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THE RETURNING BOARD

THE ORLEANS PARISH CONTESTS

CLOSING UP THE DISCUSSIONS

READY FOR WORK

The board was called to order at 10:45 A. M., by President Wells, all the members being present.

Messrs. Parker, Stevenson, Clark, Hale and Garfield were present as the committee representing the Republican delegation from the North, and Messrs. Trumbull, Palmer and Smith representing the Democratic delegation.

The minutes of the previous meeting were read and approved.

The business specially before the board was the argument to be made in the contest by the Republican candidates in Orleans parish. The protest was set out in the sixth day's proceedings.

Before the argument was begun Judge Spofford asked for an order directing the clerk to send for the duplicate returns for the parish of Orleans lodged with the Secretary of State, such as the supervisors had not sent up and filed with the board, and further, that the clerk telegraph to the district court clerk of Tangipahoa to forward the ballot boxes in which the returns were sealed up. He had the official evidence that the votes were sealed up.

President Wells—Are there any further motions?

Governor Wickliffe—In regard to the opening of the East Baton Rouge box, what will the board do with reference to it?

President Wells—As soon as we get through with the matter that was specially set for hearing this morning.

Governor Wickliffe—In regard to those ex parte affidavits, I presume that the same order will be entered that was entered in the cases of East and West Feliciana?

President Wells—Yes, sir.

James C. Walker appeared on behalf of the contestants. He spoke substantially as follows:

I see the communication read to your honors just now by the secretary has been subscribed by a number of Republican candidates for local offices in this parish. By reason of the fact that it was necessary that candidates should make use of printed slips, a great many votes that ought to have been counted in favor of the candidates on the Republican ticket have not been so counted. We also refer to many polls. We were without information except from the reports among us, and, of course, we have made our protests properly. I would refer to one poll at the corner of Magazine and Jackson streets, where perhaps more than 900 votes were polled in the space of twelve hours. We claim that it is utterly impossible that any such vote should have been polled at such poll.

While we cheerfully acquiesce in any law which extends equal rights and privileges to foreign born citizens, we protest against any law which makes the condition of the foreign born citizen superior to that of the native born citizen of Louisiana. If a party comes here from Pennsylvania he is required to reside here one year before he is permitted to vote and becomes eligible to office. That is as far as the native born citizen is concerned. It appears that according to the system that prevails here the foreign born citizen comes here and is naturalized to-day, votes to-morrow, and perhaps represents the people in the Legislature the next day. We protest against that. We say that this is not the law. It never contemplated anything of that kind. Naturalization is a delegated right conferred upon the State government by the National government, and the effect of that naturalization is nothing more or less than to admit the citizen under a Federal or national government act. He is required to live here one year before he can exercise the rights of citizenship, and before he can take position in the legislative councils.

The authorities referred to are article two of the State constitution. We point to naturalizations as effected here just before the last election; we point to naturalizations in the Second District Court of this parish, to naturalizations effected in all the district courts, amounting to over 2500 citizens who have been so naturalized and permitted to vote at the last election. We say it is a fraud upon the rights of citizens, a fraud upon the rights of the native born citizen, upon the rights of the white man, and a fraud upon the colored man, and a fraud upon the foreign born citizens, and upon the government; that when this thing is allowed to proceed, and when so high and so sacred a right as that of the elective franchise is thus to be trifled with, we say that it is a fraud that permeates the entire election, that renders it null throughout the entire length and breadth of the parish.

We point to another fact. We point to the fact of the bundle of 1500 papers, purporting to be the records of 1500 citizens, naturalized or supposed to be naturalized, now in the clerk's office of the Second District Court, and not one of those judgments of naturalization signed until this day, purporting, as they do, to have been issued three or four years ago. Now if these men, so naturalized, voted upon those certificates from these courts they did that which the law does not sustain them in. The right to citizenship depends upon the judgment as rendered by the court, and until the judgment is signed these naturalized persons certainly had no right to vote. Your honors are in the possession of all the records of naturalization during the last few years. You have at your command all the poll lists in this city; you are able to ascertain whether the parties have voted.

Now, if 2500 men were naturalized here during the last two or three months and then voted here in this parish, I suggest that that is a fraud; that that fraud has permeated the entire election; and of these there are 1500 men whose record purports to be found in the Second District Court; that there is a matter of over 4000 votes; and that they make a material difference upon one side or the other.

There is one thing plain and evident, and that is that the elective franchise has been trifled with in the parish of Orleans; that an effort of deliberate and designing men has been attempted upon our system here, calling, as it does, for the condemnation and denunciation of every man who values the right of citizenship in the United States in which we live.

I must hurry on to another matter. It appears that certain votes in the twelfth, thirteenth, fourteenth, sixteenth and seventeenth wards were cast in favor of certain Republican candidates, and that no voting for these candidates was had upon the part of the Democratic party with exception of the court of Judge Pardee. With reference to the session acts of 1874, which have annexed the Sixth and Seventh Districts to the parish of Orleans, it will appear that under article eighty-three of the constitution territorial jurisdiction is given to all the district courts throughout the parish.

