NEW ORLEANS REPUBLICAN.

SINGLE COPIES: FIVE CENTS. | OFFICIAL JOURNAL OF THE STATE OF LOUISIANA. | TERMS: $12 PER ANNUM.

VOLUME X.—NO. 199. | NEW ORLEANS, THURSDAY, NOVEMBER 30, 1876. | WHOLE NUMBER 2974.

THE RETURNING BOARD

THE OUACHITA CASE STILL OPEN

HEARING OF DEMOCRATIC WITNESSES

THEY PROVE TOO MUCH

The board was called to order at half-past ten o'clock, President Wells in the chair and all the members present. The minutes were read and approved.

Messrs. Stoughton, Garfield, Varian, Kelly and White were present at the session of the board on behalf of the Republican delegation. On the part of the Democratic delegation, Messrs. Trumbull, Palmer, Smith, Watson and Julian were present.

On the call for motions, Mr. McGloin stated that he understood that for some time past the returns from the parish of Livingston had been handed in on the twentieth instant. He asked that they be opened and counted by the board, they being signed by all parties.

President Wells—The board must go on under its rules. We must take up the important case of Ouachita, which must be determined this morning.

Mr. McGloin—Is not that proper?

President Wells—Whenever the returns are presented we will take them up and open them.

Mr. McGloin—Here are the returns.

President Wells—We will take them up hereafter.

General Anderson—Let us open all the packages received up to the present time.

President Wells—If these documents from the parish of Livingston were received from the proper channel, you should get a proper receipt for it.

Mr. McGloin—Will you order the clerk to receipt for these?

President Wells—It is his duty, without further order. We must pass on.

Mr. Gauthreaux—One other question. Yesterday, when you were requested to telegraph for certain duplicate returns, in the hands of the clerk of the district court for this parish, for the returns which have not been made here, under the discussion that arose upon that subject, General Anderson stated that in Natchitoches parish the boxes were in the hands of the Democratic United States supervisor.

General Anderson—I did not make that statement. He has reported that, and has got me incorrectly reported.

Mr. Gauthreaux—I would like to state that the ballot boxes in Natchitoches are inside the clerk's office. He has placed them in the iron safe and has sealed them.

President Wells—I know that that safe is honest, and the law requires that these documents shall be filed in the clerk's office. If they were taken out of that office, the law is not complied with. It is positive upon that point.

Mr. McGloin—But we desire it distinctly understood that they are in the custody of the deputy clerk.

General Anderson—They should be in the clerk's office.

Judge Spofford—In regard to the promise that unless the returns were brought in within twenty-four hours we should have an order from the board directed to the clerk of court to produce the original, I would suggest that the twenty-four hours have expired, and we ask the clerk which parishes are now in order, that the order may state which are not in.

President Wells—What are the parishes not yet reported?

Governor Wickliffe—The boxes from East Baton Rouge are in the courtroom, in the custody of the officers. They wish to deliver them to the custody of the Returning Board, and I would suggest that your board open these boxes, which are referred to as containing the returns, and seal them up.

President Wells—They will be opened when the parishes are taken up.

Colonel Zacharie—I desire to call the attention of the board to an article which appears in the New Orleans REPUBLICAN, in which it is stated that the woman Eliza Pinkston, whose story was told before the board yesterday, was assaulted by a number of parties last night, one of which parties was one of the parties whom she accuses of having murdered her husband. I suggest that this is a grave charge, and that the authority of this board has been taken, if such a thing is correct, in utter contempt, because everybody who is called as a witness before the board has the right to be protected by them. I know all the parties were at headquarters last night, and there is not a word of truth in this report; but I suggest that the board is bound to inquire into this alleged contempt of its authority; not only that, but as a proper means of defending a portion of the community from such an infamous charge. I hope that the board will take steps in this matter.

President Wells—The board has no authority in the matter. It is a criminal offense, and the courts must be resorted to. The board must decline to have anything to do with it whatever.

Colonel Zacharie—Will the board allow these people in their own defense to appear before the board and testify in regard to it?

President Wells—Take them before the courts and get their testimony.

General Anderson—After a witness departs from here we have no further authority. Suppose she had testified in a criminal case and this attack had been made after she had left the courtroom? The court is not responsible.

Mr. McGloin—The law is clear.

President Wells—Gentlemen will close this discussion. It don't apply to the question before us.

Mr. Morey—I have some other witnesses from the parish of Ouachita that I would be glad to examine, two military officers who have been on duty for some time in that parish. Will the board hear them?

President Wells—We can not hear any more. We have agreed to hear the testimony of two witnesses in rebuttal of the testimony we had before us yesterday, and we can't spend our time now. We must decline your motion.

Mr. Morey—If that is the decision of the board, allow me to inquire if, in the examination the rules are to be observed, that those only are to be examined to whom interrogatories were propounded and copies served on us, or is it proposed to introduce witnesses of whose examination we have had no notice?

President Wells—There will be but very little testimony given here. You will have the right to cross-examine the witness.

Mr. Morey—Very well. I have no objection to that. Introduce anybody.

President Wells—We must close this testimony by Friday evening, at four o'clock, and you must prepare to have your testimony in by that time.

