THE NEW ORLEANS DAILY DEMOCRAT.

OFFICIAL JOURNAL OF THE STATE OF LOUISIANA.

VOL. II---NO. 111. NEW ORLEANS, TUESDAY, APRIL 10, 1877. PRICE, FIVE CENTS.

BY TELEGRAPH.

CHAMBERLAIN'S COURAGE.

Is Supplied Him from New England by the Party of Hate and Sectionalism.

Wendell Phillips, Blaine and Sherman Conspiring Against the President.

Morton Promises Soon to Join the Gang.

Hayes By No Means Out of the Woods.

[Special to N. O. Democrat.]

WASHINGTON, April 9.—Chamberlain's determination to stick and to compel Hampton to remove him by force is due to the encouragement received by him from New England, at the hands of the eternal hatred party who follow the lead of Wendell Phillips and Blaine, and get their political views from the pulpits of the North Methodist Church. Morton, while pretending to sustain Hayes, and accepting a large share of the patronage, is secretly abetting Chamberlain and encouraging a general revolt of the carpet-baggers and extremists against Hayes, promising privately that he will take the leading part in it when it is once set going. Even John Sherman, holding a seat in the Cabinet and participating in the confidential consultations of the Administration, is also secretly aiding and abetting these conspirators. My authority on these points is a Republican, deep in the confidence of Blaine and the carpet-baggers. Hayes is by no means out of the woods. BUELL.

THE SOUTHERN TROUBLES.

The News from Our Commission Not At All Encouraging to the Prospects of Compromise.

Chamberlain Begging Funds in the North to Help Him in His Stand Against Hampton.

Hayes Has Not Reached the Bottom of the Southern Troubles Yet.

Ben Butler Will Lead the Anti-Hayes Rebellion.

[Special to N. O. Democrat.]

WASHINGTON, April 8, 9:50 p. m.—The news received from the Commission at the White House is not of an encouraging character. It corroborates fully the reports received by Kellogg that neither side cares to hear anything about compromise.

Southern matters promise to be made more complicated by Chamberlain, who is making an appeal to the Republicans in the North to subscribe money to help him in his stand against Hampton. Mr. Hayes has not found the bottom of these Southern troubles yet. Ben Butler, now here, is the main spirit of the rebellion that is brewing against Hayes in the ranks of the Republican party.

BUELL.

COMPLICATIONS IN SOUTH CAROLINA.

Chamberlain Will Endeavor to Assert His Claims—The Radical Legislature to Order a New Election.

WASHINGTON, April 8.—It appears that new complications have arisen in South Carolina affairs. Chamberlain and his friends, it is said, have determined to make an effort to have him continue to assert his claim to be Governor, on the ground that if neither he nor Hampton were properly inaugurated, then Chamberlain holds over under a clause of the constitution of South Carolina which provides that all officers shall continue to discharge the duties of their office until their successors are elected and qualified. Wright, the third judge of the Supreme Court, holds this doctrine.

Chamberlain, who arrived at Columbia yesterday, and his friends insist that the Legislature must meet, if at all, under the Chamberlain call, and either order a new election, recanvass the vote, or do whatever is to be done, as the case may be.

WENDELL PHILLIPS.

The Story About That Captured Slave.

NASHVILLE, April 8.—The *American* this morning publishes an interview with Thos. Simms, a negro captured in Boston in 1851, under the fugitive slave act, when Gen. Devens was United States marshal. Devens' friends say he raised money and bought Simms' freedom. This is denied by Wendell Phillips. Simms says he was not freed until 1863, in Mississippi, when he entered the Federal lines.

THE READING RAILROAD.

A General Strike of Engineers Anticipated.

PHILADELPHIA, April 8.—On Saturday 24 out of 378 brotherhood men on the Germantown and Norristown branch of the Reading Railroad left their places; 17 men left prior to that. Other men were put in their places and there were no detention of trains. Division 71 of the brotherhood met last night and discussed the situation. Other meetings were held to-day. It is rumored to-night that there will be a general strike on the Germantown and Norristown branches, and also on the main line in a few days.

The Canals Navigable.

PORT JERVIS, N. Y., April 8.—Navigation of Delaware and Hudson Canal begins Thursday, April 12. Freight on coal remains the same as last season.

MORE OF THE JEWETT MYSTERY.

Murder and Suicide Probable.