The Sixth and Seventh Districts are part of the parish of Orleans, and that territorial jurisdiction is granted to the courts. I see from a communication of Judge McConnell reference is made to act No. 45, approved in 1876. It is supplementary to the act of 1874. There is nothing conflicting between these two acts. This second act, passed in 1876, if it has any object at all, or any effect attached to it, is simply concurrent in so far as these upper districts are concerned with the district courts of this parish.

I present the argument of Judge Cullom upon the subject of the naturalization of foreigners, in which he discriminates between the citizenship as regards the national government and the citizenship of the State of Louisiana. In fact, our constitution makes a distinction. Article 108 says, that none but citizens of the United States and of the State of Louisiana shall be appointed to any office of trust or profit in this State. Then it is very plain that there is a discrimination and distinction between the citizen of the United States government and the State of Louisiana.

There is another thing, and it is as to the course that has been adopted just prior to elections, of causing certain witnesses to go before the courts and take out minor papers testifying that the party making application for such papers came to this city before he was eighteen years of age, and therefore entitled to his certificate of naturalization. These are taken out before every election, and perhaps in as large a proportion as ninety-five out of every hundred papers issued. These are obtained upon fraudulent representations made to the courts. I speak advisedly with regard to an experience I have had during an examination before Commissioner Southworth. In almost every instance where the certificate was issued it was found out that it was obtained by fraudulent representations. It was announced in the papers that two venires went up, one from the Superior Court and one from the First District Court for the purpose of having juries impaneled, and not more than forty-four persons could be found. A few days ago, when a party was nominated for an office, it was discovered that he was not naturalized until several days after he was nominated. It shows but a very poor regard for what has in every country been looked upon as the most important right and privilege—I speak of the elective franchise.

Mr. Walker closed his argument by citing a list of authorities in support of his points.

Judge Spofford and Colonel Zacharie made arguments in behalf of the contestees.

Mr. Walker replied, and in conclusion, said:

Now, it is not as a disappointed candidate that these parties are present. There is something instinctive in every generous mind, in the shape of indignation, that is engendered by the contemplation of what is wrong and what is reprehensible; and when we bring these things to the notice of your honorable body, and ask you to correct, or apply the law to them, so far as your discretion and power permits you to do, I don't think it is a subject of condemnation upon the part of anybody else, that it is reprehensible at all, as to whether they have or have not been defeated. I may say that the gentlemen who made the announcement here are better informed than I am. I have not taken the pains to inquire. I have no wire-drawn arguments to make; I have no strings to pull. But I have a right to condemn fraud wherever I meet it; and when I meet it stalking at mid-day in the streets of my native city I oppose it with all the power I have in the world. I challenge the vote of no man who has the right under the law to vote, but I condemn, and I repeat it, fraud, and it shall meet with my denunciation wherever I see it. It is not the honestly naturalized citizens of New Orleans that I am talking about. They have a right to take their certificates and vote upon them; they are not the parties I am talking about at all. I am talking about fifteen hundred men who pretend to be honest and upright citizens. I am talking about twenty hundred men who have exercised the elective franchise at the recent election, and it is in regard to them that I ask you to apply the law; and thanking you for the attention you have paid me, I now leave the matter with you.

On the conclusion of the arguments the case was taken under consideration, and the President announced that the board would continue with its labors.

President Wells—Have you completed your evidence in the East Baton Rouge case, Colonel Zacharie?

Colonel Zacharie—The evidence has not been filed, but the ballot-boxes are here in charge of the clerk, and are sealed up.

President Wells—What do you desire with reference to it?

Colonel Zacharie—We want you to open them in the same manner as was done in 1874, and take the copies of the returns wrongfully deposited in the boxes instead of being forwarded to the Secretary of State.

President Wells—And place them by the returns of the supervisor?

Colonel Zacharie—Yes, sir. And we also ask the same thing in reference to the parishes of Tagipahoa and Orleans. If you remember, the returns from these parishes were put into the ballot boxes. It seems impossible to prevent some of the commissioners from placing the returns in the boxes and sealing them up. Under the old law it was the custom to make returns to the sheriff, and he would take the keys and open the box and take out the returns and have them compiled.

President Wells—The board has doubted its authority, although we have sent for the boxes, and we have been sustained in that ruling by Judge Spofford. He says we ruled correctly in not going outside of what is before us.

Colonel Zacharie—You will see that he didn't take any position of that kind at all.

President Wells—I think he agreed with us. We will proceed to take action upon the Baton Rouge case. We would be glad to ascertain your object in having the boxes brought here.

Governor Wickliffe—The returns and tally sheets, etc., from the parish of East Baton Rouge are locked up in the box, and the supervisor has made no return at all. Polls Nos. 4 and 6 are omitted from the consolidated statement.

Major Herron—Here are two boxes returned by two commissioners. Instead of counting the papers and returning them to the supervisor, they have locked them up in the box, with the votes sealed up, and sent them to the clerk of the court. We have found that they committed an error, and we ask to supply the board with the missing returns of those wards. We wish to have the boxes opened. You place the returns before you, but the supervisor has gone away, and hence we request that the boxes be brought and opened. The order that you gave the other day was that the seven boxes (those that had been omitted) should be brought before the board. All seven have been placed in one large box, and are in keeping of the United States supervisor.

