

The Weekly Louisianian.

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"REPUBLICAN AT ALL TIMES, AND UNDER ALL CIRCUMSTANCES."

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To the Public.

With this issue we commence sending the LOUISIANIAN to a large number of our white fellow citizens—merchants and business men, not so much for the purpose of securing their subscriptions and advertisements—which no doubt they will upon reflection find it advantageous to give, as to enable our white fellow-citizens to know something of the feeling and disposition of the colored people.

The greatest need for the establishment of permanent peace, good government, and prosperity in Louisiana, is the cultivation of a more thorough knowledge of each other by the white and colored people. Since emancipation and enfranchisement the breach growing out of senseless prejudices has been gradually widening, until up to last year we found ourselves as completely separated as if a Chinese wall were between us; and it is largely owing to this lamentable fact that no political co-operation could be had between the white and colored people in this State. Last year a new departure was taken in several parishes—notably in Terrebonne—and the result established the fact that successful co-operation between the white and colored people is not only possible but that it can be made eminently successful. All that is required is a just recognition of the rights of the colored people, civil and political. Purchasers will protect their interests in examining this large and well selected stock of goods before making their purchases.

EDWARD LILIENTHAL, DEALER IN JEWELRY, WATCHES AND SILVERWARE, No. 95 CANAL STREET, NEW ORLEANS.

AGENT FOR THE DIAMOND EYE GLASSES. June 6, 1874.

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DRY GOODS,

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AT STILL LOWER PRICES.

THE LARGEST STOCK OF FRESH GOODS

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AT THE FOLLOWING LOW

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Men's Black Doeckin Pants \$5, \$6, \$8, \$9.

Men's Fancy Cassimere Pants \$3, \$4, \$5, \$6 and \$8.

Men's Diagonal Coats and Vests \$15, \$20, \$25.

Men's Linen Dusters \$1 75 and upwards.

Men's Linen Ulsters, a new article, \$5 and \$7.

Boys' School Suits (10 to 15 years) at \$3, \$4, \$5, \$6 and upwards.

Children's Sailor suits \$2 50, \$3 50, \$5.

Children's suits, (3 to 9 years) \$2 75, \$3 50 and upwards.

Six Fine Linen Bosom Shirts \$7 50.

Six Open Back Bosom Shirts \$9.

Men's India Gauze Under Shirts 50c and upwards.

English Half Hose \$2 75, \$3, \$3 50 per dozen.

The largest assortment in this city of Men's, Boys', Youths' and children's Hats, consisting of the latest styles Felt and Straw Goods, from 50 cents upwards.

Purchasers will protect their interests in examining this large and well selected stock of goods before making their purchases.

LEON GODCHAUX,

81 and 83 Canal, and 213, 215 and 217 Old Levee, Opposite French Market.

may 8 tf

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—AT—

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We shall from MONDAY NEXT, April 26th, offer our entire Stock of

SPRING AND SUMMER DRESS

GOODS.

—AT A

HEAVY REDUCTION OF FORMER

PRICES.

The Goods being entirely fresh, and consisting of the

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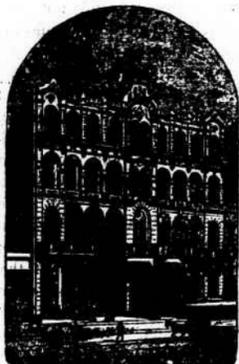
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Baronne Street, near Canal, where he is prepared to furnish to the trade, teachers

and the public, the best quality of goods in his line, at prices lower than elsewhere

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Pianos and Musical Instruments

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LOUIS GRUNEWALD,

Grunewald Hall,

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HON. JAS. L. ALCORN.

DEFENSE OF HIS VOTE TO SEAT PINCHBACK IN THE U. S. SENATE—"HEAR HIM FOR HIS CAUSE."

[From the Mississippi Independent.]

FRIAR'S POINT, MISS., May 4, 1875.

Jas. A. Stevens, Esq., Editor, etc.:

DEAR SIR—Since my return from Washington City, the demands of my private business have made it necessary that I should spend my time on my plantations. The sudden change to an active outdoor life, limited only by my capacity for endurance, leaves me at night too much exhausted for the labor of correspondence, and as I keep no secretary when away from Washington, my correspondence during my stay at home is necessarily neglected. I tender this as my apology for having failed before this time to answer your letter of the 15th of April last.

