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DEBATES IN THE SENATE.

MONDAY, January 22, 1872.

THE SITUATION.

Mr. Blackman, in offering the following resolution:

Resolved, That in the interests of peace and order, and to settle any difficulty that may exist as to legality of the House of Representatives, we respectfully request both houses, in order to settle their differences, that they assemble in the hall of the House of Representatives, with all the members that were entitled to seats on the fourth day of the session, and, after calling the roll, proceed to an organization. That all forces in and around the State House be removed, and all sergeants-at-arms be disbanded except the regular Sergeant-at-Arms and his assistants.

Said he thought the passage of such a resolution was eminently proper and necessary at this time in view of the present excited state of the public mind. He introduced it in the interest of peace and order, and hoped the Senate would suspend the rules to pass it immediately.

Mr. Harris objected to the resolution. He thought the Senate had nothing to do with the organization of the House of Representatives.

Mr. Hunsaker moved the reference of the resolution to the Judiciary Committee when appointed. The rules were not suspended.

STATUS OF THE HOUSE OF REPRESENTATIVES.

Mr. Jenks called up the following resolution, introduced by Mr. Hunsaker, on the twentieth instant, and moved its adoption:

Resolved, That a committee of three be appointed to inform the Governor and the House that the Senate is organized and ready to proceed to business.

