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OFFICIAL JOURNAL OF NEW ORLEANS

THE DAILY REPUBLICAN

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THE LOUISIANA ELECTION

THE PRESIDENT'S SPECIAL MESSAGE

REPORT OF THE NORTHERN COMMITTEE

The following is the special message sent to Congress by the President on Wednesday last:

EXECUTIVE MANSION,
Washington, December 6, 1876.

To the Senate and House of Representatives:

I have the honor to transmit herewith a letter, accompanied by testimony, addressed to me by Hon. John Sherman and other distinguished citizens, in regard to the canvass of the vote for Electors in the State of Louisiana. U. S. GRANT.

REPORT OF THE NORTHERN REPUBLICAN COMMITTEE AT NEW ORLEANS.

The letter transmitted by the President is as follows:

To the President of the United States:

In pursuance of your request, that several of the undersigned should proceed to New Orleans and there witness the canvass by the Returning Board of the State of Louisiana of the votes cast in that State for electors of President and Vice President of the United States, we have performed that duty, and now most respectfully report that on our arrival in that city we found several gentlemen who came representing Republican State organizations, who have throughout co-operated with those who went at your request, and whose names are also appended to this communication. Between the gentlemen representing the Democratic party and ourselves a correspondence in writing ensued, a copy of which is appended hereto. Reference to it will disclose that a conference with us for the purpose of exercising an influence upon the Returning Board was declined upon the ground that the only duty devolving upon us was to attend before the board and carefully note its proceedings, and finally to report a faithful history thereof, with such opinions concerning the same as truth and justice should demand.

Such a report we are now able to present, and we take pleasure in stating that our ability to do so is due to the exercise of the courtesy and kindness of the Returning Board, which entitle its members not only to our thanks, but to that confidence which a just public extends toward every tribunal which desires that all its proceedings should be duly presented to public scrutiny. It was our earnest wish that this publicity should be attained, but we should have felt a delicacy in requesting any privilege not in harmony with the usage of the board. We were, however, relieved from all embarrassment by receipt of a formal invitation, hereto annexed, delivered to us and to gentlemen who attended at the request of the chairman of the Democratic National Committee, inviting the attendance of five gentlemen from each delegation as spectators and witnesses of the proceedings of the board, and this invitation was accompanied with an offer to furnish stenographic reporters, selected by each committee, to be present and make a full report of all the proceedings and testimony, and to secure the daily publication thereof by the press.

The undersigned made arrangements for that purpose with the proprietors of one of the daily newspapers printed in New Orleans, and thus perhaps there and elsewhere have been enabled to give such proceedings and testimony the widest circulation. In justice to the board it should also be stated that this privilege was freely accorded by its members, without solicitation, and that they cordially united with us in the desire to have all their proceedings published throughout the country. The scrutiny invited by the board has been constantly exercised day by day. Both committees have been in attendance before the board with their stenographic reporters, and in addition a privilege was tendered to both committees of inviting gentlemen from States other than Louisiana, has been several times availed of as the returns were opened, whether contested or not. The papers inclosed have been freely tendered to the committees for examination, and have usually been carefully inspected, and as a means of detecting any possible changes in the returns after leaving their respective parishes, both committees were furnished by the respective parties with statements of the vote as claimed by them respectively, that by comparison it might be known if any alteration had been made in the returns to be passed upon by the board, with which statement the returns usually agreed.

Whenever it was known to the board that a return was to be contested, the attorneys for the candidates interested were sent for to be present at the ceremony of opening, and when such knowledge was attainable only by the inspection of the inside of the package containing such returns, these attorneys were invited to be present before any action was taken upon it. There were thus secured, in the manner stated, publicity of all the proceedings of the board and a most careful scrutiny of every package of returns by it opened, and an opportunity for candidates insisting upon the validity of the returns to appear personally and by counsel before the board, in many instances before the returns were opened, and in every instance before action was taken upon them. It has been believed quite unusual to give such full and widespread publicity to the proceedings of a Returning Board. Nor do we think that a better means for permanently recording every word and act of its members while engaged in the discharge of their duty could have been afforded than those enjoyed. Having thus presented a statement of the means accorded of witnessing the canvass, it may be well to state briefly the causes which led to the creation of such a board in Louisiana, and to call attention to the statute which devolves on it powers and duties of great public importance.

The white people of that and other Southern States had by their rebellion forfeited all right to representation in Congress, or to any participation in the government of the Union, and had been compelled, as a condition of resuming their former political rights, to assent to constitutional amendments by which, in hostility to their will, those who had been but late their slaves were made citizens, and although it was their duty to submit to this political reorganization, the annals of the South, and especially of Louisiana, disclose a widespread and persistent determination of its ruling white people to prevent the exercise of the elective franchise by the colored race, except subject to their will. This was manifested by violence, outrages and murders perpetrated in that State just preceding the presidential election of 1868. They will be found stated in the various congressional reports.

From these it appears that over 2000 persons were killed, wounded and otherwise injured in that State within a few weeks of the presidential election of that year, that half the State was overrun by violence, midnight raids, secret murders and open riots, which kept the people in constant terror until the Republicans surrendered all claims, and then the election was carried by the Democracy. The parish of Orleans, which contained 29,910 voters, 15,020 of which were colored, and which in the spring had given 13 973 Republican votes, in the fall cast for General Grant but 1178, a falling off of 12,795 votes.

