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THE RETURNING BOARD

ANOTHER HARD DAY'S WORK

COMING DOWN TO THE EVIDENCE

The board was called to order at half-past eleven o'clock. All the members of the board answered to roll call.

The minutes were read.

Present on the part of the Republican delegation—Messrs Stoughton, Kelley, Van Alen, Parker and Wilson; on the part of the Democrats—Messrs. Palmer, Trumbull, Smith, Bigler and Julian.

Judge Spofford asked for an addition to the minutes for the purpose of placing thereon the order of the board, made on the previous day, with reference to the sending for the boxes in East Baton Rouge, in order that counsel might get at the returns and statement of votes.

President Wells—That order was not made in the morning session. On Monday it will be read.

President Wells then asked if there were any further motions.

Colonel Zacharie was about to present a motion when the president interrupted him by saying: I will state, gentlemen, before we commence, that we must dispense with the reading of any protest or motion hereafter before the board. We must bring all the evidence, if it is possible to do so, to a close during the early part of next week, or we shall not be able to get through with our deliberations. We must have some time to deliberate, and you will pardon me, when I ask you, as a favor, to suspend reading any document which you may want to place before the board, until the subject matter of the document arises in any disputed portion of a parish, or in any parish. Therefore, Mr. Zacharie, will you have the kindness to confine yourself to this order?

Colonel Zacharie—Yes, sir.

Colonel Zacharie then asked the board whether or not they had finally decided that they would not appoint on the board a gentleman whom the Democratic Executive Committee had suggested.

President Wells—The board has never taken any action with regard to not filing the vacancy.

Colonel Zacharie—Has the board passed upon any of the applications we have made to have the vacancy filled.

President Wells—There has been but one application before the board.

Colonel Zacharie—I have presented two or three letters on the subject. I presented two letters to the board and filed another.

President Wells—You may not comprehend me. There has been but one application. There have been several renewals of it.

Colonel Zacharie—I would ask if the board will take into consideration the filing of that vacancy, or if they have come to the final consideration of the application.

President Wells—I have just said that it has not, because it has never had under deliberation the idea that the position would have to be filled. But the board differs in regard to the gentleman you have proposed. I will go further, and state that you gentlemen of the opposite side brought upon us this difficulty. We had a Republican on the board and he resigned, and then a Democratic Legislature filled the vacancy with a Democrat, and that Democrat resigned. Speaking individually, I don't think you have any claim, therefore, to representation; that you have forfeited it by resignation.

Colonel Zacharie—The last question I asked was whether the board will fill the vacancy?

President Wells—We shall try and agree upon any individual that may be suggested.

Colonel Zacharie—I brought before the board yesterday the fact that the returns of Morehouse have been in the city, and we understood then that the board would direct a person to go with Mr. Burke in order to get the returns. The person indicated refuses to go and get them on the ground that he was instructed by the board not to take the returns unless the supervisor was there and would come with him.

President Wells—Before the application, and the preliminary remarks in regard to it, I stated that we had no right to take the papers from anybody; that we might commit a wrong and injustice, but we would send and get the parties themselves with the papers before the board. Now, if you will construe it that we had ordered separate action to this, I will say you misunderstood me.

Colonel Zacharie—We so construed it. I will produce an affidavit to the effect that the returns of the parish of Franklin have been lying in the Southern Express office in this city for some ten days, addressed to the Hon. Michael Hahn, State Supervisor and Registrar, and who refuses to receive them, though I am informed that he received and delivered several packages here. We will produce an affidavit to that effect. I will ask the board to take steps to possess themselves of these returns.

President Wells—What reasons have been assigned by Governor Hahn for not getting them?

Colonel Zacharie—He refuses to pay the charges. I am told that they should have been addressed to the Returning Board.

President Wells—I will state that we have no funds with which to defray the expenses of the board; that the Democratic Legislature, in its last session, refused to give us anything whatever to pay our per diem. Hence, how are we to get the returns? We have not the means. We are unwilling to risk our means for the public when we have no assurance that they will not be paid back, and if it does come back it will only be at the rate of thirty cents on the dollar.

Colonel Zacharie—That is obviated by saying that we will defray the expenses, whatever the charges may be.

Governor Wickliffe—I will stand the expense of getting those returns; it will only be seventy-five cents.

President Wells—Thank you, Governor. We will give the order to the clerk to get them, if you will furnish him with the money.

Colonel Zacharie—I have one more question, and that is, has the board reached any conclusion on our motion in regard to the production of the duplicates which are on file with the clerk of the parish, where the supervisor has not sent up the returns.

President Wells—No, sir.

Colonel Zacharie—This is an important question, because it comes up in the case of Baton Rouge. We would respectfully ask the board to consider that matter and give us at as early a date as possible their decision, for it must govern our defense in the Baton Rouge cases.

President Wells—We will take the matter under consideration.

Colonel Zacharie—Will the board be able to answer to-day?