Mr. Blackman—I would like to inquire what House of Representatives this committee, when appointed, is going to recognize. We have at the present time a very anomalous condition of affairs in the State of Louisiana. I do not intend, on this occasion, to indulge in any crimination or recrimination in reference to the occurrences of the last three weeks, but I propose, as a Senator, sworn to support the constitution of the State, and desirous of legislating in the interest of the people of Louisiana, to inquire into the question as to which is the legal House of Representatives, in order that the measures of reform we may pass may be recognized as legal and valid by the courts of the State. It becomes necessary, in the discussion of this question, to go back and give a detailed history of the action of the House of Representatives for the last two weeks, and I will attempt to do so dispassionately and fairly, and with as little feeling as it is possible for me to entertain under the circumstances. The House of Representatives met on Monday, the first day of the session, and was called to order by its regular Speaker. On the second day it proceeded to the transaction of its regular business, and continued to do so up to the fourth day, all the time recognizing Mr. George W. Carter as the legal Speaker. That body was recognized by the Governor and the other legally constituted authorities of the State as the legal House of Representatives. I will state, in this connection, that it has been intimated that a conspiracy had been set on foot for the purpose of depriving certain members of the House of Representatives of their seats, and destroying that body, in order that an organization might be effected which would be unfavorable to the Governor and his party. So far as that is concerned, I know nothing of it, nor do I care to notice it in the discussion of this question. Admitting that there were judicial proceedings had against certain members, is not every man in the country bound to submit to those judicial proceedings unless he puts himself up in defiance of law and order? If the United States authorities saw fit to issue writs of arrest, based on certain written affidavits, we, as members of the Legislature, and the Governor, as the chief executive of the State, had no right nor authority to disobey those writs. The legislative, the executive and the judicial departments of the State government are three separate and distinct branches, all independent of each other, all accepting, or professing to accept, the constitution and the laws enacted thereunder as their guide; and yet the Governor of the State, in violation of the plain, palpable letter of the constitution, in violation of all the laws enacted by the General Assembly in accordance with that instrument, called an extra session of the Legislature when that body was already in regular session. Granted that there was no quorum in the Senate, still you assembled here and adjourned from day to day. The House of Representatives, as a legally organized body, was in session, and had adjourned on the same day to meet on the next day at twelve o'clock. That the Legislature was legally and properly in session there is not the slightest doubt, and the Governor, in calling an extra session, without giving the notice required by law, and in violation of the plain mandate of the constitution, committed an act of usurpation and revolution. That act being in its very inception in violation of law, as a natural consequence everything growing out of it partakes of its illegality and nullity. Hence all the laws enacted by the House of Representatives under that extraordinary proclamation are illegal and unconstitutional, and must be declared null and void. This is a proposition which no rational man would attempt to question. If the Governor had a right to call these gentlemen together, and recognize them as the House of Representatives, when the General Assembly was in session, he had just as much right to call in the rabble from the streets, and style them the House of Representatives. I claim that the executive had no right to subvert one branch of the legislative department of the State government, and erect upon its ruins a military dictation sustained by his mercenaries. I hold that there are certain rights vested in the legislative department of the government by the constitution which the executive nor the judicial department of the State can interfere with. We are separate and distinct from each other, and neither has a right to infringe upon the prerogatives of the others. It is not left to the executive of the State to decide which is the legal House of Representatives. He has no legal right to decide that when the Legislature is in regular session there has arrived in the state of affairs a necessity for calling an extra session of that body, for the purpose of ousting the legal House of Representatives, and organizing one of his own. Now, Mr. President, if the action of the executive, in the first place, in calling the extra session, under this extraordinary proclamation, was illegal (as it is admitted to be by every man who pretends to be a jurist) any action taken by that House of Representatives must also be illegal, and we, as an organized body, cannot recognize that body as it stands to-day. It was for the purpose of having these differences adjusted that I introduced that resolution this morning. It was in the interest of the good people of the State and in behalf of peace and order that I desired both factions of the House of Representatives to meet together without intimidation on either side, assume the same position which they occupied on the fourth day of the session, and organize a legal body which would be recognized as such by the Senate and the courts of the State. There seems to be a disposition on the part of a majority of the Senate and the chief executive to acknowledge the body that has been organized under his excellency's proclamation and to prevent legally elected members of the House of Representatives from taking their seats and proceeding to organize legally. Now, I do not suppose anybody will deny that for the first four days of the session Mr. Carter and his associates were the legal House of Representatives. If that proposition be correct, how and by what means have they been ousted from their positions? Can it be contended for a moment that the Governor, in order to carry out his own political purposes, can interfere with the legislative department and organize a House of Representatives of his own, which will be recognized as legal by the courts and the people of the State? Is it left to him to say which is the legal House of Representatives? Has he a right to organize a partisan body of men and recognize them as the legal House of Representatives? Show me the article of the constitution which vests in him such extraordinary powers. I say that we can not recognize this body as the House of Representatives, because the legal Speaker and a portion of the members are excluded from the halls of the House. They were the legal body up to the fourth day of the session, and there is nothing in the constitution by which their status has been changed since that time. If we recognize the body sitting above us as the legal House of Representatives, every legislative measure that we may pass in conjunction with them will be as null and void as if they had been passed by a mass meeting of the people on the streets, and will have no binding force nor effect. It is within the province of the duties of the Senate to clear up this matter, and the question is, how shall we do it? By passing a simple resolution, as a separate body, recommending that they meet together and legally organize. There are certain laws upon the statute books, to-day the repeal or modification of which is demanded by every citizen of the State from the Arkansas line to the Belize and from the Texas border to the eastern boundary. If we act upon those laws under the present status of the House of Representatives, the courts of the State, which are to a certain extent political in their character, will declare our action illegal, null and void, and the people will suffer for one year more at least under the oppressive burdens they are bearing to-day. If we sincerely desire to fulfill the promises we have made to the people, let us declare that the executive has no right to subvert one branch of the legislative department and plant in its stead a military dictation. This question has been sprung before in the little State of Rhode Island. It is a question of which the courts can take charge. Throughout the State of Louisiana, let the Legislature do what it may, the legality of its actions will not be recognized by the people, nor will the courts of justice recognize them as legal and binding. The wheels of government will be stopped, and any attempt to enforce the collection of revenue from the people will be revolutionary on the part of the revenue collectors, and will be met by the people in the same spirit. I do not desire to reflect upon the motives of any Senator, but I have a right to denounce the action of the executive in this instance as revolutionary, and I am borne out in my opinion by the constitution and laws of the State. I repeat that any action taken by the House of Representatives under that illegal and revolutionary proclamation of his excellency is null and void, and any act they may pass cannot be recognized as legal and binding. Now, what action should be taken by the Senate, which is supposed to be a conservative body so far as this question is concerned? Let the Senate take no hand in the controversy between these two factions. Let them decide it among themselves. Let us pass a resolution recommending both houses to come together and legally organize before we recognize them as such. That, it strikes me, would be the proper course. But it seems that the Senate has determined not to pursue that course, but to recognize the House which is organized in the interest of the executive of the State—a House that is partisan and revolutionary in its character—a House whose action on any reform measures will be declared null and void by the courts, leaving upon the people the burden of the odious laws of which they complain. While we were absent from our seats (which absence I shall hereafter personally explain), we understood that an attempt had been made in the House of Representatives, as now organized, to pass certain measures of reform, but we knew it was all a farce. We knew that the registration, election and other laws which have clothed the Governor with the extraordinary powers which he exercises now, would still remain on the statute books, and that the farce which was enacted in the Mechanics' Institute would be a subject for the Governor and his friends to laugh at. We knew that those laws would still remain in full force, and still be a blot upon our statute books and a disgrace to our republican institutions. It is in order to avoid these deplorable results that I desire the Senate to see first that there is a legal House of Representatives before we recognize any body as such. I deem it almost unnecessary, Mr. President, to speak of the reasons for and causes of Governor Warmoth's proclamation. You and the other gentlemen on the opposite side of this question claim that he had a right to issue it because the State was threatened with lawlessness and anarchy by men who were attempting to overthrow the State government. Be it so. You also assert that they undertook to overturn the House of Representatives by arresting certain members of that body under a judicial writ. Be it so. What right, I ask, had the executive of the State to interfere? What right had he to have all the approaches to the State Capitol guarded by armed men, in order that he might organize a House of Representatives in his own interest and in violation of all law and justice? Why, sir, Cromwell, in the height of his power, never exercised over the English Parliament a more arbitrary, tyrannical sway than Henry C. Warmoth has attempted to exercise over the people of Louisiana, or their chosen representatives. When the Parliament of Great Britain refused to pass certain measures, what was the action of Cromwell? He went down into the house and, with his drawn sword in his hand, bade them disperse. Governor Warmoth has done almost the same thing. Standing, as we are informed, near the Speaker's chair in the hall of the House of Representatives, he demanded that they should expel forty-five members by the votes of forty-three. Was there ever before such tyranny and oppression practiced in a civilized country? Now, Mr. President, I repeat, let the House of Representatives settle this difficulty among themselves. If Mr. Carter was the legal Speaker during the first four days of the session, he is still the legal Speaker. If Mr. Brewster is the legal Speaker, let the House so determine. Let us not, as Senators, attempt to throw our influence in the scales in favor of either party.