Judge Spofford—Will you fix the day—we don't care what day—in which they will be taken up, so that we may prepare in order that they shall be arranged?

President Wells—When we get through with this one, then we propose to take up and open the returns from the other parishes. With reference to the protest of Colonel Zacharie and others in regard to the city election, the board are not satisfied in their own minds upon that subject, and we would be glad to be informed in regard to the naturalization laws and other subjects connected with it, and would be glad to hear counsel on both sides—one hour each—confining themselves to the frauds that are alleged to have been committed in procuring this election.

Judge Spofford—As to Colonel Zacharie's protest only?

President Wells—Yes, sir.

Colonel Zacharie—I would ask that Messrs. Stubbs and Colonel Richardson, from Ouachita, be admitted as counsel in this case.

Mr. Abell stated that the returns from the parishes of Grant, Lafayette and Tangipahoa had not yet been returned.

Judge Spofford—Will you issue the order by telegraph to have these papers sent in?

President Wells—Yes, sir.

Judge Spofford—Also to procure the originals. One or two are in the city, I am told.

President Wells—They are in the boxes, are they?

Judge Spofford—No, sir.

President Wells—Should not the duplicate copies be in the box? If they are not in the boxes we can not receive them here.

Judge Spofford—They are originals filed in the box according to law.

Mr. McGloin—I don't believe the law requires them to be put in the boxes.

President Wells—Better bring the box containing them.

Mr. Morey—Do I understand that all the testimony in regard to contests from the parishes shall be filed by Friday evening?

President Wells—Yes, sir. Friday evening, by four o'clock.

Mr. McGloin—It is impossible for us to get our testimony in from some of the parishes.

President Wells—I can't help it. I said several times that the time should extend only to this date. Now I extend it to Friday. To-day was the day fixed to close the testimony, and the board now extends it to Friday, at four o'clock.

Mr. McGloin—You know you didn't open the contested parishes until late last week, and the testimony from some of these parishes it is difficult to get here.

President Wells—Webster must go over.

Governor Palmer—We suppose we are to have copies of all the protests and returns filed? Will the board direct the secretary to examine our copies and see if we have them all, and supply such as we have not?

General Anderson—That will take an immense amount of labor. It will compel us to commence with Ascension, and go clear through the whole list.

Governor Palmer—I won't ask the board unless it is perfectly willing.

President Wells—We can not furnish the copies. The board will now go into executive session. Put your witness on the stand. I have declined to hear further testimony on the part of the opposite party. But one witness will be admitted into the room at a time.

Colonel Zacharie—How many witnesses are we to have?

President Wells—Two.

Colonel Zacharie—You allowed the other side to have three yesterday. It is but just to us.

General Anderson—You wish to rebut the testimony of only one witness, the woman.

Mr. McGloin—We have equal interest in the others.

General Anderson—I think that two would be enough.

President Wells—Confine yourself to the ruling of the board. There will be but one.

Colonel Zacharie—We will protest.

President Wells—Enter your protest.

Mr. McGloin—Let it be understood that we want to contradict all the witnesses, and not only Mrs. Pinkston.

Mr. Abell, the secretary, informed the board that he had received the letter from the police.

President Wells directed that General Anderson should read the communication.

The letter was dated New Orleans, November 28, 1876, and was addressed to Colonel W. F. Loan, chief of police. Sergeant Chaumette reports that at about eight o'clock yesterday Mrs. Eliza Pinkston, residing temporarily at No. 222 Gravier street, had been waited upon by three gentlemen—Hugh Jennings, Samuel Young and Joseph Swann; that certain questions were propounded to her in regard to the murder of her husband; that they asked her if they were white men who murdered her husband; she answered yes, as it was moonlight she recognized them; that one man put his hand upon his pistol, evidently intending to draw it; Mrs. Pinkston gave the alarm, and the police were immediately on the ground, but the above named parties made their escape; not, however, until they had questioned a woman, named Cora A. Williams, stopping in the same room with her.

Mr. McGloin—Are you going to put that among the records?

Mr. White—Will you allow me? If it is not an intrusion, may I suggest to the board that they return that communication or allow the gentlemen to file an answer to it.

President Wells—We don't receive it.

Mr. Brown—I desire to make one statement.

President Wells—If we are to permit one statement we will have to have a dozen. Will you be pleased to be seated.

Mr. McGloin—Yes, sir; but the communication has been read, and it is the duty of the board to hear the gentlemen in answer.

President Wells—Sit down.

Mr. McGloin—It has had its effect, and we should like to have the right to answer it.

President Wells—Sit down.

Mr. Stubbs—I simply desire to say that two parties were there.

Mr. McGloin—I saw these two parties in the room.

President Wells—This matter is not before the board, and we have nothing to do with it.

Mr. McGloin—It is for the purpose of prejudicing by-standers.

President Wells—You can prejudice the law or the courts.

Mr. White—I move that the letter be stricken from the record.

President Wells—It shall be so stricken.

Colonel Zacharie—Will you allow Mr. Stubbs to be heard for two minutes?

Mr. Stubbs—I won't take one minute; I desire to state that two of the persons named in the letter were with me; there were twenty or thirty gentlemen in the room with us at the time; the two gentlemen designated as Young and Swann were with me up to one o'clock at night; I don't know anything about the other gentleman.