NEW YORK, April 9.—Yesterday's developments in the Jewett tragedy make the theory that Orville committed murder and suicide more and more certain. A third witness to the firing of the small revolver was found yesterday in the person of the janitor.

Burning Forests.

POUGHKEEPSIE, April 9.—The forests in the neighborhood of Rockland Lake, in the highlands, are burning; about two miles of standing timber are on fire and the flames are still spreading.

THE HORRORS OF THE SEA.

Drunkeness, Thunder and Starvation.

PHILADELPHIA, April 8.—Capt. Carson, of the schooner Annie Todd, arrived here yesterday. He says when Maguire was taken from the Roanoke he was nearly exhausted. At no time did he correct his story or contradict himself; all hands had been drunk on her and they had fought among themselves. The raft, Maguire says, was washed overboard the night previous. Maguire also tells a plain story to-day and does not deviate from that first told. The man who attempted to shoot the captain was drunk and he also tried to injure Maguire. The story that there was a dead man on wreck, with his upper lip cut off, Maguire says is false. Insurance men believe Maguire's story and will pay the loss. Capt. Carson came here to tell the family of Mr. and Mrs. Dallet that the rumor of a mutiny and murder is without foundation.

FOREIGN.

THE CANADIAN FISHERIES.

The Questions between Great Britain and the United States Soon to be Settled.

OTTAWA, April 8.—Sir Edward Thornton is now in Ottawa, visiting the Governor General. His mission is purely diplomatic, having reference to the extradition treaty, fisheries, and other matters in which Canadian interests are involved. His consultations with Lord Dufferin, as the representative of the Queen, are expected to be of no little moment in shaping the action of the British government with the United States, and in determining the questions growing out of the Washington treaty that have long remain unsettled.

THE COLUMBIAN REVOLUTION.

A Decisive Battle Soon Expected.

PANAMA, March 28.—Advices just received from Barranquilla are to the effect that an important battle is likely soon to be fought at Rio Hache. Some 900 troops were sent from Savanilla on the 7th inst. for Rio Hache by the Liverpool steamer Mexican. It is believed their landing will be resisted. Troops ordered from Carthagena to Rio Hache refused to go. Letters received at Panama from Barranquilla say that on the night of March 20 a telegram had been received there from Bogota, announcing the retreat of Gen. Valez Abejoral and the subsequent occupation of Manizoles by Gen. Trujillo.

The national Congress has elected as designatos, to take the executive power in case of absence, absolute or temporary, of the President, the following gentlemen: Gen. Julian Trujillo, Gen. Zergio Comargo and Dr. Pablo Arosmena.

An Extraordinary Council of Ministers.

CONSTANTINOPLE, April 7—Evening.—An extraordinary council of ministers was held to-day. Transmission of the decisions arrived at has not yet been allowed.

THE DISARMAMENT.

Some Uneasiness Still Prevailing.

CONSTANTINOPLE, April 8—Morning.—The Cabinet meets again to-day, when definite resolutions will be adopted regarding the protocol. The question of disarmament and the negotiations with Montenegro will be communicated to the charges d'affaires to-morrow. Some uneasiness prevails as to the results of the deliberations.

THE INTERNATIONALISTS.

They Attack the Government Forces in Italy.

NAPLES, April 8.—Thirty armed Internationalists made their appearance at Ceretto, in the Terra di Lavoro, yesterday. They fired at the Carbineers and wounded one. Several of the band were arrested, and the arms of the others have been seized.

THE FRENCH ASSEMBLY.

An Irreconcilable Radical Elected From Bordeaux.

BORDEAUX, April 8.—The second ballot for member of the Chamber of Deputies took place to-day. M. Mie, irreconcilable Radical, obtained 7271 votes; and M. Cadoc, Republican, 6128.

Cushing's Farewell.

MADRID, April 8.—General Cushing, American Minister, had a farewell audience with the king yesterday.

A PATENT CARPET-BAGGER EXTERMINATOR—TAX RECEIPTS FROM GOV. NICHOLLS.

THE TAMMANY RING.

The Money Recovered by the City.

[Chicago Times.]