Mr. Harris—Why do you not introduce a resolution to that effect? In the resolution you offer this morning, you ask the Senate to interfere.

Mr. Blackman—No sir, I do not; I simply ask that the Senate shall recommend the two houses to meet together, and settle the difficulty among themselves. I do not desire the Senate to interfere. I contend that we have no more right to recognize the body of men assembled above this chamber as the legal House of Representatives than we have to recognize any sixty or seventy men that the Governor may call in from the streets. It was for this reason I introduced that resolution this morning, asking both houses to assemble together, without molestation by armed militia, sergeants-at-arms or Metropolitan policemen, to settle their legal status, so that we can proceed to legislate in the interest of retrenchment and reform. But there seems to be a disposition to recognize this House which his excellency has organized. You may attempt to pump life into a dead body, but you can not succeed. It came into the world stillborn, and no action of the Senate can give vitality to it. I say this is not the proper time for the Senate to act upon this resolution. Let us inform his excellency that we are organized, and ready to receive any messages he may be pleased to send us; but let us not undertake in the interest of a mere faction to recognize as legal a House of Representatives which the people and the world declare illegal, and which the courts of the State are bound to decide is unconstitutional. These are my reasons for opposing the passage of this resolution. I think they are sufficient, and if Senators will pause and reflect, they will see the muddle in which we will get all our legislation if we recognize, either of the two houses until their legal status is determined among themselves. You may pass an appropriation bill providing for the payment of your mileage and per diem, but Auditor Graham, who is a constitutional officer of the State, may refuse to recognize the warrants drawn under it. You will drive him to the courts, and how do you know how the Supreme Court will decide?

Mr. Lynch—How do *you* know?

Mr. Blackman—I do not pretend to know how it will decide, but I hope it will rise above party feeling and party prejudices, and confine itself to the strict letter of the constitution and the laws. If they do so I am satisfied they will declare this House of Representatives illegal and unconstitutional. In the meantime, the credit of the State will be gone; for who is going to buy our bonds while this doubt hangs over our legislation?

Mr. McMillen—There are no bonds to sell.

Mr. Blackman—Never mind—the Legislature will doubtless provide some. There has never been a session in which a great many have not been voted away. It is in behalf of the people of the State and in the interest of our public credit that I respectfully ask you Senators not to pass any resolution recognizing either house. Let us, as the friends of peace and order, recommend those two houses to come together and settle their disputes and their legal status, and then we can recognize them and proceed to business in an orderly and dignified manner. I am not even aware that the House over which Mr. Brewster presides has yet been recognized by his excellency, as I have not been inside the lines of military occupation. I know, however, that he did recognize Mr. Carter and his House as the legal House of Representatives, and they would be recognized by him now if it had not been that his political interests led him to attempt the subversion and overthrow of the House of Representatives, as it was then organized. I ask what right have we to go back upon what his excellency has done in recognizing Mr. Carter and his House as the legal House of Representatives? Has anything happened in the meantime to change its status?

Mr. Harris—They change their Speaker sometimes.

Mr. Blackman—They can not do so unless by resolution. I say that Speaker Carter and his House have been recognized by the head of the executive department, and they will be so recognized by the courts of the State. I can not see for my life how it becomes us to recognize any other.

Mr. McMillen—The Senate Chamber, Mr. President, wears again to-day, for the second time during this long and extraordinary session, something of its natural aspect. Again we see around us the beaming faces of Senators who have for a long time been absent from their seats, and again we hear the eloquent voice of my distinguished friend from Claiborne (Mr. Blackman). I may say that I am heartily glad to see him in his seat, and to hear what he has had to say this morning upon this question. He seems to be troubled, Mr. President, over the fact that there exists at present more than one House of Representatives. It is pleasant to hear him acknowledge that fact, for but a few days since we were informed that he, with other Senators now upon this floor, united in a declaration that there was but one legal House of Representatives—

Mr. Blackman—We still say so.