President Wells—Gentlemen, is your witness whom you desire to examine, here?

Colonel Zacharie—Yes, sir.

Charles Tidwell, of Ouachita, one of the witnesses in rebuttal to the testimony of Mrs. Eliza Pinkston, was then introduced by the Democratic-Conservative committee, and the interrogatories propounded to him by General Anderson. He testified as follows:

My name is Charles Tidwell; I am a farmer; I live on Ouachita river, about twenty miles from Monroe; have known Eliza Pinkston for eighteen or twenty years, having raised her; her character is very bad; I knew her in Alabama; she belonged to my family; I knew Henry Pinkston; I did not know much of him; I have known him for about two years in a general way; he was a very quiet negro; his wife came to my house about five o'clock on Sunday morning and told me that four or five negroes had come to her house and killed her husband, and beat her nearly to death, and killed her child; and after it got daylight I went down there and saw him; he was dead; I asked what had been done with the child; she said she had laid it in the cradle, but the child was not there; I don't know anything about any threats having been made by Henry Pinkston, only what the negroes said what she said; my negroes told me that there had been such a conversation in the field; I did not hear it; when I left Alabama Mrs. Pinkston was there in jail; I don't know whether it was for stealing or fighting; it was the cause of my leaving there without her; as I understood this matter from the niggers, Pinkston had a bad fight with a nigger called Alexander Brooks; I did not see the fight, but I have been told it was a very bad one; at least that it terminated badly for Brooks; from what the niggers say Pinkston stated that he wanted to renew it, and Brooks stated he had fought him the last time with his fists, and that he had his time and place fixed for him; that is all hearsay with me; I know nothing of it of my own knowledge, but I think you will have witnesses here who heard it; I had a conversation with Mrs. Pinkston as to the murder of her husband; she told me there were four or five or six niggers that came to her house and took Pinkston out and killed him, and tried to kill her and her child; she was in my house when she made this statement; she came about five o'clock; she wakened me up; she was bleeding pretty smart; I suppose it was about two hours from the first to the second conversation; she then told me that if it was not Brooks' friends from Ouachita, she thought it was Parks' or Poses' niggers; that they were Radicals and that she was a rabid Democrat, and she thought they came there for the purpose of killing her; that was the idea she wanted to give me; I sent for a physician who came and waited on her, and after dinner Levi Parks and a man by the name of E Armstrong came to my house; after dinner we went up to see her, and I asked her, in the presence of them, if she knew who killed Pinkston and who shot her, and she said there were about fifteen or twenty white men that came there and attempted to kill him; she went to other places and told a different story; I understood that she says that William Parker was one of the killers, and he has been dead for three months; she attempted on one occasion to get rid of her child; she had been to a neighbor's house and was coming home and threw her child in the corner of a fence where there were some briars; it was missed and some of the niggers went to hunt for it; this all since freedom; it was a neighbor's nigger that found it; he refused to give it up; I suppose she threw it there; she says she did not, but that a nigger woman had stolen it; the last one I know but little about only what my wife said she said, that Eliza had destroyed it; she might have destroyed it, but I don't know; we all attended a Republican meeting at St. James Chapel and she was there; a mulatto man was standing in the wagon speaking; he was talking a good deal about the Democrats, and she wanted to be in good favor with the Democrats, and she remarked to some gentlemen if they would give her a pistol she would shoot the heart out of the damned Radical; I heard her say so myself; Mr. Pinkston took very little part in politics, and stood very well with the white people; he some times got drunk, but I never saw him intoxicated to such an extent that it would make him impudent; I never heard him mention politics in my life, nor I never mentioned politics to him; I took very little part in politics myself; after she received the wounds she walked three-quarters of a mile to my house, and after the physician attended her Mr. Parks, I and the other man went up to see her in the evening; she was sitting on a mat that she had been laying on, with something spread over her head; she said she was pretty well, and the next day she was down at my house; I don't think she was ever confined a day; I would see her sitting in the kitchen and walking down the road; I have seen her have bark in her arm at least two or three days after she was hurt; the body of the child was found, but I saw no marks of any kind on it except one or two little places on its cheek, which looked as though the black part had been cut off; it was not as big as a picayune, but no meat or anything of that sort was taken off; the body was found about 200 yards from the house, in the lake; as soon as I attended to Eliza a little, some time between daylight and sunrise, I went down to her house and found Henry Pinkston lying about twenty steps from the door; he was naked, except he had on his undershirt, but it was slipped up about the back; I found he had a ball through the side of his head, and one in the thigh and one in the stomach, two in the legs and one in the forehead; he was dead; he was not mutilated; there was not the slightest scratch upon him except the marks; I had a cloth thrown over him, to see if we could not get somebody to go and see something about it; of course I had him buried.

President Wells—Was the coronor notified of his death?

Answer—I don't know, sir; I don't know that there were any attempts made to ferret out the murderers; there were a few white men came to my house and asked me about it; they went around the neighborhood and made inquiries, but nobody knew anything about it; there was no action taken about the corpse that I know of; I don't know whether Eliza Pinkston knows Jim Logan or not, but I think she does not, for he was never at my house but once, and she was not there then; she never went to Monroe, where he lives; her reputation for truth and veracity is about as bad as it can be; I don't know that she would tell the truth if she knew it; she is a perfect tiger when she gets mad; she could no more control herself than anything you might imagine; she would fight a buck saw and it in motion; she would fight a dozen as quick as she would one; she would never fight me, but I could not stop her using bad language; she looked like she was crazy.