President Wells—Not before Monday.

Colonel Zacharie—Then you will grant delay in order to the production of the boxes from Baton Rouge. We understood that the order would issue. Has the order been complied with so that they will be here by next Monday?

President Wells—The order will be complied with this afternoon.

Colonel Zacharie—There will be no opportunity of these reaching here within two or three days, unless the boat is down in the morning from Baton Rouge, or possibly to-night.

President Wells—We will send a dispatch immediately, then.

Mr. McGloin—In relation to the parish of East Baton Rouge the committee will now present cross-interrogatories. We will present them this morning if we can get them. I understand the ruling to be that the affidavits and the supervisor's statement are *prima facie* evidence. We desire the privilege of cross-examining the supervisor and the three witnesses whose affidavits are annexed. We ask the privilege of filing cross-interrogatories, and that the witnesses who have corroborated the statement be here on Monday and answer our interrogatories. The affidavits were prepared here in New Orleans. Some of the witnesses testified they were afraid to go back to Baton Rouge. At all events we would like that privilege be accorded to us, and we may serve a copy on one of the electors. Of course the gentlemen will produce them here. The point I wish to make is whether the board will allow us the privilege of filing cross-interrogatories, having the supervisors who are witnesses to answer them.

President Wells—You have; but bear in mind that the progress of counting the vote must not be impeded or fettered under any consideration, and you must use all due diligence to get the witnesses here. When you have filed this cross-examination, aid the board in having the witnesses brought here.

Mr. McGloin—We will do the best we can.

Mr. McGloin—In relation to another thing in connection with the parish of East Baton Rouge, I desire to say that there are in the hands of the board the statement of the supervisor, constituting a protest under the law, with the three corroborating witnesses. There are some fifteen or twenty ex parte affidavits in possession of the board, but we do not know the manner in which they reached here. We would like to know if they are to be considered, because, if they are to be considered, it is necessary for us to try and cross-examine these parties, or else it is necessary to call our witnesses in relation to the facts which are set forth in these affidavits.

President Wells—The board will notice all the evidence brought before it.

Judge Spofford—On both sides?

President Wells—On both sides.

Mr. McGloin—I desire to address the board on another question. These ex parte affidavits that are produced in these different bundles will have no greater weight attached to them than to ours?

President Wells—As a matter of course, not.

Mr. McGloin—Another thing. As I presume this is the time, we wish to file an exception to the protest which the supervisor filed, upon various grounds. We will not state them now.

President Wells—Place them on file, all your documents, and let us be done with this constant waste of time.

Mr. McGloin—Another point.

President Wells—Have you a protest to file?

Mr. McGloin—Yes, sir; I will tender both.

President Wells—Accompanying the remarks that you are going to make?

Mr. McGloin—Yes, sir.

President Wells—File the papers, and let us have as little remarks as possible.

Mr. McGloin—I will try and comply with the desire of the board.

President Wells—My object is not to waste time in hearing lawyers. I have a perfect abhorrence of lawyers in their discussions upon their technicalities, and I want to abridge it as much as possible.

Mr. McGloin—But it is not connected with the protest. Some of the large Republican parishes are not yet in, and I would like to know if we can file our evidence when the papers are opened?

President Wells—My dear sir, I have reiterated that twenty times, that whenever the papers are opened you shall have the privilege of filing your evidence.

Mr. McGloin—I understand that.

President Wells—Then why do we go over these grounds so much. If it is for the consumption of time, I must insist upon the gentlemen filing all their motions at once and let us proceed to the count.

Mr. McGloin—I hope you won't consider me headstrong. I feel apprehensive that I shall exhaust your patience, but I want to know if we can file a formal protest now to the Republican parishes after the ten days have elapsed?

President Wells—Do you mean to apply that to the parishes that have been compiled?

Mr. McGloin—No, sir.

President Wells—The protest will be covered by the law applicable at the proper time.

Mr. McGloin—Do those protests have to be filed within ten days?

President Wells—Yes, sir. That is the decision of the board, but if, nevertheless, the question which arises under that protest is of any magnitude, we shall relax the rulings of the board upon that subject to get that evidence before it.

Colonel Zacharie—In cases where the parish has been sent up for compilation would it be entertained?

President Wells—No, sir.

Colonel Zacharie—You permitted it yesterday in the case of Natchitoches.

President Wells—This document accompanied the return from Natchitoches, but it was overlooked and not entered at the time.

Colonel Zacharie—I am informed this morning that there was brought here for the first time a large bundle of affidavits in the East Baton Rouge case. It will be impossible for us to examine all the affidavits and get witnesses here within twenty four hours. We would like you to decide where there is a limit in this matter.

When the plaintiff is in court and the defendant put to his defense no new questions are allowed. We thought we were to reply to the matter given to us yesterday. If we are to go on in this manner constantly having the plaintiff coming forward and filing new proofs it will be interminable.

General Anderson—Whom do you regard as the plaintiff?