Mr. McMillen—And presided over by the Hon. George W. Carter, Speaker; and yet we hear him acknowledging upon the floor of the Senate to-day that there is a doubt in the minds of Senators and in the minds of the people as to which is the legal House of Representatives, and asking us to take such action as will stay the recognition of either of these two Houses until that vexed question shall have been finally settled. In order to maintain the position he has assumed in opposition to the adoption of the resolution now under consideration, he has gone back to the early history of the present session of the House of Representatives, stating only such action of that body as is calculated to support the view he takes of the situation, leaving unstated other acts which tend to disprove the premises of his argument. He asserts, if I understand his proposition correctly, that the present House of Representatives is the outgrowth of usurpation, military power and revolution. Let us inquire whether that be true. On the first day of January the House of Representatives assembled in its accustomed place of meeting, and there were present nearly all of those who were entitled to seats as members of that body. On that day this building was free from armed interference, and the approaches to the State House were as orderly and as peaceful as they have ever been in the history of this city. But what was the spectacle presented in this chamber at that time? Vacant seats, which are now occupied, were staring us in the face, and this body, as a branch of the legislative department, was deprived of its power to act, because of the voluntary absence of the Senator from Claiborne (Mr. Blackman) and other Senators in sufficient number to break a quorum.

But this is merely incidental to the matter under discussion—the action of the House of Representatives. On the first day of the session they met, presided over by the legal Speaker of the House of Representatives, a large majority of the legal members of the House answering to their names, transacted such business as came before them, and adjourned. On the second day a similar routine of business was gone through with. On the third day a reorganization of the House was prevented by the arbitrary action of the Speaker in refusing to entertain a motion to declare the chair vacant. No question was raised up to that time as to who was the legal Speaker of the House of Representatives. He was recognized by the chief executive, and would have been recognized by the Senate had absent Senators been in their seats. On the fourth day of the session of the House of Representatives, sixteen Senators still being absent from their places in the Senate, there was inaugurated what I deem to have been a revolution, having for its object the overthrow of this State government. The second act in this revolutionary programme was the arrest, upon false and fraudulent charges, of the Governor of the State, the Lieutenant Governor, four Senators who were here in their seats ready to perform their sworn duties under the constitution, and nineteen Representatives, just at the hour when the House of Representatives was convening. These gentlemen were dragged by United States marshals through the streets into the presence of a petty commissioner of the United States government; and while these representatives of the people were thus forcibly detained away from their seats, George W. Carter and the remaining members of the House of Representatives, by a vote then taken, ejected seven of the Representatives thus detained and seated in their stead six other men, who, I am informed, had no claim whatever to seats upon that floor. This is the revolutionary action, Mr. President, which, in my opinion rendered it necessary that extraordinary measures should be adopted to meet the issue. Here were certain members of the House of Representatives making false and frivolous charges against fellow members for the purpose of changing the political complexion of the House of Representatives. It was to meet this extraordinary state of affairs, to meet this revolution in its incipiency, that the Governor of the State deemed it necessary that the General Assembly should be convened in extraordinary session.

But, Mr. President, the House of Representatives, presided over by Mr. Brewster, is not dependent upon this extraordinary session for its claims to recognition to-day. The General Assembly convened in extra session on the day when it met, in compliance with the proclamation of the Governor, transacted such extraordinary business as came before it, and on the following day, before the hour for the meeting of the regular session, adjourned *sine die*. At twelve o'clock on the fifth day of January, the hour to which the regular session had adjourned, the members of the House who were present in the Hall of the House of Representatives organized themselves into a House of Representatives, and they are there to-day, and are, in my opinion, the legal House of Representatives of the State of Louisiana. What is a House of Representatives, Mr. President? It is described in the constitution and laws of the State as consisting of a certain number of Representatives, to be chosen by the people, and it is provided in parliamentary law and in the constitution of the State that a majority of the members so chosen shall constitute a quorum for the transaction of business. Now, what was the situation of affairs on the fifth of January? The men that assembled in the hall of the House of Representatives were the chosen representatives of the people; they had been recognized as such by the General Assembly, and their names were on the rolls of the House of Representatives. They had been paid their mileage and per diem during the entire former session of this General Assembly. These chosen representatives of the people, I repeat, assembled in the hall of the House of Representatives at twelve o'clock on the fifth day of January, and they, in the absence of any other claimant to the Speaker's chair, recognized, ratified, confirmed, approved and legalized the choice of the House of Representatives, when in extra session, in the election of the Hon. Mr. Brewster, of Ouachita, as the Speaker of the House of Representatives. By the action of the House of Representatives when in extra session convened, the Speaker's chair had been declared vacant and Mr. Brewster elected to fill the vacancy. I here desire to call the attention of the Senator from Claiborne (Mr. Blackman), as well as the Senate and the people of Louisiana, to the simple fact that if Mr. Carter, on the third day of January, had recognized, as was his duty to have done, a motion to declare the Speaker's chair vacant, all this trouble would have been avoided. The House of Representatives would then, by a majority of votes, have either confirmed him in his seat or have chosen some other man from among their number to preside over their deliberations. I will remark here that, in my opinion, the House of Representatives have a right to change their presiding officer whenever they please to do so. I think any legislative assembly has that inherent right. I think this Senate even has a right to change its presiding officer every hour in the twenty-four if such should be the wish of a majority. It is a point that has been conceded by former Speakers of the House of Representatives of this State, as well as other States. When Mr. Lowell was Speaker of the House of Representatives, and he became convinced that the majority were opposed to his continuing in that office, he did not decline to put a motion declaring his seat vacant, but recognizing the right of the majority to rule, retired from his position and allowed the House to elect a successor. If Mr. Carter, on the third day of January, had done this, all this trouble would have been avoided; there would have been no armed intervention at the request of the House of Representatives; there would have been no policemen in this building nor in the streets in this vicinity; nor would there have been an assemblage of armed men on Canal street for the purpose of making an attack on this building and gaining violent admission thereto; everything would have been settled, and the legislation that has been so loudly demanded by the people of the State would have been enacted before this. This was the first revolutionary act in the House, followed by the other on the fourth of January, when members of the House of Representatives were arrested by United States marshals, and while thus detained the political complexion of the House was so changed by expulsion of members that a majority were in favor of retaining Mr. Carter as Speaker of the House of Representatives. Now, what is the House of Representatives? It consists simply of a majority of the chosen Representatives of the people assembled in the place fixed by law—*i. e.*, in the Capitol of our State. Now, what do we see on the fifth day of January? We find a majority of the legally chosen Representatives of the people assembled in the hall of the House of Representatives at twelve o'clock on that day, approving the action of the Governor in calling the extra session, and recognizing the action of the House of Representatives in convening under that proclamation as legal, binding and valid. They recognized Mr. Brewster, as Speaker, and elected him over again, thereby ratifying and confirming the action of the House of Representatives in extra session, in a legal, formal and parliamentary manner.