President Wells—You said you left her in Alabama.

Answer—Yes, sir.

Question—How long have you resided here?

Answer—Four years.

Question—How did she come from Alabama? Do you know?

Answer—Colonel Morrison imported her to the State; she lived with Colonel Morrison; she left him and came to my place; they say that she had a difficulty with her mother-in-law; she told me she had thrown a quilt around her mother-in-law and had beaten her to death and had run away; I had a daughter in Bastrop, and when my daughter came home she came with her.

President Wells—How far did she live from your house at the time of the deed?

Answer—About three quarters of a mile.

Question—Did you hear any reports during the melee?

Answer—No, sir; I did not.

Cross-examination by Mr. Morey.

Question—Did the story which she told you the second time coincide with what she told you when she came to your house?

Answer—No, sir; she told me a very different story; at the first conversation she told me she thought it was Parks or Poses, Radical niggers; she said this first in my house, and the next when I went to the cabin, and the balance of the conversation occurred after dinner. Mr. Parks and Mr. Armstrong were there.

Question—It was then that she told you that the white men did it?

Answer—Yes, sir—I asked her if she knew any of them, and she said she did not know one of them, and at the conversation during the day she said she did.

Question—What did she tell you, when she first came up, what had become of her child?

Answer—That these men had killed it, and she had laid it in the cradle and run away, and just as soon as they left she came to me; she said she made out like she was dead, and they went off.

Question—What was the first story she told you as to the murder of her husband, in the presence of the white people?

Answer—She told me that a few niggers had come and attempted to take and kill him.

Question—When did she first tell you that?

Answer—She first told me that when she came to my house. There was a gentleman in my house named Hallory; he was lying in bed when she came, about twenty feet off from her.

Question—You stated in your answer just now that she told you in the presence of these white men that they came around. Who did she say came around and did the shooting—white men?

Answer—She never said that any white men came around shooting niggers.

Question—Who did she say came around?

Answer—She said she did not know them.

Question—Did you not understand her to say that she said so in the presence of these two gentlemen? I am asking you what she said, what was the story she told you as to who did that shooting when the white men were present?

Answer—She told me she did not know them.

Question—You state that she told you the story when the white men were present, naming William Parks as being present.

Answer—No, sir; I said that the woman herself thought William Parks was there; this was told to somebody else; this was not her conversation to me; she always told me she did not know any of them, but she would tell outsiders and the niggers on the plantation that William Parks was one of the men; she never told me she knew; she said she did not know them.

Question—When did you first see her in presence of these people that day?

Answer—It was after dinner, as I told you. I saw her in the morning at five o'clock. Mr. Hallory was lying in bed in the same room, and after dinner the doctor came and waited on her, and we went up to see her. Levi Parks and Mr. Armstrong went up too.

Question—What did she say in regard to the murder of her husband?

Answer—That fifteen or twenty white men had come to kill her husband, and tried to kill her and her child.

President Wells—Did I understand the witness to state that this declaration of hers, that her husband was killed by white men and that they attempted to kill her, was in the presence of yourself and others?

Answer—Yes, sir; in my presence and in the presence of two other white men.

President Wells—If she had been cut upon the head would you not have known it?

Answer—I don't know, sir.

Question—Was she cut upon the thigh?

Answer—Not that I know of.

President Wells—You made no examination?

Answer—No, sir. I only examined her throat and head. I did not see the doctor do anything except look on her head.

President Wells—Did you have any conversation with the doctor in regard to the nature of her wounds?

Answer—Yes, sir.

Question—What did he say?

Answer—The doctor said he thought it would kill her.

Question—Which wound was it he thought was the most fatal?

Answer—The one on the head.

President Wells—What did he say in regard to the wound on the neck.

Answer—He said that that was just through the skin, and would not amount to much.

President Wells—What about the wound in the breast?

Answer—He said it was a flesh wound; he did not think it amounted to a great deal.

Question—Was she shot just above the nipple?

Answer—No, sir; just above the breast; she had a good big breast, as she had had a number of children.

Question—Did the ball lodge in her?

Answer—No, sir, it came out.

Question—What part did it come out from?

Answer—I did not pay any attention to it; it went out about under the arm.

President Wells—What I want to get at are the facts connected with the whole matter.

The witness—You have got every one of them right from me; I don't know anything more about it.

President Wells—That is exactly what I want in having that question propounded. It is not for the purpose of confusing you or to so fetter your statement, or waive it in any manner whatever. It is simply to get the truth, and nothing but the truth.

The witness—You have got it as near as I can tell it.

Mr. Morey—Is there not another gentleman living on the Island, ward No. 1, whose name is pronounced the same as yours, Doyors Tiboult?

Answer—Yes, sir; but his name is spelled differently than mine.

Question—Now, when Eliza came to you in the morning, did you understand she came to you for protection?