Riots prevailed for weeks, filling New Orleans with scenes of blood, and Ku-Klux notices were scattered throughout the city, warning colored men not to vote. In the parish of Caddo there were 298 Republicans, who in the spring of 1868 carried the parish which in the fall gave to General Grant but one vote, and there also bloody riots occurred. In the parish of St. Landry the Republicans had a registered majority of 1071 votes, and in the spring of that year carried it by 678 votes, while in the fall not a vote was cast for General Grant, while for Seymour and Blair the Democrats cast the full vote of the parish, 4187 votes, and there occurred one of the bloodiest riots on record, in which the Ku-Klux killed and wounded over 200 Republicans, hunting and chasing them for two days and nights through fields and swamps; thirteen captives were taken from jail and shot, and a pile of twenty-five dead bodies was found buried in the woods. Having thus conquered the Republicans, and killed and driven off their white leaders, the masses were captured by the Ku-Klux, marked with badges of red flannel, enrolled in clubs, led to the polls and compelled to vote the Democratic ticket, after which they were given certificates of that fact.

These are some of the outrages which marked the pathway to political supremacy of those who but a few years before had obtained the mercy of a government under whose laws the black Republican and white Democrat were entitled to equal protection. It was but natural and just that the colored race should unite with and cling to the party to whose principles they owed freedom and protection, and this seems to have marked their political course from the time they were given the political franchise, and their history in Louisiana has but illustrated this, whenever they have been left free to vote as they pleased. Until a radical change could be effected in the nature and purposes of those who had been their owners, and who repudiated the idea of being placed on terms of civil equality with them, it was evident that a fair election could not be held in parishes containing any considerable majority of the colored vote, and hence the act of 1870, acquiesced in by both political parties, and amended in 1872, was passed, creating a Returning Board, authorized to sit in New Orleans, and having supreme authority to canvass the votes cast throughout the entire State, and authorized, if convinced that riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences had prevented voters from registering, or had materially interfered with the purity or freedom of election at any poll or voting place, or had materially changed the result of the election, to exclude votes cast at such polls or voting places from the final count. This law, with some amendments not materially changing its nature, is that under which the present Returning Board of Louisiana is now organized and sits. That some such independent tribunal was necessary for the protection of the legal voter, and as a check upon the violence and intimidation which had before prevailed throughout the State, no one can deny. It will be seen, when the statute organizing this board and defining its duties is examined, how inadequate are its provisions to afford full relief against wrongs it was designed to prevent. Thus the powers of the board are limited to the rejection of the votes polled for causes stated, while it can not, in any case, add to the returns votes which would have been polled but for intimidation, violence, etc., mentioned. To illustrate, the undersigned will refer to the five parishes of East and West Felicianas, East Baton Rouge, Morehouse and Ouachita, which appear, as the evidence discloses, to have been especially rejected for the perpetration of such violence and intimidation as should be necessary to prevent the Republicans from casting any considerable vote in either.

In each and all of these there is a large Republican majority. In all of them the white voters registered for this year numbered 5134, the colored 13,244—a majority of 8110. If, by intimidation and violence, the Democrats could secure in each of these parishes a majority, an immense gain would thus be achieved; for if the board should, upon canvass, reject the vote of all, it would be powerless to administer that complete justice which would consist only in declaring for the Republicans such a majority in each parish as, but for intimidation and violence, would have been cast for their candidates. The law, therefore, in this but provides for a partial and inadequate remedy for the grave wrongs from which colored people and white Republicans of Louisiana have long suffered, and when the proof taken by the board is examined and weighed, it will be found, as we believe, that the returns by it excluded for causes mentioned are generally from the polling places which but for intimidation, violence, outrage and murder, would have given Republican majorities, thereby greatly increasing that declared by the board. In considering its powers and duties, this important feature of the law should be borne constantly in mind, for while that tribunal may, upon proof, and in the exercise of judicial discretion, reject votes for the causes mentioned, it can not upon so doing return any vote actually cast. It will, therefore, readily occur to any one that a careful selection of political managers of certain parishes known to have large Republican majorities, for scenes of intimidation and violence, in the belief that other parishes within the State would enable them to carry it for their party, even should their majorities in the parishes thus selected be rejected, might well be a favorite method of achieving success, and, as we proceed, it will be apparent that such was the mode adopted to carry Louisiana for the Democratic party, while from the very nature of the mischief to be remedied the law could but partially repair it.

The statute under which the board acts is so framed as to prohibit the rejection of votes cast at any poll or voting places, unless certain solemn formalities are first complied with, which must be supplemented by the testimony of witnesses. The statute organizing the board declared in substance that whenever from any poll or voting place there shall be received by the board the statement of any supervisors of registration or commissioners of election, confirmed by affidavits of three or more citizens, of any riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences, which prevent or tend to prevent a fair, free or peaceable vote of all the qualified electors entitled to vote at such polls, the board shall proceed to investigate the facts, and if from such statements and affidavits they shall be convinced that such causes did not materially interfere with the purity and freedom of such election, or prevent a sufficient number of qualified voters from voting to materially change the result of the election, then such vote shall be canvassed and compiled. But if they are not thus fully convinced, it shall be their duty to examine further testimony in regard thereto; to that end, they shall have power to send for persons and papers, and, if after examination, the board shall be convinced that such acts of violence, intimidation, etc., did materially interfere with the purity and freedom of the election at such poll, or did prevent a sufficient number of qualified voters from registering or voting to materially change the result of the election, then the board shall not canvass and compile the votes of such poll, but shall exclude them from their returns.