President Wells—I am aware of that. What I wanted to get at was our authority for having these boxes opened and taking out the papers and supplementing any omission in the returns. That is the question before the board. What we want to get at is, can we go behind what is already here before us from the supervisor of registration? The board has decided repeatedly that the returns of the supervisor are *prima facie* evidence of what occurred. Now, if we take these boxes and examine these papers as you desire us to do, that can be done; but the question is whether it gives us the authority, even after seeing the returns, to take them from the supervisor's statements to supplement the omission with them.

Mr. McGloin—The law requires you to canvass the statement from the commissioners.

President Wells—I differ with the gentleman. The commissioners send their report to the supervisor. He is the medium between the commissioners and the board of canvassers, and all statements coming from the supervisor of registration, as I have said before, is *prima facie* evidence of the result of the election. Hence, we can not go behind that report. We can not ignore what he states to us. We must take that as the evidence and our guide for our decision.

Mr. McGloin—In these particular polls the supervisor missed all the report as to evidence. These polls he does not canvass at all.

President Wells—Let us have the statement read, and then we will all be better informed.

General Anderson read the remarks appended to the consolidated returns of the parish, as follows:

The illegal, informal and void pretended statements of votes, written record, tally sheets, etc., brought to me from the following named and designated polling places of this parish, to wit:

Poll No. 1, ward No. 1, the poll established in the third ward, the poll established in the fourth ward, the poll established in the fifth ward, the poll established in the sixth ward, the poll established in the seventh ward, the poll established in the eleventh ward, are not included in the foregoing consolidated statement, and I hereby file and make part of this statement my earnest protest against the documents purporting to be a statement of votes, written records, tally sheets, etc., being made in any way a part of the returns of the election of the parish of East Baton Rouge, for the following reasons:

At poll No. 1, ward No. 2, the commissioners of election regularly, legally appointed and qualified, were not permitted to perform their duties, but were ejected from the polling place, and no legal or valid documents have been received from that poll by me.

At the poll in the third ward no written record was received. The commissioners of election have failed and refused to swear to the correctness of the documents transmitted.

At the poll established in the fourth ward all the original papers were sealed up in the ballot box, and what purported to be copies thereof were brought to me.

At the poll in the fifth ward, one of the commissioners of election will not qualify to the correctness of the documents so presented, and the other two certify that the pretended statements of votes, tally sheets, etc., were compiled and made out from informal tally sheets, statements of votes, etc.

At the poll in the sixth ward all the original documents used in making the count, consisting of written records, tally sheets, poll book or list, were sealed up in the ballot box. The commissioners will not qualify to the correctness of any other papers.

At the poll in the seventh ward the statement of votes are incorrectly and informally made out, and the tally sheet does not show the offices for which the candidates were voted for in many cases, nor are the totals carried out.

At the poll in the eleventh ward no written record of voters or of persons voting has been received, and the commissioners have refused to qualify to the correctness of the pretended written record forwarded.

Inclosed please find testimony upon which the foregoing protest is predicated, and which is hereby made part of my sworn statement, and affixed as the law requires.

Other testimony will be furnished if requested. F. A. CLOVER.
Supervisor of Registration Parish of East Baton Rouge.

Governor Wickliffe—What is the date of that protest?

General Anderson—Eleventh of November, 1876.

Governor Wickliffe—Is not the copy filed in the clerk's office in the parish?

General Anderson—Here is what is in the clerk's office on file: I, Henry Behrel, clerk of the court, do certify that the within and foregoing consolidated statement of votes contains the aggregate and true statement of votes cast at polls Nos. 2, 3, 4, 10, 11, 12 and 14, as the same appears from the duplicate statements now on file in my office. In order to make the polling places which are assigned in the parish of East Baton Rouge at the general election, November 7, conform to the numbers on the consolidated statement of votes, the supervisor has given poll No. 2 of ward one of the parish to ward two on the consolidated statement. Poll No. 1, ward two, has number three; poll No. 2, ward two, has number four; poll No. 1 has number ten on the consolidated statement; poll No. 1, ward nine, has eleven on the consolidated statement: poll No. 1, ward ten, has twelve on the consolidated statement, and poll No. 1 ward twelve, has fourteen on the consolidated statement.

President Wells—Here is the seal affixed to the consolidated statement.

Mr. McGloin—Is there any date to the statement that it is incorporated on the consolidated statement?

General Anderson—Yes, sir.

Mr. McGloin—There is a date at the bottom of the paper, but the ink at this distance from the paper looks as though it was a different ink from that used to write the remarks with.

General Anderson—Go around and look at it.

Mr. McGloin—We have a certified copy of the paper, and I call your attention to the fact that the ink used in that consolidated statement before you is of different colors. There is no testimony to show that the statement was in the possession of Mr. Clover from the eleventh of November. Now, we have a certified copy from the clerk that this has never been sent, and I charge that these remarks have been written in since the supervisor made his report, and we will furnish the evidence if you give us an opportunity.