Answer—Yes, sir; that was her business. I have no doubt it was, though she did not say so. She said she came to tell me they had killed her husband and beaten her, and killed her child. I have no doubt but that she came for protection, which she got.

Question—Do you think she would have been likely to have given the names of any of your neighbors as being among the murderers of her husband if she believed it?

Answer—I don't know, sir; she is rather a compound of curiosity; I don't know what she would have done; she told the niggers that my son was among the number; he was in Bastrop, and had been there for two or three days.

Question—Do you know she told the negroes that?

Answer—They told me so. I don't know whether she ever told me so or not. Niggers here can lie; but that is what they told me.

President Wells—I would be glad to state to the witness to confine himself to his own knowledge.

The witness—Then ask me such questions as that. You asked me what I heard and that is what I have to answer.

Mr. Morey—Speaking about the child that was taken from her in Alabama—did Eliza ask you to assist her in getting that child?

Answer—No, sir; she never asked anybody; when she came home she said somebody had stolen it; we went through the plantation to find it; we found it in a fence corner.

Question—She obtained the child?

Answer—Yes, sir; it is at my house now, and it is nine or ten years old.

Question—Did it come to your knowledge that the other woman wished to keep the child?

Answer—No, sir, only what she said to me about it, and she did not say anything about it; the other nigger said that the woman wanted Eliza's child.

By Judge Dibble—When you went up to the cabin with these gentlemen and she told you that there were fifteen or twenty white men that murdered her husband, what did you say to her?

Answer—I asked her if she knew any one of them, and she said she did not in the presence of these two persons; that is all I said to her; I did not talk much to her.

Question—You did not call attention to the discrepancy between the statement she made then and the statement made in the morning?

Answer—No, sir; I did not.

Question—When you went up during the day to see the body, in what position was it lying—the body of the man?

Answer—Flat on his back.

Question—You say you did not notify the coroner?

Answer—No, sir. If he was notified he did not come. They sent for him to go to him.

Question—Did you not deem it necessary to go for him?

Answer—I am getting sort of old and niggers are all free; I don't feel like riding to Monroe and spending a night there and $4 or $5 to get a coroner; there were some gentlemen going, and I told them to tell him, and I buried the nigger.

Question—Was there no justice of the peace in your district?

Answer—None then; we had one before; there was one for about two weeks before the election, and he left.

Question—When you went down to Monroe did you see the coroner?

Answer—I was not caring to see him.

Question—Were there any questions asked about the occurrence?

Answer—He asked me very slightly about it—what was done, what he was killed with, and if I had buried him. I told him that I had buried him, and he was undoubtedly killed by shooting.

Question—Were you at the meeting at St. James' Church?

Answer—Yes, sir.

Question—Did he remain all day?

Answer—I think he remained there until they got through. I went off and they continued an hour by the sun. I did not see when he did leave.

By Mr. White—Were you in bed when this female came over through your house?

Answer—Yes, sir; it was about five o'clock.

Question—Was she naked?

Answer—No, sir.

Question—What had she on?

Answer—A calico dress, tunic and something around her clothing. I did not notice particularly what it was.

Question—Was she bleeding?

Answer—Yes, sir.

Question—Did she come into your room where you were in bed?

Answer—Yes, sir. She came and knocked at the door. The little boy who slept upon the hearth opened the door. She did not tell me she was bleeding but as soon as I got a light I saw she was bleeding. She stayed in the room about fifteen minutes.

Question—Did you think to examine her closely?

Answer—No, sir. I only looked at the blood and where her throat was cut.

Question—Did you interrogate her?

Answer—No, sir.

Question—Did you tell her to go up to a room?

Answer—Yes, sir; to go up to the cabins and as soon as it got light I would come to see her.

Question—Did you go back to bed?

Answer—No, sir; her husband was dead and a little child, and I did not go to bed.

Question—How long a time had elapsed from the time she came there and went up?

Answer—You know how long it is from daylight to sunrise; I suppose it was about half an hour; I was working to stop the blood; it was about an hour after she came down that I went there.

Question—Did you take the woman along?

Answer—No, sir. She could not go then; she was at my house on the plantation. I did not hear any shooting.

Question—How long did you stay down at the cabin where the murder took place?

Answer—I reckon that I stayed an hour or two hunting the child. She told me the child was in the cradle.

Question—Did you bury the man?

Answer—No, sir. He laid there all day, right where we found him.

Question—You did not move him?

Answer—No, sir; I never touched him; I only took a quilt and spread over him.

Question—Was he buried the next day?

Answer—Yes, sir.

Question—Who buried him?

Answer—I did.

Question—Was there any alarm given about this thing in the neighborhood?

Answer—Not that I heard of.

Question—When was the child found?

Answer—Four or five days afterward.

Question—Did you hunt around for the child?

Answer—Yes, sir; that morning, until breakfast. Me and the hands and Mr. Hallory looked about the lake; the under growth had been thrown down; I came back and told her that the child was not in the cradle; she said she put it there; I went back again that evening and hunted for it.

Question—Then it was not found until four days afterward?

Answer—Four or five days. I don't know.

Question—Found in the lake?

Answer—Yes, sir; a little negro boy, who lived beyond her house, found the child. At the time I was at the ginhouse.