NEW YORK, April 6.—The pursuit of the Tammany ring thieves has thus far turned out very unprofitably for the people of this city. Controller Kelly to-day sent to the Assembly a statement of receipts and expenditures on account of the "ring suits." The money received by the Attorney General from Watson's estate and from Woodward amounts to $690,849 52, of which $658,237 has been paid into the city treasury. Wheeler H. Peckman has been paid $57,581 10. Lyman Tremaine, $25,000; James C. Carter, $6076; George Ticknor Curtis, $15,000; John K. Porter, $12,499 70; Henry L. Clinton, $5000; Barlow & Olney, $4921 30, and five other lawyers $9186. Henry F. Taintor, has been paid $66,339 94, in addition to clerk hire and miscellaneous expenses amounting to $19,971 20. Charles O'Conor has been repaid cash disbursements $513,610. The expenses thus far foot up $226,711 43, as against collections of $690,849 52.

ENGLISH LAP RUGS.—Messrs. Levois & Jamison advertise a beautiful line of these linen rugs for buggy and carriage use. Call in and see them at 126 Canal street.

CONTESTED ELECTIONS IN LOUISIANA

Decision of the Supreme Court Rendered on May 15, 1876.

State of Louisiana, ex relations J. C. Moncure vs. Antoine Dubuclet—Appeal from the Superior District Court, parish of Orleans.

Mr. Justice Taliaferro:

The plaintiff alleges that at the general State election, on the 2d of November, 1874, he was elected Treasurer of the State of Louisiana, having received a large majority of the votes cast by the legal voters of the State; that the defendant was his competitor and was illegally returned as duly elected to the said office by the Returning Board of elections, composed of J. Madison Wells, President, Thomas C. Anderson, Louis M. Kenner and G. Casanave; the relator averring that he received on the entire vote of the State a majority of more than three thousand votes over his competitor. He alleges specially that the Returning Board refused to count and did not count the relator's majority of one thousand and forty-three votes obtained by him in the parish of De Soto. That the said board did, contrary to law, refuse to count any returns at all from the parishes of DeSoto, Grant and Winn. That the aggregate vote of these parishes was forty-seven hundred for relator and six hundred and sixty-seven for Antoine Dubuclet, being twenty-one hundred and eighty majority in favor of the relator, of which he was deprived. He specifies various other acts of the Returning Board in omitting the returns of the election, and in making out their estimates of the results of the election in the different parishes, which he charges to have been irregular and illegal, and redounding to his injury as a candidate for the office of Treasurer. The relator prays service of petition and citation on Antoine Dubuclet, and he prays that a writ of mandamus issue to the members of the Returning Board commanding them to assemble and canvass the returns of the aforesaid parishes, viz: Bienville, DeSoto, Grant and Winn, and promulgate the same. That upon the other issues set forth a jury be called to determine them; that there be judgment in his favor declaring that the commission issued to Antoine Dubuclet as Treasurer was improvidently issued; that he illegally holds the office of State Treasurer; that relator be decreed to have received a majority of three thousand eight hundred and seventy-six of the votes legally polled throughout the State at the election aforesaid for the office of Treasurer of the State, and therefore to be entitled to the said office.

A rule nisi was issued to the officers of the Returning Board, who responded to the order by exception, on these grounds:

First—That there is in the relator's suit an improper joinder of parties and an improper cumulation of different causes of action.

Second—That there is no cause of action set up by relator's petition against these respondents.

Third—That there is a commingling of allegations in the petition, leaving it doubtful what cause of action the relator seeks to prosecute, the petition being vague and uncertain.

Fourth—That if the object be to contest the election of Antoine Dubuclet, the respondents have no interest in the contest. That the court is without jurisdiction *ration materiæ*, that the law does not authorize the contestation of the election of State Treasurer, and, if it did, which is denied, the action is prescribed by ten days.

Fifth—That there is no cause of action against these respondents, whatever may be the suit; that courts are without jurisdiction to inquire into their action as a Returning Board, or to prescribe their course of action; that the law prescribes their duties, and their acts are limited by their sound discretion under the law and their findings are not subject to review by any court.

The respondents, in their answer, sworn to by the President of the board, declare "that they commenced the exercise of their functions as a Returning Board on the 11th of November, 1874, and completed their work on the 24th of December following, and promulgated the same according to law; that they have become *functus officio* and have no further legal authority in the premises; that their action is final and no mandamus will lie against them. The answer then declares that in relation to the parish of DeSoto no legal return of the election in that parish was made to the returning officers by the Supervisor of Registration, and, consequently, they were without means to canvass, count and compile the votes of that parish if any election was held in it. That in regard to the parish of Winn, there was evidence before the Returning Board that there was no supervisor of registration in that parish to register the voters and to conduct the election and that there was no legal election held in that parish on the 2d of November, 1874.