Nothing can be more simple, more just, than these provisions. They are, for reasons before stated, inadequate to secure the administration of a complete remedy, for it may be fairly said that if, by reason of violence and intimidation, committed in the interest of one political party, the adherents of another are restrained from voting through fear, an equitable remedy, if practicable, for the outrage, would be to count in favor of the injured every vote they lost.

The ascertainment of this being, however, difficult, the statute of Louisiana has provided only for the rejection of votes, and it is worthy of remark that the most flagrant cases submitted to the board have, as proven, occurred in the parishes where the Republican registered vote, which would undoubtedly have been cast but for intimidation and violence, largely exceeded the registered vote of the Democratic party.

We have thus alluded to some of the causes which led to the creation of this board, and have also called attention to its duties and the proof upon which it is authorized to act. It is a tribunal established by the laws of Louisiana, entirely independent of the laws of any other State or of the United States. It is empowered, among other things, to canvass and finally determine the number of votes legally cast for electors of the President and Vice President of the United States, but in the discharge of that duty it acts exclusively under the authority of the laws of that State. The constitution of the United States having declared that "each State shall appoint in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress," not only is the action of this board independent of State or national laws other than those of Louisiana, but its determination as to the votes cast and the candidates elected is final and substantially conclusive, as appears from a decision of the Supreme Court of that State, reported in the twenty-fifth volume of Louisiana Annual Reports, where the court, at page 268, says: "No statute conferring upon the courts the power to try cases of contested elections, or title to office, authorizes them to revise the action of the Returning Board. If we were to assume that prerogative we should have to go still further and revise the returns of supervisors of elections, examine the right of voters to vote, and, in short, the court would become, in regard to such cases, mere officers for counting, compiling and reporting election returns. The Legislature has seen proper to lodge the power to decide who has or who has not been elected in the Returning Board. It might have conferred that power on the courts, but it did not. Whether the law be good or bad, it is our duty to obey its provisions, and not to legislate."

It became our duty, immediately on arriving in New Orleans, to thoroughly understand the constitution, powers and duties of this board, and to examine with care the statutes under which it was bound to act, and enough has been written to show that a tribunal charged with such duties and invested with such powers, the members of which were originally appointed by the Senate, is entitled to the respect of all citizens until it shall be forfeited by a violation of its judicial and ministerial obligations.

The great national importance of the duties to be performed by the board invested each member with much interest, and as many reports had been circulated concerning them, we were led to make some inquiry as to their individual history. Two of them, Hon. James Madison Wells, president of the board, and General Thomas C. Anderson, next senior member, are Southern born, and of old and highly respectable families. The father of the former was Hon. Levi Wells, of the parish of Rapides, who in 1812 represented it in the convention called to frame the constitution of the State of Louisiana. The son received a liberal education, and was early engaged in the care of planting and other interests of his father. He was a Union man from the time the war broke out, and although he suffered greatly by it, in loss of property, he never faltered in his devotion to the Union cause. Under Banks' reconstruction scheme he was chosen Lieutenant Governor, on the ticket with Hon. Michael Hahn, who was elected Governor, and upon election of the latter to the Senate a year after, Mr. Wells became Governor of the State, to which office he was almost unanimously re-elected under the reconstruction plan of President Johnson. His experience in public life has been great and varied, and his capacity to discharge the duties assumed can not be questioned.

General Anderson was born in Virginia; has resided in the parish of St. Landry for a period of some forty years; is a cousin of General Anderson who commanded Fort Sumter at the outbreak of the war; was educated a lawyer; is owner of and carries on several plantations, is widely known and highly respected throughout the State. He has been intimately associated in the promotion of the social and industrial interests of his parish, and has represented it in both branches of the Legislature for more than twenty years.

Mr. Casanave, the third member of the board, is a man of intelligence, of excellent character and business habits, not dependent on an office for a living; not seeking it, but a well educated citizen, who has long conducted a prosperous and respectable business in the city of New Orleans.

Mr. Kenner, junior member of the board, is a young man, born and reared in the city of New Orleans, intelligent and active, who was for some time in charge of the Street Commissioners' Bureau in the Department of Improvements.

We will now present such an outline of proof as will disclose not only such violence and intimidation as prevented a fair election in several parishes and at many polls, but disclose also that these grave offenses were committed in pursuance of a preconcerted and settled plan formed by the Democratic leaders to prevent the Republican voters from attending the polls, and that such unlawful purpose was so effectually accomplished as not only to interfere with the purity and freedom of the election, but materially to change its result.

To illustrate how carefully the political campaign was considered, and the plan mentioned contrived by the leaders of the Democratic party, it is instructive to refer to a circular issued from the rooms of the Democratic-Conservative State Central Committee at New Orleans, marked "Confidential," and signed by I. W. Patton, president, and P. J. Sullivan, secretary, intended for circulation in each parish, and recommending the formation of ward clubs therein. These circulars urged that "in conversation no gloomy forebodings should be indulged in, and that the result of the election should be spoken of as a foregone conclusion, as we have the means of carrying the election, and intend to do so, but be careful to say and do nothing that can be construed into a threat or intimidation of any character."

The circular also recommends that there should be frequent meetings of the clubs to be formed, and that they occasionally form at their several places of meeting, and proceed thence on horseback to the central rendezvous, stating that "proceedings of this character would impress the negro with a sense of your united strength;" and it further recommended that on the day of election at each polling place there should be "affidavits" prepared to the effect that "there has been no intimidation and no disturbance on account of any efforts by the Democratic-Conservative party to prevent any one from voting on account of race, color or previous condition of servitude."