Question—Was the sheriff of the parish informed about the matter?

Answer—I don't think we have any sheriff. I think he has run away.

Question—Is there a justice of the peace living in the neighborhood?

Answer—There was not.

Question—Did any person come to visit the scene of the murder that day?

Answer—Mr. Parks was there, and Mr. Armstrong and Hallory. That was all, excepting some negroes.

Question—Was there any funeral?

Answer—No, sir; no funeral. I do not think there was a prayer at the grave. I stayed there until they all left.

Question—Was he put in a coffin?

Answer—No, sir; he was just rolled up in a quilt. He had laid so long we could not get any coffin for him. We put him in the grave and just threw the dirt over him.

Question—He has never been removed?

Answer—No, sir; he was not when I left home.

Question—You had another conversation, you say?

Answer—Yes, sir; the second time she said it was a white man. No; that was the third time.

Question—Did she tell you that it was one of the rifle clubs that had been there?

Answer—No, sir.

Question—Did she mention the name of Dr. Young?

Answer—Not home; she did to others that told me of it.

Question—That day?

Answer—No, sir; not until two or three days afterwards. (To the President)—You told me not to answer anything except that written—of my own knowledge?

President Wells—Yes, sir.

Question—How long did she remain at your place?

Answer—I can not tell; this thing was done on Saturday night before the election on Tuesday, and I think she stayed until the Sunday following.

Question—She went away of her own free will and accord?

Answer—Of her own free will and accord; I think that that is it; she might have remained a week longer; now, you don't seem to understand me; this murder was committed on Sunday morning, or I did not know it till then; I think it was then that she came to my quarters and stayed there, and think I think it was just a week from the time the shooting was done that she left my place; I was not at home at the time, but when I returned somebody told me Eliza had gone; she had just gone upon a visit.

Question—You have a son; was he at home that night?

Answer—No, sir; he did not come home for two or three days.

Question—They say she mentions him?

Answer—Yes, sir.

Question—Is he a member of a rifle company in that neighborhood?

Answer—I don't know whether he is or not; I think he is though; I think he is a member of a company; they have a club and company.

Question—Is he a member of Captain Thiebault's company?

Answer—Yes, sir.

Question—Do you know whether the club was out that night?

Answer—I never saw one of them or had not for several days.

Question—There is such a club?

Answer—Yes, sir.

Question—Do they go out at night?

Answer—I never saw one out at night; I know my son never went out.

Question—Did you raise this woman?

Answer—Yes, sir.

Question—How old is she?

Answer—I could not say; she is the mother of three children, and is twenty-five or twenty-eight years old.

Question—She was freed in Alabama?

Answer—Yes, sir; she was freed in Alabama.

President Wells—Did you examine the premises when you visited the body to see whether there were any signs of parties who had committed the outrage left upon the premises?

Answer—Yes, sir; I went in the house and tumbled up the bed and looked in the beds and in the cradle and under the house; they had broken the steps of the door down; I looked in the shrubbery.

Question—What I want to arrive at is, were the parties who committed the depredations on horseback? Do you think from any signs around that there had been any number of horsemen about the premises?

Answer—She lived on a place where there is green turf and carpet grass. There might have been 100 horses around, and when they got into the road I could not tell whether they had been at my house or not.

Question—Could you not see their tracks in the road?

Answer—No, sir; the whole road was covered with the grass.

Question—In going into the house, was the road carpeted with the grass?

Answer—No, sir; there was a little path that went into the house.

Question—How far was the public road from the house?

Question—About thirty paces.

Answer—How did the parties approach her house—was there a gate or pair of bars?

Answer—Well, sir, the house has not been kept for two or three years; it stands out on the lake, with nothing around it.

Question—Then the whole place was covered over with the grass?

Answer—The whole of it was covered over with very nice grass; and if it had been carpeted over with grass it would have been very difficult to see the horse track on it.

Question—Did you make an examination to see whether horses had been up to the house from the highway?

Answer—No, sir.

Question—Now you stated you had no sheriff?

Answer—We did have a sheriff, but I think he was in New Orleans.

Question—Do you know of your own knowledge whether the sheriff of the parish of Ouachita was forced to leave the parish or not?

Answer—No, sir; I don't. I don't think he was. I don't think that. I live at home.

Question—Do you know it of your own knowledge?

Answer—No, sir; I live at home, and I am a working man, and go about very little.

President Wells—I have one other question to ask you. Did I understand you to say that there was no hunting around for the tracks?

Answer—No, sir.

Question—You don't know there were horse tracks around?

Answer—No, sir.

President Wells—Bring in your other witness, and let the gentleman retire.

General Anderson—We have never held any sessions except what we have held right here. Of course we get together here in the room and talk over the matters that come before us, but we have had no sessions, to my knowledge, other than these public ones. When we get all the testimony in, then we expect to be alone.

Mr. Kenner—But we have had no private sessions.

Mr. Stubbs—I desire to present to the board for examination, on behalf of the Democratic party, a list of the principal witnesses we deem it necesary to have to refute the evidence given by the other side in the case of the parish of Ouachita.

President Wells—Have these interrogatories been served?

Mr. Stubbs—Yes, sir.

General Anderson—Have you fixed up Baton Rouge for to-morrow?