Colonel Zacharie—The party complaining. We are standing on the defensive, assuming that the polls will not be thrown out. Now every rule of justice would require that we should have the objections before us before we are required to answer what the grounds of the complaint are.

President Wells—If you please, for a moment. We have stated you shall have them. Let us abridge this thing. If you ask where is the limit to this thing, I ask where is the limit to the questions that are springing up here and retarding us? If you will answer that I will answer the other.

Colonel Zacharie—If you will terminate the case of the plaintiff and say it is finished, and will then give us time under the twenty-four hour rule to get our witnesses and make our defense, there will be a limit to any objections. However much we have protested against your rules, we will be obliged to follow them. Yesterday we found the case of the complainant, as we understood it. We succeeded in obtaining some 100 pages of testimony, and we had our case in hand and prepared our interrogatories, telegraphing for our witnesses, and hoped to be ready on Monday. This morning we come in and find in the same case a large package of new affidavits. It is impossible for us to commence our defense until we know whether the case for the complainant is finished.

President Wells—You will be furnished with it, and when the case is up for final action the evidence ceases, as a matter of course, such evidence as you are complaining of.

Colonel Zacharie—But that does not obviate the difficulty. The difficulty is to know at what time we shall commence to prepare our case.

President Wells—Prepare it now, and go on preparing it.

Judge Spofford asked the construction of the rule with reference to the admission of ex parte affidavits. The rules were that no ex parte affidavits would be received, and yet it appeared that such affidavits were to be received on both sides.

President Wells—I have stated to you that your affidavits will be received.

Judge Spofford—Then the rule is wrong.

General Anderson—It is modified to that effect.

President Wells—Now I hope we will go on. We will go into executive session.

General Anderson—I hope not for a moment. I desire to make a statement to the board.

General Anderson then read the following letter to the board:

NEW ORLEANS, November 25, 1876.

Hon. Thomas C. Anderson, Member of the Louisiana Returning Board:

SIR—In your statement of yesterday before the Returning Board, published in the morning city papers, you state that I voted, when a member of the Legislature of 1867, for the bill to pay the claim known as the "Weil & Janny claim." In this you are mistaken. I opposed the bill throughout. My opposition to it was based on article 129 of the State constitution of 1864. I opposed it on the further ground that there were other claims of immense magnitude against the Allen government equally meritorious as the Weil & Janny claim, and if the door was opened by the allowance of the claim an immense debt would be saddled upon the State, growing out of the war. I have not the journal of the House before me to look at my vote on the bill, but my opposition to it on the grounds stated was well known among the members of the House. I am inclined to think that I was not present when the vote was taken, owing to my absence from the city at the time, but the journal of the House will show.

You will please make the necessary correction in your statement of yesterday, and make this letter a part of your corrected statement.

Respectfully, your obedient servant,

JOHN McENERY.

General Anderson continued then as follows:

I said that McEnery voted for the bill. Upon examination, however, I find that he voted against the bill. But I wish to state further that when the bill was under consideration in the House, the committee to whom it had been referred—the Committee on Claims—referred it back. The record of the proceedings of the Senate upon that subject is as follows:

"Mr. Halsey, chairman, on behalf of the Committee on Claims, reported on House bill No. 90, an act for the relief of Weil & Janny, as follows:

"The Committee on Claims instruct me to report the claim of Weil & Janny back to the House, with the recommendation that it be referred to the Committee on the Judiciary, involving, as it does, in their opinion, the construction of articles 114 and 129, constitution of 1864.

"They further instruct me to report that they have given this claim a very thorough and impartial examination; have examined various witnesses, and are of opinion that the goods for which this claim is presented were received and used by the State government which existed at the time at Shreveport, and that the inhabitants of a large portion of this State were benefited thereby.

"They further instruct me to report that from documents submitted to this committee for their investigation (which are transmitted herewith), it appears that the claimants had in their possession, a short time subsequent to the surrender of the Trans-Mississippi Department sufficient cotton to have liquidated their claim; but that owing to the action of the agents of the State of Louisiana, then in Texas, the control and possession of this cotton was taken from them, and the cotton subsequently shipped to Europe.

J. H. HALSEY,

"Chairman Committee on Claims.

"The report was adopted, and the bill, with the accompanying papers and reports, was referred, on motion of Mr. Halsey, to the Committee on the Judiciary.

"This committee was one of the ablest ever raised in any Legislature of this State, consisting of the Hon. J. B. Elam, of De Soto, a lawyer and an experienced legislator; Colonel George Williamson, of Caddo, an eminent lawyer; Hon. A. L. Tucker, of St. Mary, one of the leading members of the bar of Southwestern Louisiana, and an experienced legislator; Captain L. M. Nutt, of Caddo, a distinguished lawyer; J. A. Snider, of Bossier, an able lawyer; Hon. Hunter Collins, of East Feliciana; Judge W. S. Scott, of Jefferson; Hon. J. McEnery, of Ouachita, one of the ablest of the lawyers of North Louisiana, and three young lawyers of this city who have already won success and fame, James McConnell, J. B. Eustis and J. E. Simonds.

