the said contestant is ready to verify, and will, at the proper time, adduce of the proof.

Subscribed in presence of
(Signed) W. S. MUDGETT,
(Signed) C. W. KEELING.
C. C. ANTOINE.

Now, sir, by the action of this Senate Mr. Antoine was deprived of the power of proving the charge set forth in this notice. The Senate passed a resolution some weeks ago compelling the contestant to rest, first simply upon the charge of ineligibility, and settle that question first, and that then the other charges of threats and intimidation should be tried afterward. That was the decision of the Senate. It was my desire, and the desire of the committee, that they should be permitted to take the entire case up on all the grounds at once. But the Senate decided that we should work on but one charge at a time, and we have proceeded accordingly, and we have clearly proven that the honorable gentleman, Reuben White, is ineligible; or if not, we petition the Congress of the United States to repeal the fourteenth amendment to the Constitution as being of no service.

Then, he being ineligible, the committee do not say that C. C. Antoine shall be seated in this body. They simply hold that he has a right to demand to go before that committee and prove the allegations he has made in his notice to the Hon. Reuben White. Yet we are asked to vote to send Mr. Antoine away, and say that he has no right to appear before that committee when the other day we passed a resolution by which only one of the charges could be investigated by that committee at a time.

Then again there is no way to divide this question—no possible way. You simply must reject or adopt the whole report.

Mr. Bacon: I was in hopes that the members of the Committee on Elections who desire to speak would do so; and then I desired to submit one or two criticisms that have occurred to me. The Senator from Claiborne has planted very ably the defense to the grounds taken by the committee, but there are two or three subjects which he has omitted or glanced at simply which I think the Senate should now take into consideration. Mr. President, the majority of the committee have told you that they have come to the conclusion that Reuben White is ineligible. But the question, sir, is not before this Senate whether Reuben White, who has been chosen to represent the parish of Caddo in this body, is now eligible or ineligible, but the question is whether he was eligible at the time the election took place. There is a wide difference as to whether he could now go before that people as an eligible candidate and whether he was eligible at the time of the election. Sir, it is known that at the time this election took place the fourteenth amendment was not a part of the Constitution of the United States. It had not then been ratified by two-thirds of the States. This was done after we took our seats, and while the Senator from Caddo occupied that chair.

Now, sir, it is known positively and beyond a question that at the time the election took place, in April last, Reuben White was eligible to a seat in this Senate. That, sir, is one thing. The next thing is, that it is not shown by anything that is contained in this report that he ever did anything which would have prevented his being eligible now under the fourteenth amendment—which would have rendered him ineligible if this amendment had been in force at the the time the election was held. I have before me a bill which we passed some time ago—an act to ascertain the eligibility of persons appointed to office. That is one act, sir, which we passed, and which was amended during the process of passage from the fact that we were deliberating upon this bill when the fourteenth amendment was declared to be a part of the Constitution of the United States. As it was prepared, and as we were about to pass it, it read that "when the fourteenth amendment became a part of the Constitution of the United States they should take the following oath." The words "when it shall become a part of the Constitution of the United States" were stricken out because the Secretary of State was informed that it had become a part of the Constitution of the United States.

Now, sir, it is a well established rule of all courts that a man is to be presumed innocent until he is proved guilty, and it applies as much to a candidate for an office as to a man who is tried for a crime. When has it been proved before this committee, and where is the evidence that Reuben White after having taken an oath as a member of Congress or as an officer of the United States, or as an executive or judiciary officer, did any of these disqualifying acts? The oath of office has not been brought before us. It has not been proved that he ever took it. It has only been inferred from the fact—which is also inferred or assumed—that he was a member of the Legislature. Now, sir, that he took this oath was a preliminary fact necessary to be proved. If you charge a man with perjury before a court of criminal jurisdiction, what must you prove? You must not only prove that the language used by him was false, but you must prove that he swore to it. The fact of his having taken the oath is a necessary preliminary step to make out a case at all. You have no right to find that he was ineligible on that ground until it is proved that he took that oath. You have no right to presume it from custom.

So with regard to the question of his ineligibility on the ground of his having given aid or comfort to the rebellion. I presume I may give an opinion upon this subject without quoting from law books. And I tell you, Mr. President and Senators, that it is necessary that it should be proved that he gave actual aid and comfort to the enemies of the United States in the field before you are authorized to declare him ineligible upon that ground. A mere expression of opinion would not have been aiding and comforting, or engaging in insurrection and rebellion. There must be some act—not a mere expression of opinion. There must have been something done—some act by the party to aid the enemies of the Government; and the decisions of the Supreme Court have gone so far as to say that it must be enemies in the field. There is not in the slightest degree any testimony to this effect in this case against Mr. White. I have made these few remarks without premeditation, Mr. President, and I did not even think I would say anything upon the subject. But as it occurred to me that there was a lack of proof which is absolutely fatal—a lack of proof which would render it impossible for a jury in any ordinary case to convict, I thought it my duty to make these suggestions. It is very clear that at the time Mr. White was chosen there was not the slightest ground for supposing him to be ineligible, because the fourteenth amendment had not become a portion of the Constitution of the United States.