"Concerning the parishes of Bienville and Grant, the evidence before the Returning Board showed that at no poll or place of voting in either of these parishes was there a full, fair and peaceable election on account of acts of violence, intimidation and corrupt influence, such as to materially interfere with the freedom and purity of elections; and consequently, upon taking testimony of witnesses to ascertain the facts in relation to these matters, and ascertaining that such a condition of things did exist as stated, the returning officers, in conformity with law, rejected the several polls from these parishes."

On the part of Dubuclet an exception was filed, containing in substance the same matters set up in the exception of the officers of the Returning Board, with the further exception that if the relator's cause of action is one under the intrusion act, then the petition sets forth no muniment of title in the relator (Moncure) which authorizes proceedings under that act. That in relator's petition no cause of action is set up.

By the judgment of the court *a qua* the exceptions were sustained, the mandamus prayed for refused, and the suit dismissed.

The relator appealed.

We think the exceptions were properly sustained and the judgment dismissing the case correctly rendered. The contesting of an election must necessarily be conducted in conformity with some law authorizing it. Under what law does the relator proceed? If it be under the act of 1855, we do not think its provisions apply to his case. By that act provision is made for contestations of elections held for parish and ward officers only, and summary proceedings are required. The contestant must, within ten days after the election, present to the court a petition, signed by at least twenty voters of the parish praying the court to examine the facts and decide thereon. The adverse party is required to answer after ten days from service of petition, and the issue to be proceeded with summarily before a jury. The jury is authorized to decide which of the parties is entitled to the office or to return the matter to the people for a new election. No new trial or appeal is allowed. This is the only law found on our statute that authorizes courts to go into the business of inquiring into and determining the qualifications of voters, the correction of poll books, rejecting votes found to be illegal, correcting and compiling returns of elections, questions arising as to the legality of the mode, time and place of holding elections, adjusting the reports of commissioners of elections, and generally all the details relating to the proceedings required in the holding of elections. And this law applies specially to the election of parish and ward officers. If this act of 1855 applies to the case at bar, which we by no means admit, all its provisions would apply. Then the prescription of ten days would be fatal to the relator's case, for this suit was not brought until after the lapse of more than six months from the time the election was held. Besides, from the judgment rendered against the relator in the lower court he could not have appealed. If the relator claims that the act of December 18, 1872 establishing the Superior District Court of New Orleans, gives that tribunal jurisdiction to try a contested election for any State office, then, if that statute does not prescribe other terms of prescription of action to contest elections, and prescribe other formalities of proceeding in contested cases, the rules of conducting such cases, and the term of prescription defined in Revised Statutes, articles 1418, 1419 and 1421 would apply and prove equally fatal to the relator's case.

So far as relates to the general election of November, 1874, the functions of the Returning Board ceased when the board completed the investigation of the election returns from the various parishes of the State and made their official report of the result. They were then without power to take any further action on the subject. It is not in the power of a court by mandamus to require the individuals who compose that board to reassemble and act in the capacity of a Returning Board. Under no circumstances could a mandamus issue requiring a Returning Board to do more than perform its duties, if it refused to perform them. A court is wholly without power to direct *how* these duties shall be performed. The mandamus for these reasons was properly refused. It is clear to our minds that the act of December 18, 1872, establishing the Superior District Court does not authorize the contesting of any election not previously authorized by law to be contested. In the structure of that part of the act relating to elections, the term *contest* is not used; the prominent, characteristic expression used is, "*right to any* office, State, parish and municipal," clearly indicating and embracing the intrusion into office act. As a matter of contemporaneous history we judicially know titles to offices were about that period issued by adverse and conflicting powers, each claiming to rightfully wield the authority of the State and to direct the State government.

Commissions in great numbers were thus issued and frequent disturbing difficulties arose from the conflictions between different parties holding commissions for the same office. One purpose in organizing the Superior District Court was to have these vexed questions as to who held the proper commission or authority promptly disposed of, and to that end the Superior District Court was authorized to entertain all proceedings and to try all cases or actions "in which the right to any office, State, parish or municipal, is in any way involved."

But it would seem the relator himself relies chiefly on article 10 of the State constitution, which declares "that all courts shall be open, and every person for injury done him in his land, goods, person or reputation, shall have adequate remedy by due process of law, and justice administered without denial or unreasonable delay."