"The committee so composed reported as follows:

"On an act for the relief of Weil & Janny, favorably, with written report, as follows:

"The committee having had under consideration the bill entitled an act for the relief of Weil & Janny, committed to them by the House, at the request of the Committee on Claims, have to report that, in the opinion of the committee, the debt created by the State during the administration of Henry W. Allen, as Governor of the State, and for which relief is sought by the claimants at the hands of the General Assembly, is not obnoxious to the one hundred and twenty-ninth article of the constitution of 1864, because the goods furnished the State by the claimants, and furnished the people, were ordinary necessaries of life, not contraband of war. Nor does it appear that any of the articles furnished by claimants were used by the Confederate army, and the State had no troops in the field at that time.

"Respectfully submitted.

"J. B. ELAM, Chairman.

"On motion of Mr. Elam, the bill and accompanying documents were recommitted to the Committee on Claims with the foregoing written opinion. (See Journal House of Representatives, 1867, page 69.)

"On Friday, March 8, 1867, the Committee on Claims reported the bill back to the House, 'calling attention to the previous report of the Committee on Claims,' meaning the favorable report of the committee of March 1, quoted above at length.

"On Monday, March 18, 1867, the House, in pursuance of a resolution, took up for consideration private and local bills, and among these the bill entitled 'an act for the relief of Weil and Jenny.' House bill No. 90.

"And the rules being suspended requiring the House to go into committee of the whole on an appropriation, Mr. Cage (Mr. Leeds in the chair) moved an amendment striking out 'one hundred and forty,' and insert 'one hundred.'

"Mr. Blackman offered the following amendment:

"'Provided that the Legislature will make the necessary appropriations to pay all persons who furnished cotton to Governor Allen, the proceeds of which were applied to the purchase of supplies for the people of the State, and to whom the bonds of the State were issued for the same.'

"Mr. Snider moved the previous question, which was seconded by the House, and the amendment offered by Mr. Cage was adopted, and the amendment offered by Mr. Blackman was rejected; and on the engrossment of the bill the yeas and nays were demanded by Messrs. McCloskey and Edwards, with the following result:

"Yeas—Messrs. Samuel Anderson, of Madison; J. E. Austin, of Orleans; E. Alverson, of East Baton Rouge; J. C. Barry, of St. Landry; Alfred Bourges, of Orleans; H. S. Brown, of Iberville; B. R. Chinn, of West Baton Rouge; H. W. Drake, of Tensas; L. DePoorter, of St. James; H. A. Drew, of Claiborne; W. L. Ditto, of Catahoula; J. B. L. Dugas, of Assumption; C. A. Eager, of Orleans; J. B. Elam, of De Soto; F. Ewing, of Lafourche; A. S. Feith, of Jefferson; G. A. Freret, of Orleans; E. Gantt, of St. Landry; J. T. Hanlon, of Orleans; J. H. Halsey, (then) of Pointe Coupee; G. W. Hudspeth, of St. Landry; B. F. Jonas, of Orleans; Amos Kent, of St. Helena; J. Kile, of Natchitoches; E. E. Leblanc, of Lafourche; F. Martin, of Lafayette; James McConnell, of Orleans; L. M. Nutt, of Caddo; L. D. Prescott, of St. Landry; A. Pujo, of Calcasieu; H. Regenberg, of Union; M. Richardson, of St. Tammany; N. Richards, of Orleans; E. Rogers, of Lafourche; W. H. Rogers, of Orleans; J. Ryan, of Calcasieu; A. B. Seger, of Algiers; L. E. Simonds, of Orleans; J. A. Snider, of Bossier; R. B. Stille, of Sabine; J. Texada, of Rapides; F. Theriot, of Terrebonne; A. L. Tucker, of St. Mary; W. W. Whittington, of Rapides; H. Y. Waddell, of Winn; J. C. Weeks, of Winn; W. H. Wells, of Orleans—49.

"Nays—Messrs. N. E. Bailey, of Orleans; W. F. Blackman, of Claiborne; W. D. M. Bruton, of Union; J. T. Decker, of Plaquemines; Marie Dodart, of Orleans; R. J. Eastin, of St. Martin; G. W. Eldridge, of De Soto; J. M. Edwards, of Avoyelles; Charles E. Fenner, of Orleans; P. Fishburn, of East Feliciana; J. R. Head, of Bienville; J. Holt, of East Baton Rouge; J. McEnery, of Ouachita; H. McCloskey, of Orleans; F. F. Montgomery, of Carroll; P. M. Peterson, of Orleans; James Phillips, of Orleans; Alfred Phillips, of Orleans; J. A. Powell, of Bienville; W. S. Scott, of Jefferson; F. A. Tete, of Assumption; T. F. Thieneman, of Orleans; A. W. Walker, of St. Bernard—23.