Mr. Blackman—I would ask the Senator if they did not meet without a quorum, not including the seven members that had been unseated?

Mr. McMillen—I will inform the Senator, that those seven members had been unseated without a quorum being present.

Mr. Blackman—How was it possible for the House of Representatives to organize and go into the election for Speaker or any one else, without a quorum? There was certainly not a quorum if the seven members who had been unseated were not included. Those seven men could no more form a legal quorum than would seven other men that you would pick from the street. Your doctrine is, that a minority has a right to determine upon the qualifications of members elect, just as the Senate did when it turned out Mr. Sambola, and seated Mr. Campbell in his stead.

Mr. McMillen—The House of Representatives is, by the constitution of the State, the judge of its own members. It alone can determine who are members, and the Senate alone can determine who are members of the Senate. When the House of Representatives met in extra session, they read the journal of the regular session of that day, and determined for themselves (and no other power on earth could have determined that question for them) that the pretended action of the House of Representatives in regular session that day was null and void, for the reason that there was no quorum present when those seven members were unseated, and six men, who were recognized as partisans of the presiding officer, were seated in their stead. That is the way these seven members came back to their places. Now, what are the facts of their expulsion? If they were legally expelled they had no right to vote; and vice versa. The whole question, therefore, depends upon the legality of their expulsion. When these gentlemen were dragged away by the United States marshal and held in custody until released on bond, the House of Representatives, with fifty-one members present, voted to expel seven of the members who were absent.

Mr. Blackman—Fifty-three Representatives were present.

Mr. McMillen—I submit that the journal will show that but fifty-one members were present, including the Speaker. I can show the gentleman the sworn certificate or statement of the Chief Clerk of the House of Representatives, setting forth the fact that there was not a quorum present when this action was taken by the House of Representatives. Furthermore, the journal shows that there were but fifty-one members present when it was taken. If that be true, their action was null and void, because fifty-one members are not a quorum of the House of Representatives. What becomes, then, of the statement of the honorable gentleman from Claiborne (Mr. Blackman), that the House of Representatives, now sitting in their hall, are the outgrowth of revolution and of violence, and are without authority either in the constitution or in the laws. It falls to the ground, because in endeavoring to sustain his proposition he has simply cited the action of the House of Representatives when convened in extra session, and asserted that the Governor was without authority to convene the General Assembly, forgetting the important fact that no organization of the General Assembly in regular session had yet been effected, for want of a quorum in the Senate. He argues that the action of the House of Representatives in extra session must necessarily be void. But the gentleman forgets that after this extra session had adjourned, at twelve o'clock, on the fifth day of Januaay, the House of Representatives met in regular session at their usual and legal place of meeting, and proceeded to organize.

Mr. O'Hara—They met there surrounded by bayonets.

Mr. McMillen—There were no bayonets used until a resolution was passed by the representatives of the people calling upon the executive for such protection as he could afford them, and until they had signed their names to a letter addressed to his excellency to the effect that they feared disturbance from men who had been incited to riot. It was only then that the police were called in to protect the General Assembly. It was also the opinion of the seventeen Senators that a necessity existed for the employment of the police force to protect this building from invasion by a mob gathered together for the purpose of supporting the displaced Speaker of the House, of Representatives in his proposed revolutionary proceedings. This force was simply used in the interest of order and peace, to protect the representatives of the people, in order that they might have an opportunity to meet and enact such laws as the people demanded. This is the reason this building is surrounded to-day by armed men; this is the reason it has been for the last two weeks protected by the police of the city of New Orleans; and, if I am not very much mistaken, I have heard that the gentleman from Claiborne and another honorable Senator remarked that they would not come to this building to-day for fear of violence growing out of the inflammatory proclamation of George W. Carter, the pretended Speaker of the House of Representatives.