Let it be conceded for the argument sake only that this article of the constitution embraces the controversial disputes growing out of elections; that the wrong complained of by the relator is one to be redressed under and by the provisions of the article quoted. Then he is entitled to an adequate remedy by due process of law. The article of the constitution does not prescribe this process of law that he is entitled to. Justice shall be administered without denial or unreasonable delay.

The article is silent as to how justice shall be administered. Yet, in seeking the adequate remedy due process of law must be followed; justice is to be administered by due process of law.

It is for the Legislature to prescribe the due process of law, to establish and define rules under which proceedings to determine which of two candidates for a State office received a majority of the votes cast throughout the State for that office, shall be conducted when one of these candidates charges that through error or fraud the Returning Board has illegally and wrongfully returned his competitor duly elected instead of the complainant, who insists that he was duly and legally elected. The returns made by the Returning Board are made *prima facie* evidence of their correctness but subject to revision. Now we are unable to find that the Legislature has prescribed the process of law, the rules to be followed by the courts, the *modus operandi* to be observed in having the returns of the Returning Board corrected, if erroneous or fraudulent. The courts are open, but it is not for them to enact laws prescribing the manner in which the action of the Returning Board is to be judicially revised.

The redress sought for by the relator involves the contesting of votes. This court, in the case of the State vs. the Judge of the Second District Court, (13th An., p. 99,) announced that "the contesting of votes is not a judicial function, only so far as made such by special statute. Indeed, some have gone so far as to question whether this is not wholly a matter of administration which cannot with propriety be referred to the judicial tribunal at all—at any rate it is clear that such tribunals cannot usurp any greater control over this business than is specially imposed upon them by law. In the absence of a statutory authorization they are without jurisdiction *ratione materiæ*."

In the case of Cohn vs. Knoblock, (25th Annual, 263,) the same views were expressed. It was there said that "the adjustment and compilation of election returns, determining the number of legal and illegal votes cast for each candidate, declaring the result of an election and furnishing the successful candidate with the proper certificate; in short, superintending and controlling all the details of an election belong primarily and properly to the political department of the government."

We no where find that the law-making power of the State has referred to judicial actions, contested elections involving an inquiry into all the details of an election, except by the act of 1855, which, as we have already seen, is specially restricted to the election of parish and ward officers.

The act creating the Returning Board provides that the returns of elections thus made and promulgated shall be *prima facie* evidence in all courts of justice and before all civil officers *until set aside after a contest according to law.*

The contest, then, which involves the rebuttal of the *prima facie* evidence of the correctness of the returns of the Returning Board and the reopening of the investigation of the election returns, in order to determine which of two opposing candidates is entitled to a given office, is a contest to be made according to law. If the law-maker has omitted to enact the law under which proceedings in such cases are to be conducted, it is a *casus omissus* which the courts cannot supply.

In civil government rights are enforced by rules and methods having the authority of law, and they can be legally enforced in no other way. The high behests of the organic law are not always self-enforcing; the manner in which its commands are to be obeyed is often left to be provided by the legislative branch of the Government. To this branch of the State government the organic law delegates the power to prescribe rules and principles by which its provisions are to be made practically useful, and specially so when the organic law itself is silent on the subject. Without such prescribed rules established by law, courts have no guide by which to proceed in their investigation of litigated questions brought before them. Proceeding under prescribed rules in determining controversies, the judge is authorized to decide according to equity where there is no positive law applicable to the case; but he must acquire a knowledge of the merits of the case and reach conclusions by pursuing established rules for acquiring such knowledge by evidence presented for his consideration. It is then a fallacy to say that courts can assume to determine controversies not referred to them and in relation to the investigation of which there are no established rules and principles required by law to be followed.

Judgment affirmed.

DO YOU WISH TO BURY PACKARD TEN FEET DEEP? PAY YOUR TAXES TO GOV. NICHOLLS.

DEFICIENCIES.

The Department of Justice $500,000 Short.

[N. Y. Times.]

WASHINGTON, April 6.—The financial condition of the various departments was considered at the Cabinet meeting to-day. All of them were found in good condition except the Navy Department, which is now being investigated by Secretary Thompson, who is not ready to report. The Department of Justice was represented to be about $500,000 short, and a question arose whether the United States Courts can be legally continued in the absence of the necessary funds to pay their expenses. After discussion the Cabinet unanimously concurred in the opinion of Attorney General Devens, that they can go on as usual; but the District Attorneys and Marshals will be instructed to be as economical as possible in their expenses. Congress will be asked to make up the deficiency at the extra session.