"And the bill was ordered to be engrossed.

"On motion of Mr. Cage (Mr. Leeds in the chair), the rules were suspended, and the bill was read a third time, passed, and ordered to be sent to the Senate." [See journal, page 114.]

"The opposition to this bill in the General Assembly was not on its merits, but for the reason that the opponents were unwilling to open so large a class of just claims in the existing depleted state of the treasury.

"The bill was very thoroughly debated and examined, and was as fully canvassed before the committees as if it had been in litigation before a court of justice. The value of the goods was established; their distribution for relief was fully proved; the fact of non-payment made clear and placed beyond any chance of doubt; and the consistence of the claim with the provisions of the constitution of 1864 was affirmed by all the lawyers in both houses, that article being the same as article 129 of the constitution of 1868, which is as follows:

"'The State of Louisiana shall never assume nor pay any debt or obligation contracted or incurred in aid of the rebellion.'"

The following memorial was filed with the board:

NEW ORLEANS, November 25, 1876.

To the President and Members of the Returning Board of the State of Louisiana:

GENTLEMEN—The undersigned, having been candidates at the late election, respectfully request that you may cause the ballots cast in the city of New Orleans to be carefully counted over again before proceeding to canvass the official returns thereof. It is well known that nearly all tickets were so peculiarly colored and closely printed that without particular and scrutinizing attention given each name thereon, alterations in the names of the candidates would escape observation. Nearly all the candidates resorted to the use of printed slips which, after erasing the names printed on the ticket, were pasted over the names thus erased. Without close inspection of the entire ticket they could not have been discovered. We confidently believe that in the haste of the counting the commissioners have thus unintentionally failed to notice alterations favorable to us in many instances. It is only by an inspection of the ballots actually deposited that errors resulting from this cause can be remedied. Again, we respectfully call your attention, if you consider it within the scope of your authority, to the great number of ballots cast by persons naturalized only a short time before and within a few days of the election. We greatly doubt their right to have voted at all. Permit us to direct your attention to the language of article ninety-eight of the constitution of Louisiana, which declares that "every male person of the age of twenty-one years or upward, born or naturalized in the United States, and subject to the jurisdiction thereof, and resident of this State for one year next preceding an election, and the last ten days within the parish in which he offers to vote, shall be deemed an elector," etc. We maintain that the naturalized person should combine the citizenship of one year with the residence of one year in the State, as the native citizen is required to do before he is allowed to vote. We do not think his privileges should be superior to those enjoyed by the native born citizen, although we do cheerfully acquiesce in any interpretation of the law which makes them equal. The period of time specified in and required by the laws of the United States for the naturalization of alien foreigners is entirely independent of the State law prescribing the necessary residence as a prerequisite to the exercise of the elective franchise. The State takes no cognizance of the foreigner until he is naturalized. Should he be cited to answer any civil demand in any one of the State courts he could, and doubtless would, under an act of Congress of the third of March, 1875, Statutes at Large, pages 470 and 471, have the cause removed to the Circuit Court of the United States. How, then, should he claim the benefit of a constitutional provision which must be inexorably enforced as to native citizens, and which precludes the privilege of the elective franchise until he has resided in the State as a citizen of the United States for a period of one entire year. To hold that he may constitutionally vote immediately after his naturalization is an unauthorized discrimination in his favor, which is a practical fraud on the rights of those citizens who are of native birth and those who have been naturalized in good faith more than one year previous to voting. We respectfully ask if it be practical to do so that the votes complained of be rejected. We invite your attention to the general irregularities prevailing under the system of naturalization adopted by the district courts of this parish, extending in the Second District Court for the parish of Orleans to more than 1500 certificates of citizenship which were issued to alien foreigners predicated upon judgments which do not appear to have been signed. Also to polls Nos. 3, 12 and 14 of the third ward; to poll No. 3 in the tenth ward; to polls Nos. 1 and 6 in the eleventh ward. We are credibly informed that protests have been already presented in these instances, based on alleged irregularities. We invite your special attention to them. We further respectfully suggest that the ballots of the Sixth and Seventh Municipal Districts of the parish and city, comprising the twelfth, thirteenth, fourteenth, sixteenth and seventeenth wards should be counted as cast, for the candidates in and for the parish of Orleans, under authority of article eighty-three of the constitution of the State of Louisiana, and section one of act No. 71 of the session acts of 1874, approved March 23, 1874.

All of which is respectfully submitted.

C. B. White, candidate for Mayor.

Charles H. Thompson, candidate for Administrator of Accounts.

W. M. Altman, candidate for Administrator of Finance.

H. Weber, candidate for Administrator of Waterworks.

Louis Voltz, candidate for Administrator of Police.

J. H. Weber, candidate for Administrator of Assessments.

James Lewis, candidate for Administrator of Improvements.

R. T. Posey, candidate for judge of the First District Court.

Alcee J. Ker, candidate for judge of the Third District Court.