President Wells—We must have the evidence before us. We can not hear any more oral testimony. We will never get through if we do.

General Anderson—From this time forward, then, the evidence is all documentary?

President Wells—Yes, altogether. Mr. Abell, give us the parishes. Let us go on.

Mr. Abell—Here is a package received from the State Registrar this morning, claimed to be the returns of Livingston. He says that they were incomplete, and belong to his office.

Mr. Kenner—I don't know that we can receive them; the consolidated statement is not signed by the supervisor of registration of that parish; I don't know that the board has the right to receive them at all.

Governor Wickliffe—I will state on information that the clerk of Mr. Hahn receipted for the documents, and admitted that he himself had opened them. Now, sir, I do not know whether this is the document that is in that package. I would like the clerk to be brought here that he might be interrogated upon that point; it is not signed by the supervisor of registration. They are the most ignorant supervisors that we have. You certainly understand that it must be done, and under the circumstances I beg the board shall regard this as informal, and that the returns lodged in the clerk's hands shall be used. The negligence of the supervisors to send the returns would not warrant the board in disfranchising us.

President Wells—The board does not wish to disfranchise and will not disfranchise anybody.

Mr. Gauthreaux—I call attention to the consolidated statement of votes; that it is sworn to by the clerk of the court and has no signature. It has the court seal, but the signature has not been signed.

Governor Wickliffe—See whether it compares with the statement of votes.

Mr. Gauthreaux—What do you decide to do with reference to the Livingston matter, Mr. President?

Governor Wickliffe—Issue a subpena for him. He is in town.

President Wells—The board has no authority to issue a subpena for him. Let them examine the returns, and see what is to be supplemented.

Mr. Casanave—The commissioners' returns here are all in proper order.

Mr. Gauthreaux—I would suggest that the compilation could be made from the statement of votes in this case, as has been done heretofore.

President Wells—These only corroborate the consolidated statement, and if the supervisor fails to sign it that is not a prima facie election.

President Wells—Read the aggregate vote from the consolidated statement, and then we will compare one or two of the polls with it.

Mr. Kenner—The consolidated statement was sworn to on the eleventh of November, 1876, before William H. Davis, judge of the judicial court of Livingston. The remarks are explanatory of the scattering vote:

Kellogg	121	McEnery	769
Burch	121	Wickliffe	779
Joseph	120	St. Martin	779
Sheldon	121	Poche	779
Marks	121	DeBlanc	778
Levisee	122	Seay	779
Brewster	121	Cobb	779
Joffrion	121	Cross	779

For Governor—Packard, 121; Nicholls, 750.

It appeared that there were some errors in the footing up of the tally sheets, and the consolidated statements were ordered to be corrected when the compilation is made.

The parish was laid aside for further action.

Mr. Abell—Here are the returns of the parish of Tangipahoa, received this morning at eleven o'clock. There is a general protest with the returns. The consolidated statement was sworn to on the twenty-eighth of November, 1876, before the Secretary of State. There are plenty of remarks in the shape of protests. There are nine polls in the parish. The aggregate vote is as follows:

Kellogg	565	McEnery	629
Burch	565	Wickliffe	631
Joseph	565	St. Martin	931
Sheldon	565	Poche	591
Marks	565	DeBlanc	931
Levisee	565	Seay	931
Brewster	565	Cobb	931
Joffrion	565	Cross	931

For Governor—Packard, 558; Nicholls, 924.

The tally sheets of poll No. 2 were compared with the consolidated statement of votes and it was found, in order to ascertain how the error arose with reference to the votes of McEnery, Wickliffe and Poche. It was found that they had sufficient votes that were not reported in the consolidated returns which would bring them up to the number of votes given to the other candidates on that side.

Governor Wickliffe—I would like to ask whether that is the sense of the board.

President Wells—I have decided it.

General Anderson—Take the sense of the board.

President Wells—Put the question to the board. The chair was sustained, there being Mr. Casanave only voting in the negative.

Mr. Dibble—To whose rifle club did you belong?

Answer—I didn't belong to any, sir.

Question—Who was the captain of the company on the island?

Answer—It was Mr. Thibault, I believe.

Question—Who commanded on Bayou DeSaire?

Answer—I don't know, sir; I was not down there; I can answer only by hearsay.

Question—Was it not Captain McCleud?

Answer—I can't say who he was.

Question—It is generally reported that he was?

Answer—Yes, sir; there are a heap of reports, but I am not allowed to answer according to reports—it is only what comes within my knowledge.

Question—What companies come within your knowledge?

Answer—I don't know, sir.

Question—Did you know of laborers in the Island having been told that they must not attend Republican meetings?

Answer—I do not know of any; I know of people who tried to keep them at home, to keep them at work. They could not keep them at home. I know I would rather they would stay at home and pick out cotton, and some stayed and worked.

Question—Do you know that some were threatened if they went?

Answer—No, sir; I can't say that I know it.

Question—Did you attend any Republican meetings?

Answer—I never was at one, sir. Yes, I made out to visit the first on the Island, at Farmer's schoolhouse.

Question—Were there many Democrats present?

Answer—No, sir; not a great many.

Question—Were they armed?