PREMATURE LOSS OF HAIR, which is so common nowadays, may be entirely prevented by the use of Burnett's Cocoaine.

A NEW MOVE TO COMPROMISE.

One of Hayes' Private Diplomats in the Field.

Of What the Plan Consists.

To those who are in the least acquainted with the status of political affairs in Louisiana, it was evident from the hour the probability of a Commission to that State became certain that such a move was only another of those old *ruses de guerre* to secure and bring about a compromise. The seemingly bold and just principles enunciated in President Hayes' inaugural address led everyone to believe that if this commission was sent, its purpose could be only to find some means by which the political appetite of Packard could be appeased, and he be let as gently as possible down the incline of necessity with as little as possible of ignominy.

The Commission was selected and it is here, and it is now hard at work gleaning all it can from the numerous visitors relative to the facts here. All this is well known, but behind this and perhaps

A MORE POTENT MOTOR

in the cause of compromise is in the person of G. Hutchinson, Esq., an old and intimate friend of President Hayes, and who was appointed by him to the rather anomalous position of consulting member of the Commission. Mr. Hutchinson has been a member of our bar for about ten years and came originally from Ohio. He is a man of considerable ability and is well grounded in the politics of the country. In build he is tall, a little inclined to a stoop, with a high narrow head and clear blue eyes. On first acquaintance he would not impress one as being a man of much force, but from the influence he has exerted over President Hayes it is probable he has held his *vis* in reserve.

The reason reference is made to Mr. Hutchinson is this. For a number of days past

WITHIN THE INNER CIRCLES

of politics here it has been mooted that there was on foot through some mysterious agency, a movement looking to a settlement of the Louisiana case outside whatever recommendations the Commission might choose to make. These reports seem to gather strength with the passage of time, and it was only yesterday that a reporter of the DEMOCRAT was able to trace these whisperings to a reliable source.

During quite a lengthy interview with Mr. Hutchinson, above referred to, he stated that he felt satisfied there was nothing easier than a solution of the Louisiana matter. He had considered carefully the whole subject, and had arrived at his conclusions only after much thought. "There can be no question," said he, "but that Gov. Nicholls is the only person who has the confidence of the people, the only man who could to-day hold the office in this State

WITHOUT TURMOIL AND BLOODSHED.

In his government the business community have full confidence and agricultural interests look to him for relief.

President Hayes, with whom I am

IN TELEGRAPHIC CORRESPONDENCE,

wants to make his administration a business administration, and he wants to revive the drooping commercial and agricultural interests of the South. Nothing goes to the root of the matter more than some statements made by men who formerly supported Packard, and who visited the city for the object of giving to the Commission their views on the situation of affairs here. They said that in their parishes the blacks as well as whites were suffering from the delays in the recognition of the Nicholls government.

THE SMALL COUNTRY MERCHANTS

refuse to make advances to the small negro planters until they know what kind of a court may sit to adjudicate upon their liens upon the crops. In turn the factors in this city refuse to make advances to the small country merchant, not knowing how his securities for the sale of his goods may stand before a Packard court. This is the most important point. This is business, and the President looks at it from a business standpoint. It has more weight than all the theories of

PERSONAL OR POLITICAL RIGHTS

now, for the country needs reanimation. In regard to compromise, I honestly think it can be effected. I have talked with a number of Hayes Republicans like Gen. Bussey, Gen. McMillen, Judge Wyly, Ex-Gov. Warmoth, Dibble and others, and they appreciate the necessity of a move in that direction. I have also conversed with some on the other side, Messrs. Eustis, I. Robertson, for instance, and I think the plan feasible. It is this:

LET ENOUGH OF PACKARD'S HOUSE

of Representatives who are admitted to have been elected, by both parties, and that is only seven, leave Packard, desert him, if you could call it deserting a thing that does not exist, and let them be sworn in the Nicholls Legislature as members, making a legal Legislature, for Nicholls now has a legal Senate. Then let there be an election for two United States Senators, eschewing Kellogg entirely, and let these two who are elected be sent to Washington, be they Republicans, or one Hayes Republican and one Democrat.