Thus carefully guided from the central Democratic authority by this secret and confidential circular, urged to impress on timid blacks, by horseback processions, a sense of the united strength of their former masters, and warned to prepare blank affidavits in advance that no terrorism had been exercised, the next and not least important part of the scheme of these leaders was to select parishes where, having the means to carry the election, and intending to use them, stated in a circular, they could do so with the most effect. There were in the State of Louisiana on the day of the election 92,996 white registered voters, and 115,310 colored, a majority of the latter of 22,314.

It was well known that if left free to vote, uninfluenced by violence or intimidation, the blacks would be almost unanimously Republican, and that with the white Republican votes the majority would be about equal to that above indicated. The plan appears to have been to select for the purposes of intimidation and violence as few parishes as possible, for in forty of fifty-seven parishes where these were not employed the Republican majority was 600, but to select those in which the colored vote, as compared with the white, would be large unless unlawfully prevented, for in so doing it might be expected that should any majority they could thus obtain in such parishes be rejected, they would, nevertheless, attain their purpose by the suppression of a large Republican vote.

In pursuance of this plan, five of the parishes selected in which the greatest violence and intimidation were practiced were East and West Feliciana, which border upon that portion of Mississippi in which murder and outrages so prevailed during and preceding the election as substantially to prevent any Republican vote; East Baton Rouge, which borders on the southern portion of East Feliciana; Morehouse, which adjoins the State of Arkansas, and Ouachita, which adjoins and lies directly south of Morehouse. The geographical position of these five parishes was well suited to the purpose to be attained, for it was easy for members of clubs to be formed therein, and who usually perpetrated their outrages with masked faces, to pretend that they were committed by border ruffians from Mississippi and Arkansas, where like outrages had been perpetrated.

The location of these five parishes was not, however, better suited to the plan to be accomplished than was the great disproportion existing therein between the number of white and colored votors. The former numbered 5134, the latter 13,244; a majority of the latter equal to more than one-third of the entire majority of colored voters in fifty-seven parishes of the State.

The returns of votes actually cast in these five parishes suggest that clubs, to whom was assigned the task of securing Democratic majorities therein, had performed their work of violence and intimidation effectually, which proof discloses, brief summaries of portions of which are hereto annexed, that where violence and intimidation were insufficient, murder, maiming, mutilation and whipping were resorted to. Instead of a majority of 6000 or 7000, which the Republicans should have had in these parishes upon a fair election, there was actually returned to the Returning Board a Democratic majority for the parishes of East and West Feliciana, Morehouse and Ouachita of 3878, and in East Feliciana, where the registered colored voters number 2127, not a Republican vote for elector was cast. In East Baton Rouge, containing 3552 colored registered voters and 1801 whites, the Democrats claim a majority of 617, which, but for the rejection of several polls by the commissioners and supervisors of election, would have been returned to the Returning Board as votes actually cast.

If to the Democratic majority from the four parishes, as above stated, we add the 617 thus claimed and insisted upon before the Returning Board, a Democratic majority of 4495 is the result of an election in five parishes containing 13,244 colored Republicans and 5134 white Democratic voters.

The conclusion that intimidation and violence alone could have produced this is almost irresistible, and that such influences were employed and was supplemented by murder, when that was thought necessary, is established by the proofs already referred to. It but confirms this conclusion to refer to the vote cast in these five parishes in 1874, when, no special motives existing for the use of cruel means to influence the election, the Republican majority therein was 3979. The result is also suggestive of violence and intimidation obtained by means most terrible and revolting. Organized clubs of armed men, formed as recommended by the Central Democratic Committee, rode through the country at night, marking their course by whipping, shooting, wounding, maiming, mutilation and murder of women, children and defenseless men, whose houses were forcibly entered while they slept, and their inmates fled through fear; the pistol and the rifle, the knife and the rope, were employed to do their horrid work. Crimes like these, testified to by scores of witnesses, were the means employed in Louisiana to elect a President of the United States.

By force of a large mass of testimony upon which that adjudication has been reached, members of the board, acting under oath, were bound by law, if convinced by testimony that riot, tumult, acts of violence or armed disturbance did materially interfere with the purity and freedom of the election at any poll or voting place, or did materially change the result of the election thereat, to reject the votes thus cast and exclude them from their final return.

Of the effect of such testimony the board was the sole and final judge, and if in reaching a conclusion it exercised good faith and was guided by an honest desire to do justice, its determination should be respected, even if upon like proof a different conclusion might have been reached by other tribunals or persons. To guard the purity of the ballot, to protect the citizen in the free and peaceful exercise of his right to vote, to secure him against violence, intimidation, outrage, and especially murder, when he attempts to perform this duty, should be the desire of all men and the aim of every representative government. If political success shall be attained by such violent and terrible means as were resorted to in many parishes of Louisiana, complaint should not be made if the votes thus obtained are denounced by judicial tribunals and all honest men as illegal and void.

JOHN SHERMAN, Ohio;
E. W. STOUGHTON, New York;
J. H. VAN ALEN, New York;
EUGENE HALE, Maine;
J. A. GARFIELD, Ohio;
CORTLAND PARKER, New Jersey;
W. D. KELLEY, Pennsylvania;
SIDNEY CLARK, Kansas;
J. C. WILSON, Kansas.

In the Matter of Sneezing.