Mr. Blackman—So it was said, and I wish to say in explanation, that on Saturday last, when we met here, our friends were prevented from coming inside the lines of military occupation. Not a friend nor an acquaintance was allowed within. On that day, when the President of the Senate and Mr. Ingraham had something like a personal altercation right here in the Senate Chamber—right here in the midst of the Senators of the State of Louisiana—was drawn from the pocket of one of your men a pistol. I say that we have been intimidated by your Metropolitan Police and your militia; and I repeat that on Saturday, right here in the Senate Chamber, where we are supposed to be protected, a pistol was drawn ready to assassinate those who belonged to the opposition. That is the reason that remark was made. I wish it to be distinctly understood, however, that I fear no personal violence, and am ready to defend myself when attacked.

Mr. Hunsaker—Will the Senator state the name of the man who drew the pistol?

Mr. Blackman—I received my information from Senator O'Hara.

Mr. O'Hara—I will state that on Saturday, some confusion arising on account of a personal altercation between the President of the Senate and Mr. Ingraham, and the lobby having applauded, I rose in my seat and made a motion to close the doors. Upon that motion being made, I believe every gentleman inside the railing started toward the door, with one exception. He stood there in the aisle, Mr. President (and I have the testimony of other Senators to prove that what I say is correct), and pulled from his pocket, clearly in sight, a revolver. I looked him in the face, and told him this was the Senate of Louisiana, and that I was a Senator. I do not know what that man was going to do. His name is Lucien Adams.

Mr. Ray here asked that the rule of the Senate excluding from the floor all persons not members, except State officers, be enforced.

Mr. Campbell called the attention of Senator Ray to the fact that, under the rules, any Senator had a right to invite his friends to a seat on the floor of the Senate.

Mr. Blackman said he did not wish to be understood as insulting any peaceable citizen in any remarks he might make. Senator Bowman, he understood, had been stopped and challenged at the head of Dryades street, and in the hall leading to the Senate Chamber; and when the altercation took place on Saturday between the President and Senator Ingraham, Metropolitan policemen had swarmed down from the top of the State House, and taken possession of the hall leading to the Senate Chamber.

The President said he had appointed extra sergeants-at-arms, and perhaps Senator Ray had mistaken them for persons who had no right to remain on the floor of the Senate. If Mr. Ray insisted upon it, the Chair would order the Sergeant-at-Arms to see that no person was inside the railing who was not entitled to be there.

Mr. Blackman inquired how many sergeants-at-arms the President had sworn in.

The President said he had appointed about twenty.

Mr. Blackman said those sergeants at-arms had been appointed when there was no quorum of the Senate present, according to the ruling of the President. He thought they should be disbanded and required to leave the Senate Chamber.

The President said he would entertain a motion to disband the sergeants-at-arms, if made at the proper time, and would be governed by the action of the Senate. At the present time such a motion would not be in order, as the Senator from Carroll (Mr. McMillen) had the floor on the pending question.

Mr. McMillen—I have been exercising my patience, Mr. President, in listening to what the gentleman from Claiborne (Mr. Blackman), Mr. O'Hara and yourself have had to say. I desire to state to the Senator from Claiborne that I did not allude to his expressed intention not to come here to-day in consequence of a threatened disturbance, because I wished to intimate in any manner that he did not have the physical strength nor courage to protect himself, for I accord to the gentleman the highest order of courage and the greatest ability to carry on a defensive and offensive warefare, both of a physical and intellectual character. I refer to this fact simply for the purpose of showing that in the mind of this distinguished Senator there existed a valid reason for remaining away from his seat upon the floor of the Senate to-day in consequence of a declaration of war issued by George W. Carter against the State of Louisiana, and an attempt on his part to inaugurate violence and bloodshed, and of showing further that there exists now an actual necessity for the employment of force to protect the representatives of the people and the Capitol of the State.

George W. Carter, after the General Assembly convened in regular session on the fifth day of January, and had recognized and ratified the organization which was effected by the House in extra session, was expelled from the House of Representatives and is no longer a member of that body. The four men who, on the fourth day of January, made false and frivolous charges against nineteen members of the House were also expelled from the House of Representatives, and are not regarded by that body as any longer members. These, Mr. President, are the only men, so far as I know, whose expulsion it is intended to make final. So far as I understand it, the action of the House on Friday last in expelling the members who are co-operating with Mr. Carter, is of such a character that it can be reconsidered at any time, and any one of those gentlemen allowed to take his seat.

Mr. Smith—I would ask whether two-thirds of the members voted to expel.