Mr. Gauthreaux—Section two of the election law says that the presiding officer, speaking of the Returning Board, shall at the meeting of the board provide for the canvassing of the returns, and open in the presence of the said returning officers the statement of the commissioner of election, and said returning officers shall upon said statement canvass and compile the returns of the election in duplicate, etc. Here is clear authority for your board to take up the statement of the commissioners and examine them and compile from them the vote of the parish of East Baton Rouge. The supervisor himself shows us that there are certain polls in that parish at which votes were received which he does not return on his consolidated statement. The law does not say that you shall file the consolidated statement, but that you shall file the statement of votes made at the time of the election by the commissioners of election.

President Wells—The commissioners make their returns to the supervisor, and he makes his return to us.

Mr. Gauthreaux—But where he fails to make any statement of the votes, and when we come here and offer to produce them before you—

President Wells—Take him before the courts and punish him.

Colonel Zacharie—May I ask one question? Suppose the supervisor had the only returns from East Baton Rouge?

Governor Wells—We should have been governed by that return.

Governor Wickliffe—Could you not call upon the officers for their returns?

President Wells—Our action would be predicated upon the statement made before the board by his consolidated statement to the board. The commissioners make their returns to him, and he submits his return to us.

Governor Wickliffe—But he does not see proper to make those returns at some of the polls.

President Wells—We can't go behind his report and investigate his action.

Governor Wickliffe—Then the ruling means this, that it is within the power of the supervisor to disfranchise any parish by making such omission?

President Wells—He is bound by the laws established for punishing offenses of this kind, and when the gentlemen desire that this thing should be done they must go before the courts. We have no authority to send for the parties or to punish them.

Mr. McGloin—Will you allow us to prove that that was not upon the document when it was certified by the clerk of the court?

President Wells—I presume you have been furnished with all the evidence that has been furnished here to us. You have copies of it. I suppose you have also been served with the protests in these contested polls.

Mr. McGloin—We have, sir. We can prove now that the protest was not on the return when the jurat was put there by the clerk of the court.

Governor Wickliffe—And offer to prove it.

Mr. McGloin—And continue to ask that you will allow us the opportunity. We call attention to the fact that the consolidated statement omitted the entire statement of votes from this poll, and that in the canvassing you will canvass what is not in the consolidated statement.

President Wells—If he fails to make a return we must take no more than is in the consolidated statement and accept it.

Mr. McGloin—But the Almighty has given you eyes with which to see it.

President Wells—The board will not admit it. We are not here to be charged with improper action.

Mr. McGloin—We are all free, sir!

President Wells—Thank God, I am as free as you are.

Mr. McGloin—We will see that, sir.

Mr. Gauthreaux—Then the board has ruled that this prima facie case has not been made out. We come now with the ballot boxes which contain the statement of votes provided in this section of the law just quoted, and we offer them as evidence to prove our case under the ruling of the board. The law does not say that you may compile the evidence from the statement of the supervisor, but it says that you shall, at such meeting, open, in the presence of the returning officers, the statement of the commissioners of election, and it again says that you shall compile from said statement of votes. It does not say anything about the consolidated statement in this connection.

President Wells—Read that section, and you will see that it requires that the commissioners shall make their returns to the supervisor of registration, and the supervisor makes his return to the returning officers.

Mr. Gauthreaux—But in the history of this board you have sent for the ballot-boxes—you have taken out the returns, and we ask you now to do that same thing which you did before in a similar case. We don't—

President Wells—We must adhere to the ruling of the board.

Mr. Gauthreaux—We don't say that you shall count them, but you get the returns before you and consider them. We don't pretend to dictate what you shall do after they are before you, but in order that you may have an opportunity of deciding the question we present to you.

Mr. Ray—I think this difficulty has been settled before; the question raised here was raised before the board two years ago in the case of De Soto parish, when no returns were made out at all; the parties interested brought the duplicates filed with the clerk; the board declined to receive them, because they did not come through the proper channel; then they took a mandamus from the court to compel the board to receive the returns that came from the clerk; and the court decided that the board could only receive them through the channel provided by law, and refused to compel the board to receive these duplicates; in the Lafayette case, as you will recollect, it seems that the case was like this, where the papers had been put in the ballot boxes which the supervisor returned to the board. Then the parties asked the court to compel the parties to open them and send them up, and then when they were sent up this board could receive them. When the boxes were open two years ago it was done by the parties interested. I don't see any objection to it. All of the parties are interested. But the question has been settled by the courts and by this board in the case of De Soto parish, where no returns were made.

Mr. McGloin—Does your party make any objection now?

Mr. Ray—I am merely stating what the law is. I am representing the board here, and I am merely stating what has been decided, and what the precedents are for the action of the board. I am not arguing on behalf of any outside party, but merely stating what the law is to sustain the president of the board.

Mr. McGloin—How do you know there is no objection?

Mr. Ray—The board will recollect that in the De Soto case, they brought the returns and laid them on the table before the board. The board said, we can not receive them except from the supervisor; that they obtained a mandamus to compel the board to receive the returns, and the court said that the board had no authority to receive them except through the regular channel. Therefore the case is settled. The board can act upon nothing except it is brought through the regular legal channel provided by law. If there are returns forwarded to this board by the supervisor, then it is the duty of the board to examine the returns made by the supervisor or the commissioner of election, and if any informality exists, then the board has the right to reject them; but they must come from the supervisor before this board can act on them at all.