For some time past the Parisian press has been discussing with great gusto various remedies suggested for the vice of snoring. Having got tired of this subject without arriving at any useful conclusion, they will, perhaps, be inclined now to bestow some of their philosophic attention on the bad practice of sneezing. Every excuse for doing so is afforded them by a case which is just reported from the Faubourg St. Honore. A young lady inhabiting that aristocratic quarter was suddenly seized a few days ago with a violent and prolonged fit of sneezing. Her relations, her nurse, and finally every one in the house, began to be alarmed. The orthodox "God bless you" had been shouted and reiterated in her ears, but the demon of sneezing refused to be exorcised, and the doctors had to be called in. By their advice chloroform was administered, and the sufferer thus relieved for a time from an attack which had completely exhausted her strength. But no sooner had the effect of the dose gone off than the fits again seized her with no less persistence than before. The case was serious, and the medical men began to remember with dismay the precedent mentioned in their books where a native of Edinburg was attacked in the same way, and ended by actually choking herself and dying of suffocation. Fortunately in this case there was no such tragic end to the story. A young doctor who happened to be called in after the malady had already endured for twenty-seven hours, was clever or lucky enough to effect a cure by "hydrotherapic" treatment. The account given of the case by the Paris paper does not afford any clue to the cause of so strange a seizure; but it may serve as an awful warning to those reckless persons who, like Lord Dundreary, profess to delight in a good sneeze. There is, indeed, some reason for alarm just now. Sneezing, according to the scientific account of it, is caused by irritation of the inner membrane of the nose. And since snuff-taking has been so completely banished from fashionable society there is reason to fear that the membrane in question must be a good deal more sensitive, and perhaps more irritable than it was a century ago.—*London Globe.*

It is too much to expect Democrats to have respect for the law when the law is always against them.

THE JETTIES AT SOUTH PASS.

Report of the Commission of Engineers.

[Special Orders No. 229.]

HEADQUARTERS OF THE ARMY,
Adjutant General's Office,
Washington, November 2, 1876.

[Extract.]

1. By direction of the President of the United States, a commission, to consist of the following named officers of the corps of engineers, is hereby appointed, to meet in New York city on November 6, 1876, or as soon thereafter as practicable, to report for the information of the Secretary of War an opinion upon certain subjects connected with the improvement of the South Pass of the Mississippi river.

Detail for the Commission—Colonel John G. Barnard, Lieutenant Colonel H. G. Wright, Lieutenant Colonel B. S. Alexander.

The commission will be governed by instructions to be communicated by the Secretary of War.

* * * * * * *

By command of General Sherman:
E. D. TOWNSEND,
Adjutant General.

Official:
L. H. PELOUZE,
Assistant Adjutant General.

WAR DEPARTMENT,
Washington, D. C., November 2, 1876.

GENTLEMEN—I present herewith for your guidance the instructions referred to in the inclosed special order.

The purpose in assembling your commission is not to interfere in any way with the duties of Major C. B. Comstock, the officer of engineers, who has faithfully performed the duties assigned to him under the act, viz: "to report the depth of water and width of channel secured and maintained from time to time in said channel, together with such other information as the Secretary of War may direct," but to obtain your professional advice upon certain points which the law requires the Secretary of War to decide upon.

The questions upon which I desire your opinion are as follows:

First—Is the shoal at the head of the South Pass a part of that pass, or of the main Mississippi river?

If Mr. Eads obtains a channel twenty feet in depth in the South Pass, exclusive of this shoal, is he entitled under the law to his first payment of half a million dollars?

Second—What depth and width of channel is it desirable to secure permanently through this shoal?

Third—What is your interpretation of the words "average flood tide" as used in the second section of the act?

It appears from the records that on the eighteenth of May, 1875, Major Comstock propounded this same inquiry to the chief of engineers (copy of his letter herewith), and that that officer decided, and the Secretary of War approved his decision, that the "average flood tide should be determined by excluding the effects of variations in the river's discharge."

Mr. Eads now appeals to have this decision set aside for the reason that "average flood tide can not be determined at the head of the pass, if any of the natural conditions affecting that level are disregarded." * * * "Neither the mean effect of the winds nor the mean effect of the rise and fall of the river can be ignored in determining the plane of mean or average flood tide even at the mouth of the pass, nor can either one be disregarded in fixing the plane of 'average flood tide' at the head of the pass."

In this connection you will please examine the United States engineer's gauge, and recommend what point upon it should indicate the plane of "average flood tide" or zero of reference for all measurements of depth.

Fourth—I desire a full expression of your opinion as to "the materials used and the character and permanency with which the jetties are being constructed," and as to whether the work is being constructed according to the spirit of the act, as mentioned in the tenth section thereof.

Fifth—I should be glad to receive any general suggestion in connection with this very important work, which you think will assist me in performing the duties required of the Secretary of War by this act.

In order to assist you in forming your opinion, you are authorized to visit the works at the South Pass, and to proceed to this city, if you consider it necessary to consult any records here.

The sum of $2000 will be placed to your credit from the appropriation for contingencies of the army, and it is hoped that your expenses may be kept within that sum.

A copy of these instructions has been sent to Major Comstock, and he has been directed to afford you every facility in his power to aid you in your investigations.

Mr. Eads has been notified of your appointment, and has been informed that you will be ready to receive any communications he may wish to submit to you.

The unpublished records on this subject are now in my office, and will be open to your inspections, or copies will be sent to you if desired.