Answer—If they were armed I did not see them. I did not see a Democrat armed that day. I did see men there armed, but they were not Democrats. If they were armed, they hid them from me. I can only speak for myself. I didn't have any.

Mr. Dibble—That is all, Mr. President; you can retire.

President Wells—The gentlemen upon both sides will understand that the documentary evidence must be filed by Friday, at four o'clock.

Mr. McGloin—Won't you make an exception of the parishes in which it was impossible to get witnesses after using due diligence?

President Wells—We can not delay later than Friday at four o'clock.

Mr. McGloin—We will file a protest.

President Wells—File your protest.

Mr. Gauthreaux—May I again ask if the board has or has not considered the matter of holding night sessions?

President Wells—Most positively, no.

Mr. Gauthreaux—We deem this matter of the greatest importance and are willing ourselves to sit up all night until the sixth of December, and follow the board in its investigations of these important questions, and I think it would be proper for the board to hold at least a session two or three hours in the evening.

President Wells—No, sir; we must have time to examine the records and all the evidence before us; we will not have time to do that without holding night sessions.

Mr. Gauthreaux—I think the representations made by the board to those of us on both sides was that all sessions were to be held in their presence.

President Wells—They will be held in their presence, but when it is to consult upon any action we shall take upon the various subjects that come before us, we must be alone. The judges of courts do not permit the presence of counsel when they are making up their final decision. Therefore we must claim the privilege of consulting among ourselves as to any action that comes up before us.

Mr. Gauthreaux—I understand the chair to admit that it holds private sessions other than are held here daily?

President Wells—They are deliberative sessions.

J. T. Swan was the second witness offered by the counsel of the Democratic-Conservative committee. He was sworn on a small Bible, and when the ceremony was through pressed it to his lips. He testified in chief in response to the interrogatories read by General Anderson, as follows:

My occupation is that of a farmer; my residence is in Ouachita; I knew Henry Pinkston for about three years; I don't think he was engaged much in politics; never heard him talk much about it; he once lived on the plantation adjoining me; I knew of a fight he had about two months before his death, with a man named Black Brooks; Pinkston whipped him and bit his finger very badly; I saw Brooks a couple of days after the fight, and asked him how his finger was; he said his hand was very badly hurt, and he remarked to me, "I intend to kill Pinkston if I live;" Pinkston came to me himself and told me that his life was threatened by this man Brooks; after the fight he asked my advice; I remarked to him at that time, "Pinkston, I heard Brooks say myself that he was going to kill you, and if I had sufficient evidence I would kill him myself before he killed me; I would not let a man kill me; knowing he was threatening my life, he should not kill me;" Brooks had a bad character; he was not thought much of in the country; he was a bad, quarrelsome, angry man; on the night of the murder I saw a party of colored people pass my house, going down the road, coming from Ouachita, but I don't know who they were; I thought the election at Ouachita was as fair an election as we ever had; I did not see any wrong going on; I belong to the Democratic party; I have lived in Ouachita parish thirty-five years; it was more sociable than any election I ever saw; I knew Mr. Parks when he was living; he is dead; he has been dead about three months.

Colonel Zacharie—Has the board refused to allow any further testimony in refuting this woman's statement? I thought it but an act of justice to these gentlemen from Ouachita, who have been publicly accused by the reports of this woman, that they should be allowed to file the evidence in their cases that a correction should be made.

President Wells—We have nothing to do with it. They must go before the courts and prosecute her if they seek relief.

Colonel Zacharie—We have a dozen such to prove the entire falsity of the charge.

Judge Dibble—Why don't you arrest her for perjury?

Mr. McGloin—We have Dr. Young here, and we tender him as a witness.

President Wells—It is useless—it is useless. We have settled that you should have but two witnesses to disprove the statements of this woman, and we can not violate that rule.

To the witness—Did you see the difficulty between the colored men whom you mentioned?

Answer—Yes, sir.

Question—You say that it occurred in the parish?

Answer—In Union parish; right across the river; I was on the Ouachita side, and saw the fight.

Question—Well, sir, can you state precisely at what hour the colored people passed your house?

Answer—It was at night; I was standing in my yard at the time, and had no communication with them; I did not recognize them.

Question—You said that the election was a peaceable one?

Answer—Peaceable as I ever saw one.

Question—Did you have peace before that?

Answer—I didn't see any fuss. I only went to Democratic clubs. There was some disturbance in the country.

Question—Have you attached them to the Democratic club in the rifle company? You must necessarily be in connection with the Democratic clubs over there?

Answer—I think there was something of the kind.

Question—What was the object of it?

Answer—I can't state exactly; I can't answer the question.

Question—You had none in your club?

Answer—Yes, sir. There were companies that went out, but I didn't go with them. I don't know what the object was.

Question—They went out?

Answer—Yes, sir. They went out once, but they went out to quiet affairs. The rumor was they were going to Monroe. That was the only time they went out with arms, and there was nothing done then that was any harm.

Question—What was the character of the armed men of which this organization was made? Do you know what sort of men they were?

Answer—I can't state about this; only hearsay to me. I didn't see the men at all. I can state the rumors.

Question—I don't want the rumors, only what you know of your own knowledge.

[CONTINUED ON THIRD PAGE.]