President Wells—That will be the ruling of the board, and it will adhere to it.

Mr. McGloin—In what capacity do you make this argument, Mr. Ray? I would like to know.

Mr. Ray—It is not a matter for me to explain to you.

Mr. McGloin—I would like to know in what capacity you are here?

President Wells—It is not the place for you to discuss that question.

Mr. McGloin—I am not going into a discussion of the question.

President Wells—Will the gentleman sit down and stop this discussion?

Mr. McGloin—If the Republican candidates have filed a protest against your pursuing the same course in the parish of Orleans as was done in 1872 that is a different matter, otherwise you have no right to say it is not by mutual consent.

Governor Wickliffe—The same case arose in Tangipahoa when the tenth ward and eighth ward returns were locked up in the boxes, and the boxes directed to be sent wherever you will prescribe they may be sent.

President Wells—I will consider the matter.

General Herron—I don't understand that the board has decided the question.

President Wells—The board has decided to be governed entirely by the returns of the supervisor of registration, and that all reports from the commissioners of election must come to this board from the supervisor.

General Herron—I desire permission of the board to submit a question not touched upon.

Mr. Ray—In alluding to the previous decisions of the court, and of this body, I think I did not state the case, with the facts, as they appeared before the board; I understand the supervisor has made his report, and has accompanied it with the reports made by the commissioners of election to him; some of these reports he considered were in proper shape and form, and has consolidated them. There were others he did not consider, and he did not put them on his consolidated report, but at the same time he sent these statements of votes, such as they were, improper though they were, to this board, to exercise its revising powers over his action. Now, you will find that in the fifth ward, where the defect was that the tally sheets had not been made out strictly according to law, but made out from informal tally sheets, that the defect reported by him, as shown by the papers, was that one of the commissioners, after the boxes had been handed to the clerk, refused to give the tally sheets that had been sworn to at the polls to the other commissioners in order that they might make a report; for that reason those returns will show secondary evidence, but which was produced to the supervisor on account of the delinquency and offense of one of the commissioners himself. That is one defect. I will say, that in every instance the board will find accompanying consolidated reports defective papers; so considered by the supervisor, who is only a ministerial officer; receiving the returns, compiling them, and his idea of what the proper compilation is; it is true, sending the means to the board of correcting it, whether he has given too much or too little, by the accompanying documents of the commissioners; all these are before the board; and notably in the fourth and sixth wards, his report tells the board that he has not compiled the returns, from the fact that the proper papers were locked up in the boxes. But he states the fact that he received the returns; facts, it is true, important; but then the regular returns were locked up in the box, and now you order the box before you; it seems to me that without the order of the board it would be perfectly competent for this board to take the boxes and perform the simple duty, and get the reports referred to by the supervisor himself. I don't think it would be transcending the law or violating any previous ruling of this board; I will submit the question.

President Wells—It has a tendency to widen the range of the discussion, and it seems to me that we have not the time to give our attention to it, and hence, we must adhere to the ruling of the board.

Governor Wickliffe—May I ask what disposition you have made of the vote of Red River?

President Wells—It has been opened, but nothing done with it. There is a general protest in that case. We will take these things now under consideration and deliberate upon them and examine the papers, and if there is anything wrong we will try and give you the information where the wrong is, if we construe there is a wrong.

Governor Palmer—Our attention has been called to two. Are there more than two?

President Wells—I can not remember. There is a protest by Raford Blunt, a candidate himself defeated, though not by the supervisor.

Governor Wickliffe—Grant parish was before the board. Have you taken it under advisement?

President Wells—We have taken no action, and have no opinion.

Governor Wickliffe—I would ask the board to take action upon it so that we may know what to do.

President Wells—You shall know in time.

Mr. McGloin—I want to know how you are going to act upon the ruling regarding protests coming up from the supervisors attested by three witnesses; if you are going to only receive the protests in that way, or receive them generally as you have done in the case of Packard and Blount?

President Wells—Whenever protests are supported by the proper evidence they will be received, and we will be the judges of the evidence introduced to support the protest.

Mr. McGloin—You don't intend to abide by the law which requires protests to come up in that way?

President Wells—This case goes over for our consideration, and the board stands adjourned until to-morrow morning at ten o'clock.

Cowdon's Canal.