The printed documents you are probably familiar with, including the three reports by Major Comstock upon the progress of the works. The fourth report of that officer, dated September 20, and giving the depth of water on August 17, is now in the hands of the printer, and will be forwarded to you as soon as received.

Major Comstock has also been requested to make another survey during the present month.

I desire that your investigations be prosecuted with the utmost dispatch consistent with their great importance.

If it is feasible to send me your report, or a summary of its conclusions, in time to be incorporated in my annual report on November 20, I particularly request that you will do so.

Very respectfully, your obedient servant,
J. D. CAMERON,
Secretary of War.

Colonel John G. Barnard, Corps of Engineers; Lieutenant Colonel H. G. Wright, Corps of Engineers; Lieutenant Colonel B. S. Alexander, Corps of Engineers.

NEW ORLEANS, November 19, 1876.

SIR—The commission appointed by virtue of special orders No. 229, dated Headquarters of the Army, Adjutant General's Office, Washington, November 2, 1876, has the honor to report that its members assembled on the sixth day of November, in New York, and organized. Your letter of instructions, dated War Department, Washington, November 2, was received and considered, and on the evening of the seventh the officers of the commission started by railway for New Orleans, arriving there on the afternoon of the tenth; Major C. B. Comstock, United States engineers, the officer appointed according to the act of Congress "to report the depth of water and width of channel secured and maintained from time to time," joining them at Cincinnati. At New Orleans they met Mr. James B. Eads, and at a preliminary meeting on the evening of the tenth listened to suggestions he had to make; and on the following day examined the maps of recent surveys of works at the South Pass, which were exhibited to them in his New Orleans office. On the twelfth they proceeded by the revenue cutter Dix, which had been placed at their disposal for the performance of their duties, to Port Eads, South Pass. The four following days, viz, the thirteenth, fourteenth, fifteenth and sixteenth, were devoted to examining the works at the sea entrance to the South Pass, at the head of the pass and at Grand Bayou; likewise the plans of the works and the surveys showing their present condition, laid before them by Major Comstock, and also by the engineers employed by Mr. Eads, and to discussions; during which Mr. Eads and his assistants, as well as Major Comstock, were invited freely to impart information and to present their views.

After mature consideration of the information thus obtained, they now have the honor to report, in response to the five queries propounded to them in your letter of instructions, as follows:

Query 1. "Is the shoal at the head of the South Pass a part of that pass or of the main Mississippi river?"

"If Mr. Eads obtains a channel twenty feet in depth in the South Pass exclusive of this shoal, is he entitled under the law to his first payment of $500,000?"

In answer to the first paragraph of the foregoing, we would say that this shoal is not exclusively a part of the South Pass, for it extends entirely across the river from shore to shore. It is therefore a shoal common to all three of the passes; but the channel (or channels) through this shoal, by which access has been had or is to be had in future from the river above into the South Pass, is a part of that pass. This construction we believe to be in harmony with the views of the commission of 1874, which estimated the total length of the "South Pass" at 12 9 miles, thus embracing the entire distance from the deep water in the river above to deep water in the gulf.

To the second paragraph of this query we answer, yes; provided the depth so obtained has a bottom width required by the fifth section of the act of Congress.

The obligation of the United States to pay $500,000 on obtaining a channel twenty feet in depth, and of not less than 200 feet in width, is expressed in that section in terms which apply exclusively to the "wide and deep channel between the South Pass of the Mississippi river and the Gulf of Mexico." The obligations of Mr. Eads in reference to the shoal at the head of the pass are expressed in the second proviso to section four of the act, the language of which provides all necessary guarantees, and is the only language of the law defining depths, etc., which does apply to this shoal.

Query 2.—What depth and width of channel is it desirable to secure permanently through this shoal?

The second proviso to section four of the act demands a navigable depth "through said pass," and of course through this shoal, of "twenty feet" within thirty months; and "an additional depth of not less than two feet during each succeeding year thereafter, until twenty-six feet shall have been secured." We deem these depths to be satisfactory; and, considering that an inland channel requires less depth for equal facility of navigation than a sea-exposed bar, that they are fairly equivalent to the greater depths demanded by the act in its fifth section for the "wide and deep channel connecting the pass with the Gulf of Mexico."

With regard to the width of channel through this shoal, it is probable that all the necessities of commerce would be satisfied, at least for a time, by a width sufficient for the passage of a single vessel. One hundred feet would suffice for this purpose. We deem it desirable to provide ultimately a channel wide enough for two large ships to pass each other when under full headway without danger of collision. This would require a bottom width of, say, 200 feet. Though this is somewhat greater than is now to be found in reaches of considerable length in the body of the South Pass itself, below Grand Bayou, we recommend it as a desirable width to be secured.

Query 3.—"What is your interpretation of the words 'average flood-tide,' as used in the second (fifth) section of the act?"

The phrase "average flood-tide" is used in the section referred to only in reference to the depths prescribed in that section, which depths refer exclusively to the "wide and deep channel between the South Pass of the Mississippi river and the Gulf of Mexico," i. e., to the channel to be created by "jetties and auxiliary works" through the sea bar of the South Pass. The expression does not apply to the "navigable depth" to be secured "through the pass" in the second proviso of the fourth section of the act; and hence not to the depth to be secured through the shoal at the "head of the pass." The matter is left, as is the width, to be governed by the general prescription of providing a "navigable depth." This navigable depth ought to be found at the low as well as at the high stages of the river. We therefore consider the principle governing the decision of the chief of engineers in his indorsement on the letter of Major Comstock, communicated to us with your letter of instructions, to be the correct one for the head of the pass, viz: That the measure of depths prescribed by the second proviso to the fourth section of the act should be from the level average high tides "occurring during the stage of the river when the volume is least;" that is, the mean of the high waters of the river at this place, taken for one or more lunations when the river is at what is known as its low stage. Inasmuch, however, as Major Comstock found it necessary to fix provisionally his zero on insufficient data, it is recommended that it be revised on the principle above stated.