Mr. McMillen—If I am not mistaken, there were forty-eight votes in favor of their expulsion, and eight against it. If that is not a two-thirds vote, then I am at fault in my arithmetic. A quorum consisting of fifty-four being present, forty-eight were two-thirds, and they were competent to expel any member. What is the House of Representatives? It is a quorum for the transaction of business; that is all—and a quorum is a majority of the number fixed by law as composing the House of Representatives. A quorum is as competent as a full House to transact all business. Any action taken by the House of Representatives is, under parliamentary law, binding and legal, whether there be simply a quorum or a larger number than a quorum. Now, Mr. President, I rose for the purpose of showing the Senate, and the gentleman from Claiborne (Mr. Blackman), that the House of Representatives, now sitting in its regular place of meeting, is not the outgrowth of revolution; that it is not founded upon military usurpation; but it is a meeting of the chosen representatives of the people in the place designated by law for them to meet, and that their action, in organizing and proceeding to the regular order of business, is constitutional and parliamentary. I have consulted the journals of the House of Representatives as they appeared day by day, and, if I am not mistaken, there has not been a day, since the fifth of January, that there has not been a quorum of the legally elected Representatives of the people, answering to their names in the hall of the House of Representatives. They are there to day; they were there on Saturday; they were there all last week and the week before, when the honorable Senators were regaling themselves and enjoying the cool breezes of the gulf at one of the watering places in our vicinity. They have been in their proper places, discharging their duties to their constituents, ready to grant reform, ready to do anything that the interests of the people demanded at their hands. In my judgment, the men who are most at fault are the Senators who have seen proper, for purposes best known to themselves, to absent themselves from their seats in the Senate Chamber.

Mr. Blackman—I will state to the Senator that I will allow no personal reflections.

Mr. McMillen—I am not making any personal reflections. I repeat, Mr. President, that the persons most at fault in the premises are the Senators who absented themselves from their seats, thereby preventing us from entering into the enactment of the wholesome measures of reform which the people so loudly and justly demand. I desire to say to the Senator from Claiborne (Mr. Blackman), and to those with whom he is associated, that I shall go heart and hand with them in the preservation of law, order and peace, not only in the Senate Chamber, but in this community. I am in favor of the enactment of such laws as the interests of the people of Louisiana demand, and I will go as far as the gentleman will in the advocacy of reformatory measures. I am in favor of the repeal of the printing law, and of the proper modification of the election and registration laws, to the end that every legal voter in the State of Louisiana may have a fair, free and peaceable opportunity to deposit his vote in the ballot-box for the men of his choice, and that his vote may be counted just as he casts it. I am in favor of protecting both the white and black people of the State, in the exercise of their political rights, from intimidation, violence and fraud, such as disgraced this State in 1868. If any person has been foisted into a seat upon this floor or upon the floor of the House of Representatives, who is not the chosen representative of the people, my voice shall always be raised in favor of his ejection and the seating in his place of the man who received a majority of the votes cast in the district he represents. I have never asked anything, Mr. President, as a politician and as a man, but an open field and a fair fight. The Senator from Claiborne (Mr. Blackman) will do me the justice to say that he has never known me to desire or demand the placing of extraordinary powers in the hands of the Governor and others for policical purposes. I disclaim any such intention now, and I am with him heart and soul in the enactment of such laws as will secure to the people the results which they ask. I want to live as a freeman and to have the right to discuss, within proper bounds, all questions which appertain to the welfare of the people. I want to enjoy the right of depositing my vote for the men of my choice, and to have that vote counted as I deposit it. I want every other citizen to have the same rights that I claim for myself—nothing more, nothing less. That is what I conceive to be true republicanism: the political and civil rights of men recognized and guaranteed by the laws of the land, and those laws faithfully and impartially executed by the officers whose duty it is to see that they are executed. I believe in placing ourselves upon a common plane so far as our political and legal rights are concerned, so that any difference which may exist between us may be indicated above and not below that plane I ask, I repeat, nothing but an open field and a free fight politically, and equal and just laws, which will bear alike upon all citizens of the State. As this is probably, the last time that I shall occupy the time of the Senate, in speaking upon this question, I desire, before closing, again to declare it as my opinion, that the House of Representatives sitting in the hall above us is the legal House of Representatives of the State, and that it is not the outgrowth of military usurpation. It may be to some extent affected by revolution, but as to who are the revolutionists, and who inaugurated the revolution, there may be some difference of opinion between the gentleman from Claiborne (Mr. Blackman) and myself. It is the legal House of Representatives, it is composed of a majority of the chosen Representatives of the people, and it is the only House which the Senate, the Governor and the other executive officers of the State have any power or right to recognize. I do not believe, as the gentleman from Claiborne (Mr. Blackman) says, that the courts of the State will interfere with the General Assembly in deciding for itself this question. I believe also, that if the laws which are passed by the Senate and by the House of Representatives presided over by Mr. Brewster, and signed by the Governor, are wise and just and proper laws, there will not be found in the broad State of Louisiana, one single man to test or contest their constitutionality in the courts.