You request me to give you the reasons on which I base the justification of my vote to admit Pinchback to a seat in the United States Senate, and you add: "Your (my) vote on that question has surprised and pained many of your (my) friends in this (your) portion of Mississippi."

Although firm in my purpose to discharge the duties of my office in a manner acceptable to my conscience and judgment, regardless of the opinions of others, I by no means defy the public judgment, and the fact that I have been so frequently led, within the past fifteen years, to differ from those of my countrymen whose opinions I prize so much, has been, and now is to me, a course of grievous regret.

I appreciate the opportunity which you offer me through the columns of your paper for explanation; am so constantly assailed by a portion of the press of Mississippi, and with such brutal coarseness, that when a gentleman, like yourself, whose business it is to hold audience with the public, in a spirit of friendliness calls upon me to explain, I respond with pleasure; and however much I may be censured after my plea is read, the courtesy of a hearing nevertheless relieves the judgment of condemnation free from personal hostility.

Article 5 of the Constitution among other things provides, that "no State without its consent shall be deprived of its equal suffrage in the Senate." While responding to this demand of the Constitution, it is necessary that the Senate should have some rule of law governing the mode of admission, and this rule should be so inflexibly adhered to, as to place it beyond the power of a capricious majority in that body to ignore the text of the Constitution. In laying down the rule for the admission of Senators, section 18, chap. 1, of the Revised U. S. Statutes, provides that, "It shall be the duty of the executive of the State from which any Senator has been chosen, to certify his election, under the seal of the State, to the President of the Senate of the United States." Section 19 provides that, "the certificate, mentioned in the preceding section, shall be countersigned by the Secretary of State of the State."

When an election for a United States Senator is had by the Legislature of a State in the manner provided by law, and that election has been certified to, as is provided by the statute recited, the certified papers are called the Senator's credentials; and when the "credentials" are in proper form, it is a rule of the Senate to admit the Senator on his *prima facie* case. When we speak of a Senator's credentials, we mean the legal evidence of his election provided by law. The law provides what shall be the legal evidence of a Senator's election as clearly as it provides what shall be the legal evidence of title to a piece of land. The Senate may go behind the credentials as the court may go behind a patent to a piece of land, but the one as the other is *prima facie* evidence of title. The rule, I repeat, is, when the credentials are in proper form to admit the Senator on his *prima facie* case, and if objection is made, the objection and credentials are referred to the Committee on Privileges and Elections, where all parties may be heard. The committee reports back to the Senate the result of its deliberations upon the issue made up, and recommends the proper action. The rule was, before the war, in a measure, uniform. When the questions touching the war were raised, the Senate assumed an inquisitorial and arbitrary attitude; but they

refused to admit members suspected of disloyalty. After the war the Senate refused to admit members from the Southern States *prima facie*, holding as it did, the Southern States *prima facie* disloyal. But the rule outside war issues has the endorsement of precedent.

As to the power of the Senate over the question of the election of a Senator, the discussion in March, 1873, upon the right of Mr. Spencer of Alabama to be sworn in on his *prima facie* case, disclosed a diversity of opinion. In that discussion, Senator Stevenson of Kentucky (Democrat) said: "I admit that you can enquire into the authority of the appointing power, whether a man has been regularly and legally elected in the mode pointed out by the law. That you can do; but I deny, as was attempted to be done in the Goldthwait case, that you can look into the elements of the legislature that elected him." Mr. Thurman of Ohio (Democrat) said: "The only doubt I have in my mind, and I state it frankly, because I will not do any injustice in this business, is this, whether the certificate of the Governor does not make out, *prima facie*, that the legislative body which he certifies for was the true legislature. That is the only serious difficulty there is in the whole case; whether or not, looking to the act of Congress, we are not bound to assume, *prima facie*, that that body which the Governor certifies is the legislature until the contrary is shown."