In reference to the prescriptions of the second (fifth) section of the act, the phrase "average flood-tide" has been universally accepted to mean average high water of the tide; and, with no qualifications in the language, we understand this to mean the average of all daily observed high waters throughout the full cycle of a year. No complaint has been made as to the zero mark fixed by the engineer officer for the determination of the depths of water at the Gulf end of the pass. It is possible that, having been established on a series of only three lunations from August 19 to November 9, it may vary slightly from what would be given by such a protracted series of observations. It is, however, our opinion that this zero, as established, is so nearly correct, that it need not be altered, for alteration would involve confusion in the comparison of future soundings with those heretofore made.

Query 4.—I desire a full expression of your opinion as to "the materials used and the character and permanency with which the jetties are being constructed," and as to whether the work is being constructed according to the spirit of the act, as mentioned in the tenth section thereof.

The several reports of Major Comstock, the United States engineer officer, give a very precise description of the materials used. Maps No. 2 of his reports of June 9, 1876, (since printed as Ex. Doc. No. 77, Senate, forty-fourth Congress, first session,) and of his fourth report of September 20, 1876, represent to the eye so clearly the section profiles, the component parts, the dimensions, and manner of construction of the two jetties, that we need add nothing descriptively. Our opinion thereon is expressed as follows:

The commission of engineers of 1874 gave the project for these works a protracted study, and set forth a plan and details, with estimates founded thereon. While Mr. Eads is, by the language of the act, "untrammeled in the exercise of his judgment and skill in the location, design, and construction of said jetties and auxiliary works," yet he is required by the law to construct "thoroughly substantial and permanent works, by which said channel may be maintained for all time after their completion." We find that in general plan the jetties of Mr. Eads correspond substantially with those designed by the board. The materials to be used, as recommended by the board, were, after methods long employed in Holland, to be of layers of mattresses, of willows or other suitable twigs or saplings, placed in layers, with intervening layers of quarry stone. Still this design was in no respect obligatory upon Mr. Eads, nor should it have been upon an engineer officer of the United States charged to execute this work. With no experience in this country in the execution of such a work, in such a locality, and on this scale, it was impossible to foresee exactly what the work should be. The board expressly states that "it is of opinion that experience in construction may very probably show that the cross section of the dikes may be reduced, thus lessening the cost." It was also an opinion of the board and other engineers that the methods of Holland would undergo material modification in their actual application in this country, and that experience in the work on the locality would also show the cheapest and best methods. Mr. Eads has modified very materially the Holland model of mattresses, and the mattresses he has used are doubtless much inferior to those of the Dutch. Again, the amount of stone thus far used has been very small indeed, barely enough to sink the mattresses. Nevertheless, the jetties so constructed, except at their ends in deep water, where some damage has been done, have resisted, without material injury, the floods, storms and waves, and there has been more than a year's exposure, with its winter and autumnal storms, for some portions of the existing work.

We do not conceive it to be required of Mr. Eads that each stage of the progress shall exhibit such "substantial and permanent work" as the law ultimately contemplates, but rather that each stage of the work shall show an adequacy to create a channel at the depth and width demanded, and at the same time such a fair and honest prosecution of the work as shall be, as far as it has gone, so much really accomplished toward the construction of works which, in the language of the law, "may be maintained for all time after their completion."

While we believe that engineer officers, applying moneys appropriated to meet their estimates by Congress, would have executed the work differently, especially in applying freely stone to each layer of mattresses, we are nevertheless of opinion that the work is being constructed essentially according to "the spirit of the act as mentioned in the tenth (thirteenth) section thereof."

We would add that the greatest variation from the sectional designs of the board of 1874 for the jetties, is to be found on their sea sides. That board recommended that the jetties should have on their sea sides the same slopes as on the river or channel side. As actually built upon the foundation mattresses, the sea sides are vertical. This construction appears to answer every purpose throughout most of the length, for the wide shoals on each side afford great protection, and there is, as had been expected, a great accumulation of river sediment and wave deposit against the exterior of the jetties, by which that protection is augmented.

The outer ends of the two jetties, and especially the end of the eastern one, extend beyond their protection, and are greatly exposed; and we deem that an enlargement of section and a large application of stone to be essential to security.

Query 5.—"I should be glad to receive any general suggestions in connection with this very important work which you think will assist me in performing the duties required of the Secretary of War by this act."

The more important of the duties imposed upon the Secretary of War by the act are embraced in the thirteenth section; and of these the only one on which we have any suggestions to offer is that which requires him to see that the works shall be of such substantial and permanent character as shall maintain the channel for all time after their completion.

We have already remarked that we deem not only an enlargement of section, but a large application of stone to be essential to the security of the jetties, their sea ends especially, and we are of the opinion that this enlargement of section at the sea ends and consolidation throughout by the application of stone should be undertaken at once, and a reasonable progress therein be made the condition of the second and all future payments. The immediate and full consolidation of the jetties should be neither required nor expected, as they will continue to settle for some time, both by subsidence of the bottom upon which they rest, and by the compression of the mattresses of which they are largely composed. But this settlement and consolidation should be hastened, as has just been remarked, by the application of stone from time to time, so that they may be in condition to receive their final finish as soon, at least, as the expected full depth of water in the channel has been obtained.