Packard is

NOT TO BE CONSIDERED AT ALL

in the scheme, for whether he has been elected or not the people will not tolerate him. Then if there are one or two vacancies in the Supreme Court there should be put in in a spirit of fairness two national or Hayes Republicans as contradistinguished from the Packard party. This, I think, would satisfy the President, who is extremely anxious to adjust the Louisiana case, and

GET IT OFF HIS HANDS

as quickly as he can. I don't know that the Commission would agree to this; but if it could be done the President would not wait long in approving it.

With reference to his own position on the Commission Mr. Hutchinson said that he had been telegraphed by the President to act as a consulting member. That is, when parties made statements to the Commission, the weight to be given such statements was in a manner to be gauged by their past influence here, and as he (Hutchinson) had lived in New Orleans for ten years, the President thought

HE OUGHT TO KNOW SOMETHING

of the individuals who might come forward. His idea is to convene a select committee from Gov. Nicholls' side and lay the whole plan before them as it has already been laid before the Republicans, and secure a conference committee if possible.

When asked with what success his proposition had been received in Packard's circles, he said that it had met with the approval of more men there than he anticipated.

THE PLAN WAS FEASABLE,

and could be carried out.

In reference to the reported opinion of the Commission, that Packard ought to receive more concessions from the Democrats, he intimated that perhaps liberality on the part of the Democrats would increase their influence at Washington.

It is evident from Mr. Hutchinson's conversation that a plan of compromise is on foot, and that this is outside the Commission proper.

DO YOU WISH TO KILL PACKARD? PAY YOUR LICENSES TO GOV. NICHOLLS.

There's some pleasure in losing a bet when the winner is a lady with a tiny hand. Get those gloves at Kreeger's.

New hosiery, parasols and cut-out embroidery opening to-morrow (Wednesday), at M. L. Byrne & Co.'s, 163 Canal street.

BURNETT'S COLOGNE is sold in elegant bottles of superior finish and beauty—in themselves an ornament. It has, in a brief time, attained a large and constantly increasing sale, confirming the opinion of the best judges, that it is equal, *if not superior*, to the celebrated farina.

THE LEGISLATURE.

The Senate.

The Senate met at the usual hour, 12 m., Lieut. Gov. Wiltz in the chair, and a quorum present.

A message from the House announced concurrence in Senate bill 134, relative to sales of pianos, sewing machines, etc.

Also, that the House agreed to appoint a committee of conference on Senate bill 99, relative to pilots.

Also, agreed to Senate amendments to the Board of Health bill, etc.

Senator Allain took occasion to speak in answer to an editorial article in the *Times*, under the heading of "The Race Question," commending the spirit of the article.

In this connection Mr. Allain hoped the press generally would be as liberal and conservative in its views, and alluded to his own efforts to effect such legislation only as was for the good of the whole people. Instancing his action in the premium bond question he said: There are Senators on this floor who are witnesses that this premium bond bill had been killed; when Mr. Pilsbury came to me and said that if I could get this bill up again it would be for the good of the community. He had read by the Secretary a letter from Mr. Pilsbury commending his services in getting the bill passed, thereby saving the State a million of dollars.

The Senate joined the House to ballot for United States Senator.

After joint ballot the bill to require assessors to assess all property not *absolutely* required for charitable purposes, was taken up on third reading. The bill reduces the license on private bankers.

Mr. Stubbs moved that the bill be indefinitely postponed, and spoke in opposition to it.

Mr. Beatner thought some of the features of the bill advisable, and moved reconsideration of the vote by which the bill was ordered engrossed on Saturday.

The bill was reconsidered, and the amendment fixing the tax on private bankers at $250 each partner was laid on the table.

Senator Goode in the chair.

Mr. George offered an amendment fixing the tax at $500 on each banker instead of $1000, which is the rate now fixed by law. Lost.

The bill was finally passed as amended and went to the House for concurrence in the amendments adopted on a previous day.

Mr. Texada, for the committee, reported enrolled Senate bill 108.

Mr. Beatner introduced an act, substitute for House bill, to repeal the act providing for the charter of the Levee Company. Ordered printed for Wednesday.

Mr. Allain introduced a bill to enable the police jury of Iberville to levee a tax not to exceed 14½ mills for parish purposes. Referred.

Mr Richardson, for Committee on Agriculture, reported on the bill to repeal the act relative to private markets, by asking that the same be referred to the Committee on Health, etc. Report adopted.