Last night there was a meeting of the Barataria canal directors and citizens in Assembly Hall to hear the address of Captain John Cowdon, the projector of the scheme. This gentleman was introduced by Mr. Bronson Bayliss, who made a few appropriate remarks relative to the merits of the undertaking, and the reason the public should hear Captain Cowdon, who began his lecture by saying that the Barataria canal is the only permanent gateway to the sea. As it affords as much water as is found in any other part, is more reliable and cheaper, it will be a safe and paying investment to its author, however successful be other means of opening a way to the sea. Captain Cowdon then read a table of the expenses of a ship at New Orleans, showing the same to be $11,308, nearly $10 a ton, one-half of which will be saved by the Barataria canal. The annual tonnage would be 10,000,000 tons, and the canal would be paid for in a year. He next read statistics relative to the increased tonnage of New Orleans, as compiled by the Senate Committee on transportation. He showed that in the States of Illinois, Indiana, Ohio, Missouri, etc., the amount of grain grown in 1850 was 2,370,000 bushels; in 1870 this increased to 5,735,000 bushels, while in 1875 it was doubled. In 1876 the amount of grain grown in the United States was 1,650,198 bushels, of which over 1,372,000 was raised in the States of the Ohio and Mississippi valleys. He showed what this would be worth when the Barataria canal was opened. It matters not who is elected king or emperor if this canal is built; it will work well for the South. Captain Cowdon then showed the plan of the proposed canal, and illustrated it by a map giving the location, distances, etc., of the route. Dredging and guard walls, like unto the same at the entrance to the Suez canal, would be necessary on the bar at the sea, where the present depth of water is only ten feet, but forty feet would be easily gained. Captain Cowdon also explained the advantages of this canal, the building of which, as compared with the Suez, is merely child's play, the entire cost of the enterprise being only $5,500,000.

Remarks were also made by Colonel Minor Meriwether, Colonel F. A. Tyler and others, indorsing what Captain Cowdon had said respecting the great enterprise.—*Memphis Appeal.*

Advance in American Wheat.

Ordinarily this is the dull season of the year in the grain trade. Through November and December dealers and shippers are accustomed to cheer themselves with the assurance that with the new year trade will revive. Sometimes this is the case, but more frequently the revival is postponed until February or March. But this season has proved exceptional, and within a comparatively short period the demand for wheat has greatly increased at an advance in price of from five to ten cents per bushel. This is attributed to two causes—the war rumors from Europe and a short American supply. As is usual when the market is affected by by two or more influences working in the same direction, it is difficult to estimate their several effects.

On Saturday, a *Tribune* reporter conversed on the subject with many of the leading grain merchants and exporters, all of whom gave their opinions freely, agreeing as to the condition of the market, but differing somewhat as to the relative influence of war rumors and the short crop. There was an average yield of winter wheat, but the spring wheat crop was from one-quarter to one-third short. This was caused by the drouth, which prevented the full development of the kernel, and caused it to ripen prematurely. As a result the crop was never gathered in a better condition; it is perfectly dry, and will keep in all weathers. The shortness of the crop did not influence prices until war rumors from Europe opened a prospect of increased demand. Dealers had been content to carry light stocks, and exporters filled their foreign orders at their leisure. When an increased foreign demand seemed probable larger stocks were laid in, and haste was made in filling orders. This tended to stiffen prices, and maintain the advance which had been caused by the first warlike dispatches. It was estimated by an exporter who had a branch house in Liverpool that there were not less than 2,000,000 quarters of wheat (18,000,000 bushels) now afloat on the way from American to European ports; a large part of this was from California and Oregon. Many gentlemen with whom the reporter talked were of the opinion that though the advance was the direct result of war rumors, it was not of a speculative nature, but that the rumors had simply hastened a natural process; that the price of wheat was not above its intrinsic value, nor greater than it would have been in a few months without the aid of war rumors. Others took a different view. Wheat could not be exported, they said, at present prices without a loss of several cents per bushel, and whenever that was the case the price was speculative. It was the opinion of these gentlemen that reports of well assured peace prospects would send prices down very materially, though the advance had not been so great as to create any danger of a panic.—*New York Tribune.*

A railroad ticket office was recently broken open in New Hampshire and 700 tickets were stolen. The rascals will next be trying to steal a ride.

D'Atalie, the strong man, should have been a dentist. He was called "the man with the eye on jaw."

OUACHITA INNOCENTS ABROAD

THE NIGHT VISIT TO ELIZA PINKSTON

Depositions and Statements of Witnesses.

One of the Democratic attorneys having demanded of the Returning Board an investigation of the mysterious visit by three white men at the house where lies poor Eliza Pinkston and also sojourns Cora Williams, occasion is taken to gratify the public with information. The United States Marshal is satisfied from the representations of the police that the object of the obtruders was either to abduct or kill Eliza, but that they fled upon discovering the danger of exposure. There is something dastardly in the method of approach upon the two women, that is certain. The depositions of Mrs. Pinkston, Mrs. Williams, and the statement of Mrs. Jones and Dow Hunley are appended. The police have yet another report to make, which has not yet come to hand:

State of Louisiana, parish of Orleans, city of New Orleans.—Personally appeared before me, J. W. Quinn, assistant judge First Municipal Police Court, and justice of the peace duly commissioned and sworn, Eliza Pinkston, of the parish of Ouachita, who being duly sworn deposes and says: That on the twenty-eighth day of November, A. D. 1876, between the hours of 8 and 9 P. M., one Hugh Young, residing in the parish of Ouachita, came into my room, situated on Gravier street, No. 292, and spoke to a person by the name of Cora Williams, also of the parish of Ouachita, attending upon me in my illness. The said Hugh Young said to her, "Cora, I would like to see you. Do you want to go home, and live when you get there?" Cora's answer was, "I expect to live there when I get back there." He (the said Hugh Young) then asked Cora Williams, "What man was sitting there; Cora's answer was, "It is a man from the same parish we are from." The said Hugh Young then called Cora outside and held a conversation with her that I did not hear, I being afraid, knowing that said Hugh Young was an uncle to Dr. Young, one of the persons connected with the murder of my husband, rolled out of my bed and down the stairs to get where I could be protected from any assault by him, as I considered my life in danger by his presence.

her
ELIZA ⋊ PINKSTON.
mark.