G. Duplantier, candidate for judge of the Fourth District Court.

E. North Cullom, candidate for judge of the Fifth Distrct Court.

James C. Walker, candidate for judge of the Superior Criminal Court.

W. G. McConnell, candidate for judge of the Second Judicial District Court.

Jules Vienne, candidate for clerk of the Second District Court.

Charles A. Baquie, candidate for clerk of the Third District Court.

Marion H. Marks, candidate for clerk of the Fourth District Court.

R. Friederich, candidate for clerk of the Fifth District Court.

A. O Boyle, candidate for clerk of the Sixth District Court.

Joseph Finta, candidate for clerk of the Superior District Court.

R. L. Desdunes, candidate for clerk of the Superior Criminal Court.

P. William Kramer, candidate for district attorney.

Gustave Devron, candidate for coroner of the Second and Third Districts.

J. S. Bean, candidate for second justice of the peace.

The returns from the parish of West Feliciana were then brought in.

General Anderson (reading the superscription on the wrapper)—"Consolidated statement of votes, parish of West Feliciana, D. A. Weber, supervisor, November 14, 1876; to the President and Returning Board of the State of Louisiana," is on this package. It contains, I presume, the compiled lists, with accompanying documents. It is marked East and West Feliciana, so we must open the whole of them to find out what objections have been made.

General Smith—What is this bundle?

President Wells—It is evidence.

General Anderson (reading)—Consolidated statement of East and West Feliciana. There are no remarks. Signed, D. A. Weber, supervisor of registration, West Feliciana; sworn to before Charles J. Howell, clerk of the district court, on the ninth of November, 1876.

General Smith—How many polls are there?

General Anderson—Twelve polls are returned.

President Wells—How many polls are there in the parish?

General Anderson—That is all that were ordered by the supervisor. They order as many as they please.

General Smith—I suppose some were left out.

General Anderson—On the consolidated statement there are seventeen printed, but each parish orders polls according to the convenience of the voters.

General Smith—But what I meant was that none had been left out. Yesterday they only returned seven in one parish where there were fourteen. I thought that that might be the case here.

General Anderson—They have returned votes here in all twelve of the polls.

General Anderson—Here is a statement of D. A. Weber, supervisor. This was not on the consolidated return, but was filed with it. It says: "I, D. A. Weber, the undersigned, being supervisor, do, on this fourteenth day of November, 1876, make this my protest against counting the votes in the following places, and for the reasons set forth: Ward No. 2—Intimidation. Five men were discharged in the ward by William Bell for refusing to sign a pledge."

General Smith—Is that paper connected with the affidavits, or are they attached by themselves.

President Wells—We have considered it attached to the report, sir, a part and parcel of the concern.

General Anderson (reading)—Ward three, intimidation of the United States supervisor, who was driven from the polls and not permitted to distribute Republican tickets. Witnesses, Valentine Ewing and Howard Thompson. Fourth ward, general intimidation.

General Smith—With reference to these affidavits the same rule is to be observed that we can set our clerks to work at them.

President Wells—I was just going to make the remark, General. We will pass over and look at the aggregate vote and apprise the gentlemen and let them come in and copy the papers, giving their receipt for the same. Look at the compilation, General Anderson.

General Anderson—The aggregate vote is as follows:

Kellogg	778	McEnery	1348
Burch	778	Wickliffe	1349
Joseph	777	St. Martin	1347
Sheldon	776	Poche	1248
Marks	776	DeBlanc	1248
Levisee	776	Sesy	1248
Brewster	776	Cobb	1248
Joffrion	776	Cross	1248

General Smith—What is the aggregate vote of that parish compared this year with that of two years ago? I only ask for information.

General Anderson—I have not got the statement of votes of two years ago with me.

General Smith—Is it greater or less? Do you recollect?

General Anderson—I don't recollect, sir.

President Wells—I think there were 2400 or 2500 votes cast in 1874. I really do not recollect, but I think it is thirty per cent less.

Judge Trumbull—May I ask when that return was received?

Mr. Abell—It was received on the fourteenth of November.

Judge Trumbull—Did these affidavits come with it?

General Smith—They were rolled in the package.

Judge Trumbull—With the return?

General Smith—No; they came in separate bundles.

President Wells—You are right, sir.

Judge Trumbull—I see they are dated since that date. On the twentieth, is it not?

General Anderson—They are sworn to on the twenty-first of November.

Judge Trumbull—They do not accompany the general returns?

General Smith—They were wrapped in a different bundle.

Judge Trumbull—Where were they taken?

President Wells—We can not say.

Judge Trumbull—The jurat will show.

President Wells—Before whom were they sworn to, General Anderson?

General Anderson—They were sworn to before F. A. Wolfley, commissioner of the United States Circuit Court at New Orleans.

Judge Trumbull—At New Orleans?

General Anderson—Yes, sir. In his report here he mentions Weber's report.