Mr. Ray—The real question at issue is not very fully presented in the resolution under consideration, but I suppose such amendments will be offered as will bring it properly before the Senate. I do not suppose that anything I could say upon this question would influence the vote of a single Senator, but as it is a matter which I regard of the greatest importance, and subject to investigation hereafter, I deem it proper to express my views upon it before the vote is taken. It is important for two reasons. In the first place, it may come before the courts hereafter; and, in the next place, it may be the subject of review by the United States authorities. The question, then, as to what should be done in the recognition of the House of Representatives is of more than ordinary importance, and should be fully and thoroughly considered before it is finally acted upon. To the end that an unprejudiced conclusion may be arrived at, I shall endeavor to discuss the different points without feeling or prejudice, looking at them only in their legal and constitutional bearing. I may be permitted to remark, before I enter into the legal discussion, that unless this question is settled by the House of Representatives itself by some compromise between the contending factions, it may materially affect the credit of the State, as it will leave the question open for future investigation by either the courts or the federal authorities. Hence, I was anxious that the resolution introduced by Senator Blackman should pass, as it recommended both factions to disregard the occurrences which have taken place since the fourth day of January, up to which time there can be no doubt as to legality of the sessions of the House of Representatives, and to meet together and adjust their differences amicably. If this had been done this vexed question would now be settled, and there would be no necessity for an investigation by the federal authorities. This identical question has already been discussed in the House of Representatives of the United States, and a committee has been appointed to investigate it, which will be on its way here in a very few days. As a matter of course, the House of Representatives of the United States would not have agreed to send that committee here unless it had thought it had jurisdiction in the premises. That body, therefore, assumes the right to send that committee here for the purpose of ascertaining which is the legal House of Representatives and which is not. Now, there is not a doubt in my mind, nor, I believe, in the mind of any one at Washington either in the executive or legislative departments, that the federal government has a perfect and legal right to hold this investigation under the amendment to the constitution of the United States which prescribes that the United States shall guarantee to the States a republican form of government. The case under advisement here in Louisiana is of such a nature that they consider it their duty to investigate it. I have not the slightest idea what decision that committee will arrive at after it shall have thoroughly investigated and sifted the facts of the case. They may decide the Carter house to be the legal House; they may decide the Brewster House to be the legal House; they may decide neither to be the legal House of Representatives, and require a reorganization. I repeat that in consideration of all these contingencies it is time for the two factions to come together, wipe out what has been done by both sides since the fourth day of January and proceed to organize themselves upon a sound and legal basis. We are asked by this resolution to recognize as the legal House of Representatives the body over which Mr. Brewster presides. The question then arises as to the legal status of that House. After carefully investigating the matter I have arrived at the conclusion that neither the courts nor the federal authorities will recognize the House of Mr. Brewster as the true House of Representatives of the State of Louisiana. I will now proceed in my feeble way to state my views as to the legality and constitutionality of the organization of those two bodies. Mr. George W. Carter, if I am not mistaken, was elected Speaker of the House of Representatives during the last session of the Legislature. I believe there is no doubt in the mind of any Senator present that he was legally and properly elected at that time, and presided over that body during the last thirty days of the session. The General Assembly having convened at its regular session on the first Monday of January, Mr. Carter was properly Speaker of the House of Representatives on the first day, as it was the same House which had elected him to that position the year before. The House adjourned from the first to the second day at twelve o'clock, at which hour it again convened, transacted ordinary routine business and adjourned to twelve o'clock on the third day, Mr. Speaker Carter being in the chair, no one objecting. On the second day there was offered a resolution of confidence in Speaker Carter, which passed by a majority of the members present, if not by a majority of the members elected. On the third day the House met and adjourned to the fourth day at twelve o'clock, at which time it convened again, transacted the usual business and adjourned to meet on the fifth day at the same hour. Up to the adjournment on the fourth day, therefore, no one doubts that Mr. Carter was the legal Speaker of the House of Representatives. It makes no difference what irregularities were committed on the fourth day by the arrest of certain members, there was still no removal of Speaker Carter from his position. The question then arises, has Speaker Carter been removed since, legally and constitutionally, from the chair he occupied on the fourth day of the session—and that is the real question at issue. I concede the point that the House of Representatives, as well as the Senate, has a right to change its presiding officer every twenty-four hours if it chooses to do so; but it must be done in a proper and legal manner. As soon as a person is elected and recognized as Speaker of the House of Representatives, he remains in that office until he is legally superseded or removed.

The President—As I happen to be interested in the matter, and as the Senator from Ouachita (Mr. Ray) appears to be such a sensitive stickler for the constitution, I would like to ask him, as well as the Senator from Carroll (Mr. McMillen) how they have arrived at the conclusion that the Senate can at any time change its presiding officer, when the constitution emphatically states that the Lieutenant Governor *shall* be the President of the Senate. The Senate has the power to elect a pres