Well, sir, gentlemen may say he is ineligible now. If he was eligible when elected he is entitled to his seat, and it is ridiculous to argue the contrary. And, sir, as it is only claimed that he is ineligible under the fourteenth amendment, which did not exist as a part of the law of the land at the time of the election, it is a virtual confession that he was eligible at that time. And if he was, he must be allowed to retain his seat upon every rule and principle of law that has been established to govern such cases.

Mr. Poindexter: When Mr. White took that oath, as he most undoubtedly did, from the fact that we know well that when the election was held in the parish of Caddo, in the State of Louisiana, he was not qualified to vote, because he was not a registered voter. And the very moment, Mr. President, that he took the oath under that Constitution he took an oath that conflicted with the very duties that he had here to perform before this Senate as a Senator. Because this Constitution, in the eighteenth section of it, says that every man that is not a qualified voter is ineligible to a seat in the House of Representatives or in the Senate. The gentleman knew very well when he took that oath that he was not a registered voter. We base our decision upon this. We have a certificate with us of the registration of Caddo parish, and upon that Mr. Reuben White's name can not be found. Then, sir, he is here in direct violation of the Constitution which he has taken an oath to support. It does not only go to prove that, Mr. President, but it goes to prove further. It goes to prove that these gentlemen who are in this Senate, or a portion of them, have not got the knowledge, or the good practical sense, to know whether a man is eligible or not. If Mr. Reuben White took the registration oath he did not take it at the time when everybody else was taking it in Caddo parish. For this reason he is ineligible and he must see it every time he looks at the eighteenth section of the Constitution, which he holds his seat in violation of; and if it had been me I would have resigned my seat before it come to this hour in the day. Now, you know, Mr. President, and every other man here, that a man who is not a registered voter has no right to hold an office in the State of Louisiana. If he has, every woman, boy and child, and Jeff. Davis himself, has a right to come here and vote. I don't see any other ground which the gentleman can take. In direct violation of this Constitution he has been holding his seat ever since he has been here.

Mr. Campbell: Mr. President, I simply rise to make an inquiry of the Senator who seems to be representing the gentleman whose seat is contested. It is this. I find in the report of the committee no answer recorded by Senator White and no denial of the facts alleged. I wish to ask this question. It can be answered by the gentleman or by the Senator himself whose seat is contested. Is it denied that Mr. White was a member of the Senate in 1860 and, afterward, and that he was the Mr. White whose seat is now contested?

Mr. Blackman: Mr. President, I will state that at the time the case was before the committee I did not put in an answer, because I did not think of it, and whether I did or not, Mr. White simply stood there upon legal evidence, denying everything not proved against him.

Mr. Campbell: Very well; I will ask now whether it is denied that it is the Mr. White who appears upon these records.

Mr. Blackman: We are not here as witnesses, sir.

Mr. Campbell: That is all I desired to know. Mr. White's term as a member of the Legislature of 1860 commenced either on the first or third Monday of January, 1860, and ended on the third Monday of January, 1862. I understood the Senator to argue that the election of Senators occurred some two months after his term expired. It commenced in January, 1860 and ended in January, 1862.

The answer given to my question, however, has satisfied me upon one point, and I presume it satisfied every Senator here. Now, the fact being assumed and not denied that Mr. White was a member of this Senate, I wish to ask further why it is that Senator White offered, through his counsel before the committee, to produce evidence that he had assisted in the work of reconstruction? If Senator White had done nothing to make it necessary to offer that evidence, why was it offered? If he had done something to make it necessary to offer that evidence, it was the things mentioned in article ninety-nine of the Constitution. It is only necessary for a man who has assisted in secession or rebellion to afterward try to establish the fact that he has subsequently assisted in reconstruction.

Mr. Blackman: It would not have been necessary, Mr. President, under ordinary circumstances, but owing to the manner in which the investigation was conducted—not strictly in accordance with the rules of law and evidence on ordinary occasions, it became necessary to show by that affidavit, which is not in evidence, before the Senate as it does not appear in the report. It became necessary to use that affidavit before the committee to clear Mr. White's skirts entirely of ineligibility.

Mr. Campbell: Mr. President, this being the highest court known to the law of the State, and to any republican government, I assume here to say that whenever there is a moral certainty in the minds of Senators that such and such facts are true, there are good and satisfactory reasons of their truth. And as I am satisfied to a moral certainty that as Senator White refuses to deny the fact that he was a member of the session of the Legislature, and his counsel refuses to deny it, I shall act upon that evidence. If such is not the fact he is competent to deny it.

Then again, sir, there is a stronger point, and it has been mentioned by Senator Poindexter. The only law which can govern us is this Constitution. Under this law no man is eligible, except at the time of his election he was a qualified elector of the district he represents. Under the laws of Congress, the fourteenth amendment was

[CONTINUED ON FOURTH PAGE.]