In the same discussion, I had the honor to say: "When under the law of Congress a Senator-elect comes here with the certificate of the Governor in hand, a Governor whose authority no one stands to impeach or assail; with a legislature sitting in the State recognized by the Governor, he is *prima facie* entitled to a seat in this body and to be sworn in, and no safe rule can be adopted by the Senate to depart from the rule I here lay down." In the logic of the Senator from Missouri (Mr. Schurz) there is a limp. He says "in certain cases, in trivial cases, fallacious cases, there should be no delay; but who is to judge of that? How can we judge of the fallacy of a protest here until we have ascertained that fallacy by an examination into the case? First upon the memorial or remonstrance of any party, under the position assumed by the Senator from Wisconsin (Mr. Howe), we are called upon to send to a distant State for witnesses, to California if you please, and it might be that a dominant majority of the Senate would have an object, (for, while the Senate is a high, exalted body, it is not held to be above the passions of men, and we must confine it by and hold it to certain rules laid down, regarding the passions of men as facts,) in keeping out Senators elect from California or Oregon. These Senators coming fresh from the people might be able to turn the balance on a grave and important question; and how easy would it be to file a protest here assailing the organization of the legislature or the election of the Governor, in order to accomplish its purpose on some question vital to the peace of this nation." (See debates Congressional Record, vol. 1, pages 3 to 29.)

I have here recited from a debate in the Senate showing the view I took in 1873, and that that view was in accord on the point involved in our present inquiry, with the thinking of those distinguished leaders of the Democratic party—Messrs. Thurman and Stevenson. Bearing in mind the text of the Constitution and the law thereunder, I will use as much brevity as possible in applying it to the Louisiana case.

The contest in Louisiana in the election of 1872 was in many respects remarkable. The Democrats and Conservatives followed the banner of Horace Greeley borne in the hands of John McEnery their candidate for Governor. The Republicans followed that of Gen. Grant borne in the hands of W. P. Kellogg their candidate for Governor. H. C. Warmoth was at that time Governor of the State; his influence in controlling the ballot-box was well understood. Warmoth and Kellogg had been in the past friends in ruling and robbing the people of Louisiana; but now they had quarreled; the President of the United States was understood to be on the side of Kellogg, and this induced Warmoth to espouse the side of Greeley. The Conservatives and Warmoth entered into a compact whereby they were to co-operate in the support of McEnery and Greeley; and if successful in carrying the State, the State government

was to be placed under Democratic rule, and Warmoth was to be elected to the regular term in the United States Senate. Under this bargain Warmoth became the leader of the Conservative or Democratic forces in the contest. The contest was angry; every possible and imaginable intrigue was resorted to by those accomplished and unscrupulous adventurers—Warmoth and Kellogg. Warmoth as Governor was entitled to the possession of the election returns, under his manipulation they were made to show the election of McEnery and his legislature by a large majority. Kellogg had no returns, he resorted to affidavits and forged certificates and by these proved up the election of himself and his legislature by a still larger majority.

An appeal was made to the State courts; the judges were personal to the contest; injunctions and counter injunctions were granted, when finally Kellogg appealed to a partisan United States Judge under whose unwarranted and corrupt order, United States troops were brought to his support. Civil war was imminent; a final appeal was made to the President, who placed himself squarely in support of the ruling of the district Judge, and caused to be issued orders to the army for the support of Kellogg and his legislature. Kellogg's legislature was installed and in due time he was inaugurated as Governor of Louisiana.

The McEnery legislature assembled in a building in the City of New Orleans, chosen for the purpose; after being organized McEnery was likewise inaugurated as Governor. The two legislatures simultaneously entered upon their work. The seal of State was by Warmoth given into the hands of McEnery, but Kellogg soon had a duplicate; both legislatures passed bills, and both Governors attested with the great seal of State.

The Kellogg legislature elected John Ray to the United States Senate, to serve out his (Kellogg's) unexpired term, he having resigned that office. A certificate of election was issued to Ray in due and proper form. The McEnery legislature elected W. L. McMillen to the Senate to serve out the same term, to whom a certificate of election was issued in like due form. Both certificates bore the impress of the great seal; both were attested by the Governors and both were countersigned by the Secretary of State.

In December 1872 both Ray and McMillen appeared with their credentials, each in due form. There could be no *prima facie* case here. The question as to who was the Governor of Louisiana was thus brought before the Senate. If Kellogg was Governor, Ray was entitled to the seat on his *prima facie* case; if on the other hand McEnery was Governor, McMillen was entitled to enter on his *prima facie* case. Neither claimant could be admitted until the Senate had ascertained who was the Governor, and this involved the question as to whether there was a legally elected Governor in the State of Louisiana. To ascertain this fact the credentials of both Ray and McMillen were referred to the Committee on Privileges and Elections, with instructions to make investigation and report their conclusions. I was then, and am still a member of that committee. For six weeks we labored in the investigation. Both contestants were represented. Warmoth championed McEnery, Kellogg had a multitude of lawyers engaged for him. Warmoth displayed extraordinary skill; Kellogg was ably represented.