Also reported favorably on Senate bill for a commission to investigate and report upon port charges.

The vote by which the bill relative to the Levee Company was ordered printed for Wednesday, was reconsidered, and on call the Senate went into executive session shortly before 2 o'clock.

Secret session was raised shortly before 3 o'clock, when, on motion the Senate adjourned till 12 m. Tuesday.

House.

The House assembled pursuant to adjournment. Speaker Bush in the chair, and a quorum present.

Leave of absence was granted for three days to Mr. Cockerham.

RESOLUTIONS.

By Mr. Lyons of East Feliciana—A resolution requiring the Committee on the Judiciary to inquire whether the additional compensation allowed to the Speaker, or any other member of the General Assembly, is not violative of article 39 of the constitution. Referred.

By Mr. Young, of Claiborne—A resolution instructing the chairman not to issue warrants to members for back pay who shall have failed to take their seats in the House by Wednesday at 12 o'clock m. Adopted.

REPORT.

By Mr. Hill, of Orleans, Chairman of the Committee on Militia, unfavorably on House bill No. 235 to appropriate $4000 to the militia.

The Speaker announced the following:

Special Committee on Senate Joint Resolution relative to the city charter of New Orleans: Messrs. Leeds, Jonas, Hill, Leonhard and Aldige.

Conference Committee on Senate bill No. 99: Messrs. Delavigne, Kernochan, Tremoulet, Estopinal and Voorhies.

NEW BILLS.

By Mr. Huntington, of Orleans, by consent, a bill to repeal the acts relative to the Baton Rouge and Vicksburg Railroad Company. Referred to the Committee on Railroads.

By Mr. Toler, of Richland, to appropriate $1500 to pay for assessment and tax collection rolls. Referred to the Committee of the Whole.

By Mr. Young, of Baton Rouge—A bill providing for the appointment by the Governor of a resident physician at the Quarantine Station at $2000 per annum, and authorizing the latter to appoint an assistant at $1000 per annum. Referred to the Committee on Health and Quarantine.

UNFINISHED BUSINESS.

House bill No. 231, exempting from the license tax persons who sell goods of their own manufacture manufactured in this State.

The question came upon its recommitment to the Committee on Ways and Means, and led to further debate.

Mr. Voorhies and Mr. Wilde, of Orleans, opposed the passage of the bill in its present shape and endeavored to amend it further by requiring that the work should be begun within two years and completed within five years, which was laid on the table by a vote of 47 to 18; also, to amend by requiring that the bill shall become operative only when five per cent of the capital stock shall have been subscribed. Tabled also by a vote of 48 to 17.

The passage of the bill was pressed by Messrs. Lyons, of East Feliciana, McGehee, of West Feliciana, Kidd, of Jackson, and Young, of Claiborne, on the ground mainly that to disagree in the amendments, which were improvements on the bill as it originally passed the House, would cause it to be referred to a conference committee and thereby jeopardize its final passage, considering that the close of the session was so near at hand.

Mr. Voorhies also endeavored to have inserted a provision reserving the right to the Legislature to regulate the rates of toll of the Canal Company, which was rejected. It was argued, besides the reasons already expressed against the adoption of any amendment, that this was a matter that would regulate itself; that the river would be still kept open, and that the Eads jetties would have the advantage anyhow in the competition, since no tolls could be charged to pass through the jetties.

The motion to recommit was lost—yeas 18, nays 49.

Mr. Tremoulet moved, as a proviso, that the bill shall not take effect until the first of January, 1878. Laid on the table.

The proceedings were interrupted by the Senate meeting the House in

JOINT SESSION,

and the General Assembly proceeded to ballot for a United States Senator with the following result:

	Senate.	House.	Total.
B. F. Jonas	1	23	24
R. L. Gibson	4	15	19
E. C. Billings	0	6	6
Geo. Randolph	2	0	2
J. Harvey Brigham	8	16	24
James F. Casey	5	7	12
Blank	0	2	2
Totals	20	69	89

No choice and the Senate withdrew.

The nomination of Mr. George Randolph, of Iberville, was made by Senator Allain. That of the Hon. J. Hardy Brigham, by Dr. Hammond; and that of Col. James F. Casey, by Representative McGehee.

The House resumed its separate session.

THE PREFERRED CALENDAR

was now taken up.

House bill No. 330, substitute for Senate bill

Continued on Last Page.