Sworn to and subscribed before me, this twenty ninth day of November, in the year of our Lord, 1876.

J. W. QUINN,
Assistant Judge First Municipal Police Court, city of New Orleans.

State of Louisiana, parish of Orleans, city of New Orleans.—Personally appeared before me, James W. Quinn, assistant judge of the First Municipal Police Court, and justice of the peace duly commissioned and sworn, Cora Williams, a resident of the parish of Ouachita, who, being duly sworn, deposes and says: That on the twenty-eighth of November, between the hours of 8 and 9 P. M., I was sitting in the room on Gravier street, No. 292, with Eliza Pinkston, also a resident of the parish of Ouachita, who was in bed very ill, when the landlady came in and told me that there was a white gentleman who desired to see me. When the man came in I recognized Hugh Young, a resident of the parish of Ouachita. He said to me, "How are you, Cora?" I said to him, "How are all at home, Mr. Young?" He answered, "I have been down here about two or three weeks." He got up immediately and said: "Cora, I want to see you." I followed him on the gallery. His left hand was in his pocket, and his right hand thrown back back under his coat tail, as if to draw something from there. He said to me when we reached the gallery: "Do you know the gentlemen who whipped you?" I answered: "Yes, sir." He asked me: "Who are they?" I replied: "They are white men." He then asked me did I know their names. I answered that I knew their names, and they were white men. He then said to me: "You had better mind how you talk down here." I said I did mind how I talked. He asked me how I came down here. I told him that I was guarded down here by the soldiers. He then told me he would be back directly, and went out of the house in the street. I followed him out, and saw him beckon to two men who were hidden behind the door steps next door to my residence, to come on; when the two men came out from behind the steps I recognized Joe Swan and Dr. Young, both residents of the parish of Ouachita in this State; all three of them went up Gravier street, toward Franklin street, and out of my sight.

her
CORA X WILLIAMS.
mark.

Sworn to and subscribed before me this twenty-ninth day of November, A. D. 1876.
J. W. QUINN,
Assistant Judge, First Municipal Police Court.

Mrs. Jones states:

I reside at No. 292 Gravier street; on the night of the twenty-eighth instant, at about the hour of half past eight o'clock in the evening, I saw the person called Mr. Hugh Young and two other men on the gallery, and as I passed them by they held down their heads.

Dow Hunley says:

I reside at No. 292 Gravier street; on the night of the twenty-eighth instant, at about the hour of 8:30 P. M. I was at the time in the room in company with Cora Ann Williams and Eliza Pinkston; I saw a man enter the room, who said: "Good evening, Cora;" she answered: "Good evening, Mr. Young;" I watched him closely; he had his left hand in his pocket, and his right hand under his coat; he directed all his attention toward the bed while speaking with Cora, and appeared very much excited, and said: "Cora, do you know the men that whipped you up there?" She answered: "Yes, sir, I do know;" he then asked her who they were; she answered, "They were white men;" he then remarked, "You had better mind how you talk, for I have your testimony in writing; you want to go home, and you want to live after you get there; he then said: "I will be back directly with a couple of more men;" he did not remain but a short time, and my idea was that he wanted to get the sick woman (Eliza Pinkston) out to kill her.

Now let Messrs. Palmer, Julian and their Northern confreres report on their return North that some of their partisan brethren here are not content to war on a poor woman in Ouachita until they almost stamp and shoot the life out of her, but must even hound her, shattered and frightened, to New Orleans, ridicule her woes and assail her character before the Returning Board and go bail for the men she has charged with having been implicated in the wanton wrongs dealt to her and hers. Let ex-Governor Palmer extol this chivalry to the North, if he can. Perhaps, however, his instincts of humanity are stronger than his zeal as a partisan.

Travelers on the Metropolitan railway in London have been greatly annoyed recently by "howling swells," a party of noisy gentlemen who amuse themselves by yelling and shouting fearfully whenever the train they are in enters a tunnel. Two of the gang were captured and given into custody, but got off by the payment of three shillings each.

BY TELEGRAPH.

THE SITUATION.

Matters in South Carolina—The Democrats Steal the State House—The Commanding General Forces Them to Give It Up—A Protest from a Brace of Confederate Brigadiers.

COLUMBIA, S. C., November 30.—The Democratic House took peaceable possession of the State legislative hall at their regular hour of convening (eleven o'clock) this morning, and proceeded to work under their organization. The Republican House entered the hall at twelve o'clock, their regular hour of meeting. Both Speakers are on the stand, Wallace (Democrat) in the chair, and Mackey (Republican) at the clerk's desk. A debate is progressing. Republican members Hamilton and Myers denounce the action of the Republican House as illegal and unconstitutional. Everything is peaceable, and good temper prevails. No persons are allowed in the hall except members. The Democrats are cheerful and confident. The Republicans are anxious and dispirited. Some of their members say they want a settled government, and are for South Carolina rather than for the men who have ruined her.