The present works at the head of the pass are mostly of a tentative and temporary character, and as their proper positions are determined should be replaced by substantial and permanent structures, to be completed before final payments are made.

Respectfully submitted.

J. G. BARNARD,
Colonel of Engineers and Brevet Major General.

H. G. WRIGHT,
Lieutenant Colonel of Engineers, Brevet Major General.

B. S. ALEXANDER,
Lieutenant Colonel of Engineers, Brevet Brigadier General, United States Army.

Hon. J. D. Cameron, Secretary of War, Washington, District of Columbia.

A Gallant Old Gentleman.

Not long ago, as an elderly couple were out walking, a lady on the opposite side of the street tripped and fell down. The old gentleman rushed across the street, raised his hat, and offered to assist her in any possible way. His wife followed him across at a slow pace, and witnessing his devotion to the stranger, she got mad and shook her fist at him. "It's all right—it's all right," he whispered. "Yes," she hotly exclaimed. "Here an unknown woman stubs her toe, and you plow across the street to eat her up with kindness. The other day, when I fell down stairs, you stood and laughed and chuckled and tickled your ribs, and wanted to know if I was practicing for a circus!"

OFFICIAL NOTICES.

OFFICIAL.

Parish of Calcasieu.

COMPILED RETURNS OF AN ELECTION HELD in the parish of Calcasieu, State of Louisiana, on the seventh day of November, A. D. 1876, under a writ of election dated the sixteenth day of September, A. D. 1876, ordering same, and pursuant to the provisions of act No. 98, to regulate the conduct and to maintain the freedom and purity of elections; to prescribe the mode of making returns thereof; to provide for the election of Returning Officers and defining their powers and duties; to prescribe the mode of entering on the rolls of the Senate and House of Representatives, and to enforce article 103 of the constitution, approved November 20, A. D. 1872, to wit:

FOR CLERK OF COURT.	
Asa Ryan	831
J. Richards	304
J. V. Moss	227
FOR RECORDER.	
J. B. Kirkman	1377
FOR PARISH JUDGE.	
D. J. Reid	817
H. B. Jones	436
A. Drosier	3
FOR SHERIFF.	
A. L. Reid	642
D. H. Lyons	580
A. Gilley	165
FOR CORONER.	
J. A. F. Hawkins	289
T. B. Ferren	241
J. C. Leblen	202
J. S. Hawkins	4
FOR JUSTICES OF THE PEACE.	
First Ward—	
G. W. Gidlow	45
J. Cole	110
J. N. Strother	28
Second Ward—	
F. G. Hay	74
Third Ward—	
Asa Ryan	109
B. Hebert	36
Fourth Ward—	
L. B. Yellott	35
W. Vincent	16
J. D. Standfield	7
T. Kleinpeter	15
W. W. Smart	7
Fifth Ward—	
J. K. Alphin	65
H. A. Reed	20
Sixth Ward—	
John May	92
R. L. Cannon	27
James Strother	13
Seventh Ward—	
S. Hyott	3
W. P. Simpson	111
FOR CONSTABLES.	
First Ward—	
T. J. Gordon	16
J. B. Buller	29
S. Reed	116
J. W. Wilcox	12
Second Ward—	
F. Hevel	16
A. D. McFarlin	23
Third Ward—	
J. J. Ryan	99
A. Herbert	31
Fourth Ward—	
W. G. Rasberry	5
Aug Smith	39
Fifth Ward—	
J. Foster	72
Sixth Ward—	
J. Sigler	51
L. A. Ford	54
Seventh Ward—	
L. M. Nichols	54
H. Cole	2
FOR POLICE JURORS.	
A. Cole	721
D. D. Andrus	584
S. Vincent	828
J. Meadows	757
J. J. W. Miller	470
A. Derouan	397
G. Myers	410
W. M. Perkins	827
H. D. Nix	509
J. Miller	19

CERTIFICATE.

We, the undersigned Returning Officers, pursuant to authority vested in us by act No. 98, approved November 20, A. D. 1872, do hereby certify the foregoing is a true and correct compilation of the statement of votes cast at an election for parochial and ward officers, held on the seventh day of November, A. D. 1876, under a writ of election promulgated on the sixteenth day of September, A. D. 1876, ordering same.

And we hereby declare that the following named persons were duly and lawfully elected, to wit:
For Clerk of Court—Asa Ryan.
For Recorder—J. B. Kirkman.
For Parish Judge—D. J. Reid.
For Sheriff—A. L. Reid.
For Coroner—J. A. F. Hawkins.
For Justices of the Peace—J. Cole, F. J. Hay, Asa Ryan, L. B. Yellott, J. K. Alphin, John May, S. Hyott.
For Constables—S. Reed, A. D. McFarlin, J. J. Ryan, Aug. Smith, J. Foster, L. A. Ford, L. M. Nichols.
For Police Jurors—A. Cole, D. D. Andrus, S. Vincent, J. Meadows, W. M. Perkins.

J. MADISON WELLS,
THOMAS C. ANDERSON,
G. CASANAVE,
LOUIS M. KENNER.

Official:
CHARLES S. ABELL, Secretary. de10 1t