A majority of the committee, I being of that number, reported that neither Kellogg nor McEnery had any lawful right to the office of Governor of Louisiana; that the election under which they claimed was an unmitigated fraud; that the claim of each rested on fraud and perjury; that it was the duty of Congress, in the interests of peace and fair play, to dislodge both Kellogg and McEnery and provide for an election, expressive of the will of the people of that State. The committee reported a bill to carry out their recommendation which afterwards failed by a direct vote of the Senate.

While this contest before the Senate Committee was going on, the Kellogg legislature elected Pinchback for the regular term in the Senate, beginning in March, 1873; soon thereafter the McEnery legislature went back on Warmoth, their most crafty supporter, and elected McMillen to the regular term. When this was done War-

moth abandoned the contest before the Senate with evident disgust. The credentials of both McMillen and Pinchback were referred to the committee on Privileges and Elections, but up to this time no report has been made. The adjournment of Congress settled the question between Ray and McMillen; the term for which they were elected had expired; aside from this, no conclusion had been reached by the Senate.

At the called session of the Senate in March, 1873, there was no effort made to revise the struggle soon after the adjournment of Congress the President dispersed the McEnery legislature, leaving Kellogg supported by government troops, insecure control. Kellogg now had it all his own way; his courts were reorganized and so made haste to decide—as a matter of course—that his was the legal and constitutional government. His legislature enacted laws which were by the courts enforced; the legality of which there is to-day none to dispute.

In December, 1873, the first regular session of the Forty-third Congress convened. During the early part of this session, which adjourned on the 23 of June 1874 the contest over the Louisiana question was vigorously maintained. Mr. Carpenter of Wisconsin introduced his bill to restore civil government in Louisiana; the debate was protracted and able, but Congress adjourned without result, Kellogg still holding the government of Louisiana.

In November, 1874, the regular biennial election in Louisiana took place; the McEnery party claimed to have carried the State, and made an attempt to control the organization of the legislature, but again the President interposed and the organization was effected in the interests of the Kellogg party.

The threatening attitude of affairs in Louisiana induced the House of Representatives at Washington to despatch a committee to the scene of disorder, with a view to investigation and report. Fraud was again detected, and after two reports had been made, a proposition in the interests of peace was submitted as a compromise. It was soon ascertained that the parties were not so far apart but that they could be brought together in the support of Kellogg as Governor of the State. Mr. Wheeler, a member of the House of Representatives from the State of New York, whose term expired with the 43rd Congress, assumed the lead in bringing the parties to an understanding. Pending the negotiations between the Republicans and Conservatives in the city of New Orleans inaugurated by Mr. Wheeler, the House of Representatives at Washington passed, by a large majority, a formal resolution recognizing to the end of the term for which he was elected, Kellogg as the rightful Governor of Louisiana.

The 43rd Congress expired; leaving Kellogg winner by an endorsement of the popular branch of Congress. He now had the executive department of the national government; the popular branch of the legislative department, and the courts of Louisiana, all giving him recognition and official support.

Mr. Wheeler, notwithstanding he was no longer a member of Congress, his term having expired, without any official authority whatsoever continued, nevertheless, the labors of his committee and for his convenience the election returns for the year 1874, which had been in the hands of a corrupt returning board for four months of time, were forwarded to the city of New York for examination and revision. After some delay Mr. Wheeler submitted a proposition to the parties in interest in Louisiana, to the effect that a called session of the legislature should be convened by the Governor (Kellogg) that certain Republican members, naming them, should be unseated and that Conservative members, naming them, should be admitted, and upon this basis the legislature should be reorganized, upon the express condition that the Conservatives should recognize Kellogg as Governor of the State until his term should by law expire. This bargain was agreed to and the contract has been, and is now being carried out.

A called session of the 44th Congress met on the 4th of March last. It soon became known that it was the purpose of the Senate to imitate the example of the House, by formally recognizing the Kellogg government; and that that body intended to give the President's policy touching Louisiana affairs an official

[CONTINUED ON FOURTH PAGE.]