The situation is but little changed at the State House. Good humor prevails on both sides.

Some reports are being made at compromise which may result satisfactorily.

About 3 P. M., General Ruger sent his staff officer to the Speaker's stand and notified the Democratic Speaker, Wallace, that at twelve o'clock to-morrow the Democratic members from Edgefield would not be permitted on the floor of the House. Upon the receipt of that order the following letter was immediately sent:

General T. H. Ruger, Commanding United States Troops in South Carolina:

DEAR SIR—We have just heard, through Major McGinnis, of your staff, your order communicated to Mr. Wallace, speaker of the House of Representatives, that at twelve o'clock to-morrow the members elect from Edgefield would not be allowed upon the floor of the House. To say that we are surprised at such an order, after the explanations and pledges made by you to each one of us, is to use very mild language. When the outrage of Tuesday last was committed by the placing of armed sentinels at the door of the House of Representatives, who decided upon the admission of members to their seats, and when the provisions of the constitution and the decision of the Supreme Court were brought to your attention, you distinctly and warmly asserted, again and again, that your orders were misunderstood; that you had not intended to have sentinels at the door of the hall, and that you had not and did not intend to assume to decide upon the legality of any man's seat or upon his right to enter the hall. You were then reminded by us that your guard received instructions from one Dennis, a citizen and partisan of Governor Chamberlain, to admit parties upon his own pass or that of one Jones, and had through armed forces excluded all Democrats from the hall until Republican organization was completed. You assured us again that such were not your orders; you were told by us that notwithstanding the perpetration of this inexpressible shame upon our free institutions and the rights of the people the evils could still be remedied without any violence or bloodshed by the simple withdrawal of your guard from the doors of the hall; that the Democratic members would struggle with the Republicans, and by a majority of votes decide all questions in accordance with law, or usages of legislative bodies. You stated that no troops should be at the door and that under no circumstances would you interfere, except there should occur a serious disturbance of the peace. You affirmed your determination to exercise no supervisory control whatever over the body or bodies claiming to be the House of Representatives. All this occurred on yesterday. Last night, in a later interview with Senator Gordon, you made the same assurances, and this morning, after both bodies were assembled in the hall, you assured General Hampton that under no circumstances would you interfere except to keep the peace. What now can justly measure our astonishment at the issuance of such an order as the one just sent by you? There is no breach of the peace and no prospect of its disturbance. You had it officially brought to your knowledge that absolute good humor prevails in that hall. We can not refrain from expressing the apprehension that the fact that a number of leading Republicans are taking issue with the legality of the proceedings by the Republican House has changed your views as to your line of duty. It is proper that we should say, in conclusion, that we relied upon your honor as a man and your character as a soldier to maintain your pledged position of non-intervention. The Democratic members from Edgefield and Laurens are entitled to their seats by the judgment of the Supreme Court of this State, and we have advised them to remain in that hall until removed by your troops, that the issue may be made in this centennial year of American independence whether we have a government of law, as construed by courts, or a centralized despotism whose only law is force. Let the American people behold the spectacle of a Brigadier General of the army seated by the side of Governor Chamberlain in a room of the State House and issuing his orders to a legislative body peacefully assembled in one of the original thirteen commonwealths of this Union.

Respectfully yours,
J. B. GORDON,
WADE HAMPTON,
A. C. HASKELL.

These three gentlemen had been in conference with General Ruger yesterday and to-day.

The courts in South Carolina did nothing yesterday.

The Republican House, by a vote of forty-five to fourteen, seated the Barnwell delegation.

The Senate recognized the Republican House by amending their joint resolution to canvass the vote for State officers.

Five Republican members admitted from Barnwell county are negroes. Two Republican members protested.

After argument in the habeas corpus case, Judge Bond said he would take time to consider the case. The marshal retains the canvassers in custody.

The Senate has postponed until Monday consideration of the rule identical with the twenty-second joint rule of Congress. This is considered to be an advantage gained to the Democrats. Three Republican Senators are watching closely the direction of affairs in the Republican House.

The admission of the five Barnwell Republicans yesterday gives the Republicans sixty-four votes, a clear majority even if 124 votes be called a full house. Aiken county, with four votes, and Abbeville, with four votes, are also protested and may be reported on in the same way.

A Democratic Version of the Florida Case.

TALLAHASSEE, November 30.—The board met. The Democrats claim that besides the points of irregularity in the altered Baker county returns, the justice of the peace who signed it had been appointed since the election.

The Alachua county testimony created great excitement. The Democrats first offered proof that the alleged affidavit from Green R. Moore, purporting to deny certain facts in another affidavit he had made, was dated and executed on the twentieth, while the affidavit that he proposed to retract and correct was dated and executed on the twenty-third.

They then pronounced the affidavits purporting to be from Floyd Dukes a square forgery. They then introduced Messrs. Moore and Dukes as witnesses. Mr. Moore swore specifically that all the points in his affidavit of the twenty-third were true; that he had stated the facts therein contained openly time and again; that he was

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