General Smith—What is the date of that, General?

General Anderson—On the sixteenth of November. He makes his report, and mentions that we will see the oaths of these men who made the affidavit.

Judge Trumbull—But that is dated on the fourteenth, and the affidavits were made later.

General Anderson—Yes, sir.

President Wells—We may get at the matter, General. Read the remarks on the compiled statement.

General Anderson—There is none. Here is his statement, and he gives his reasons for not making any, which I have read.

Judge Trumbull—Is that certified to by the clerk of the district court?

General Anderson—No, sir; he signs it himself.

Judge Trumbull—Have any of the returns been certified to?

General Anderson—Of course, they are all here.

Judge Trumbull—But this is not a separate paper.

General Anderson—This is on the paper in the clerk's office, and the clerk certifies as it is certified to by him: "I, Charles Howell, do hereby certify that the statement is correct."

Judge Trumbull—Then what you have been reading about the protest is made by the supervisor?

General Anderson—Yes, sir.

President Wells—And then to corroborate that statement he gets up affidavits subsequently to making that return.

General Anderson—What disposition will you make of this, Governor?

President Wells—You may as well let the gentlemen have copies. It is a contested case. Send in and apprise the gentlemen, and let them have copies.

Mr. Harris—Shall I notify the gentlemen, Governor?

President Wells—Yes, sir.

General Anderson—Here are the letters accompanying the returns.

The counsel for the contestants then came into the room, and President Wells said to them that they could take the documents and give their receipt for them. They could take them to their apartment in order that they might make their copies.

President Wells (to Governor Wickliffe)—You will see the supervisor's statement connected with the affidavit.

Mr. McGloin—Can we inspect the consolidated statement that has come in for about ten minutes?

President Wells—We have taken no action on it yet; as soon as we have you can.

Mr. Gauthreaux—If there is anything wrong on it, or any discrepancy, we can copy it?

President Wells—Yes, sir.

The returns from East Feliciana were then brought in, and President Wells directed that the proceedings should be suspended for a few moments until the committee had given their receipts and got out of the room.

Judge Trumbull—While we are waiting, let me ask when that was received?

President Wells—I will get the box and see.

General Anderson—It is mailed at Baton Rouge; it is the return from East Feliciana, but mailed at Baton Rouge.

President Wells—The return was received on the thirteenth.

General Anderson—To the reporters—You might as well take this return down, it is as follows: East Feliciana, addressed to the returning officers, care Secretary of State, New Orleans, Louisiana, received by mail and mailed at Baton Rouge, not signed, but sealed.

General Smith—Is that all the return?

General Anderson—Yes, sir, except this small package. This smaller package was not mailed at all. I don't know how it came.

Mr. Gauthreaux—It was likely that it was handed in afterwards.

General Anderson—I presume it was, sir.

Mr. Gauthreaux—The large package is not sealed on both sides, is it?

General Anderson—Yes, sir, on each side and on the ends. I don't see any objection to opening this now.

Mr. McGloin—I desire to file a list of witnesses in Baton Rouge, and ask the board to be kind enough to send for them.

President Wells—Yes, sir.

Mr. McGloin—Could you detail a sergeant-at-arms, and we will see to summoning them? I presume you could subpena by dispatch. The law does not state how you shall subpena. If you will send a dispatch—

President Wells—We have no money with which to pay for the dispatch.

Mr. McGloin—We will provide that.

Mr. Burke—We have got enough for all telegrams.

President Wells—Well, we are very poor.

Mr. McGloin then submitted an order for summoning of witnesses which was read by General Anderson, who suggested that the paper implied that the board would have to examine all the witnesses brought forward by the parties. If they had to do so it would take until New Year to get through with the duty of the board.

President Wells—Let the witnesses come forward.

General Anderson—The affidavits are there. If we have to examine these men, we will never get through.

President Wells—We will confine them to the affidavits when they get here; but have them here.

The parish of East Feliciana was then brought in for canvass. There were two sealed packages comprising the returns. There were also sundry documents relative to the conduct of the late election in East Feliciana. The package was signed by James E. Anderson, supervisor of registration.

General Anderson (reading)—"The consolidated statement of the votes in the parish of East Feliciana, sworn to before F. W. Nephler, justice of the peace of the State of Louisiana, parish of East Feliciana, clerk's office. I hereby certify that the above is a correct statement of the returns of the election held November 7, compiled after a careful examination of all the tally sheets; the reports from each of the following places; this eighth of November, 1876, James S. Linier, clerk of court." The aggregate vote is as follows:

McEnery	1736		
Wickliffe	1737		
St. Martin	1737		
Poche	1736		
De Blanc	1737		
Sesy	1737		
Cobb	1737		
Cross	1734		

Hayes and Wheeler electors, none.

Judge Trumbull—Is there any protest there—I mean with the returns?

General Anderson—No, sir; nothing except that which I have read. Nothing filled up. They came filled up in a separate document.

General Smith—Are there any remarks on that paper?

General Anderson—No, sir.

Mr. Gauthreaux—What is the date of that protest?

General Smith—Here it is.

Mr. Gauthreaux—Twenty-third of November.

President Wells—Give the gentlemen copies of these documents; let us get at something else.

Mr. Gauthreaux—These returns were received on the thirteenth.

The returns from the parish of Ouachita were then brought in. General Anderson opened them. They were directed to the Returning Board, dated at New Orleans.

General Anderson (reading)—"Consolidated statement of votes of the parish of Ouachita, cast at the general election, November 7, 1876, officially forwarded and delivered in person by M. J. Grady, supervisor of registration."

General Anderson opened certain documents accompanying the returns, showing all these papers were attached to the returns.

Judge Trumbull—When was that received?

General Anderson—The supervisor says he delivered it in person—I don't know when—over his own signature here.

Mr. Abell—It was received on the twenty-fourth.

President Wells—Yesterday?

Mr. Abell—Yes, sir.

President Wells to counsel—Here are other statements with regard to the subject matter. You had better put them all together and let them go over to the clerk and get a receipt for them.

Mr. Gauthreaux—These papers were outside in an envelope.

President Wells—Yes, sir; I will give them to you in an envelope.

General Anderson—Here is another paper to take also, polling place at Log Town, No. 2.

President Wells—You had better not detach them, but let the gentlemen have a copy of it.

General Anderson—Here is the consolidated statement of votes for the parish of Ouachita, sworn to by M. J. Grady, supervisor of registration, parish of Ouachita, before Julius Ennemosser, clerk of District Court, parish of Ouachita, eleventh of November, 1876.

Judge Trumbull—Is the clerk's certificate on that book?

General Anderson—Yes, sir. I will read it.

"POLLING PLACE AT LOG TOWN, No. 2, November 7, 1876.

"We, William C. Williamson, Henry P. Davis, Francis A. Hall, Commissioners of Election, duly sworn, do hereby certify that we were unable to open the polls, for the reason that no box or necessary papers were delivered to us at or before the opening of the polls according to law; and that, in our opinion, we had, after waiting until 8 A. M., the necessary appliances for opening them. The votes cast thereat would be legal and have the force of law, and for the above reasons we directed the voters to go to the nearest polls and cast their votes. The remarks on the paper are these: I, H. L. Pierce, United States supervisor of the parish of Ouachita, duly commissioned for the fifth district do certify that this statement of votes polled at the general election for President and for Representatives in Congress is correct and true, and I do further certify and declare that the election and canvass was true, fair, free and peaceable.

Judge Trumbull—There is no protest on the paper.

General Anderson—These protests are attached to it, sir.

Judge Trumbull—What is the date of the attached protests?

General Anderson—There is one attached by a seal, and here is one by itself dated the twenty-first of November, 1876. Here is another one on the seventeenth of November, 1876.

Judge Trumbull—Where do those affidavits purport to have been made?

President Wells—They are sworn to before F. A. Woolfley.

Judge Trumbull—Is that in New Orleans?

President Wells—Yes, sir, here; he is clerk of the United States Circuit Court.

Governor Palmer—I believe that these affidavits were sealed up with the returns.

General Smith—These were.

President Wells—Yes, sir; and attached with a bit of a string.

General Anderson—And the string was sealed with a seal and hot wax to it, too.

President Wells—Mr. Green, furnish these documents to Governor Wickliffe—everything belonging to them and a copy of that document on the returns when we are through with it.

General Smith—What is the aggregate vote, General Anderson?

General Anderson—The vote is returned here.

Kellogg	793	McEnery	1865
Burch	793	Wickliffe	1867
Joseph	793	St. Martin	1867
Sheldon	793	Poche	1866
Marks	793	D. Blanc	1866
Levisee	793	Sesy	1866
Brewster	793	Cobb	1866
Joffrion	793	Cross	1866

For Governor—Packard, 781; Nicholls, 1869.

President Wells—Lay the returns aside, and bring in some other returns.

The returns from Richland were then brought in. They were not signed but sealed, and consisted of but one package. There were affidavits inclosed in an envelope.

Judge Trumbull—If it is not too much trouble, I wish you would state when it was received and, when opened.

General Anderson—It is not stated on the package.

Judge Trumbull—But it is on the books.

General Anderson—It is on the books. We will give you a copy at any time. This was sworn to on the tenth of November.

Mr. Kenner—The returns were received on the thirteenth of November.

General Anderson reading: "Consolidated statement of the parish of Richland, sworn to by J. F. Kelly, supervisor, before J. N. Ritts, clerk of the Fourteenth District Court, parish of Richland, on the tenth of November." The remarks on the tally sheet are with reference to scattering votes and nothing else. Here are the protests and oaths.

Mr. Gauthreaux—Are they sworn to?

President Wells—They are Democratic protests; they must be right.

General