THE SCALES OF JUSTICE.

THE LAW COURTS YESTERDAY.

A $1,000 Verdict Against a Railroad Company—In Numerous Cases Judgment Is Obtained by Default—Grand and Petit Larceny Trials Disposed of.

PRISON-BIRDS TO THEIR CAGES.

Supreme Court of the United States.

On motion of Mr. M. I. Townsend, Wm. H. Hale, esq., of Albany, N. Y., was admitted to practice as an attorney and counselor of this court.

On motion of Mr. P. Phillips, L. W. Goodrich, esq., of Marlin, Texas, was admitted to practice as an attorney and counselor of this court.

No. 748. Milo Hoadley, appellant, vs. The City and County of San Francisco. This cause was submitted on printed arguments by Mr. S. W. Holladay, of counsel for the appellant, and by Mr. Delos Lake, for the appellee, under the twenty-first rule.

No. 467, (assigned.) The Lake Superior and Mississippi Railroad Company, appellant, vs. The United States; and

No. 673, (assigned.) The Atchison, Topeka and Santa Fe Railroad Company, appellant, vs. The United States. The argument of these causes was continued by Mr. Solicitor General Phillips, and concluded for the appellees, and concluded by Mr. E. R. Hoar, for the appellants, in No. 673.

No. 123. John Dunbar et al., plaintiffs, vs. Margaret Myers, executrix, &c.; and

No. 287. Margaret Myers, executrix, &c., appellant, vs. John Dunbar et al. The argument of these causes was commenced by Mr. F. H. Betts, of counsel for Myers' executors, &c., and continued by Mr. Samuel J. Glassey, for Dunbar, et al.

Adjourned until to-day at 12 o'clock.

Circuit Court.

Before Chief Justice Carter.

THE BALTIMORE AND OHIO RAILROAD COMPANY MULCTED IN $3,000 DAMAGES—MANY SUITS GO BY DEFAULT—THE UNITED STATES MARSHAL DEFENDANT IN A REPLEVIN ACTION.

Matthew Pabst vs. The Baltimore and Ohio Railroad Company. This was an action for damages against the defendant, claiming $25,000. The jury returned a verdict for $3,000.

Armstrong, Carter & Co. vs. Allen W. Dowling. An action to recover $404.31, with interest from May 15, 1876, for goods purchased defendant. Judgment for plaintiff by default.

Wm. M. Galt & Co. vs. Peter Doerr & Bro. This was an action to recover $588.49, with interest on $261.99 at eight per cent. from August 28, 1876, and on $235.25 at eight per cent. from September 27, 1876. Judgment for plaintiff by default.

Jos. Wild & Co. vs. J. W. McKnight. An action to recover an overdue promissory note for $297.16, with interest on $240.00 from April 13, 1876. Judgment by default.

Wm. A. Brown & Co. vs. Simon Heller. An action to recover $293.10 for goods furnished defendant. Judgment by default.

William B. Green vs. Brown & Dexter. This was an action on an overdue promissory note for $500, with interest at 10 per cent. Judgment for plaintiff by default.

C. Lansburgh & Bro. vs. Margaret Lee. The plaintiff sued to recover $188.52 for goods sold to defendant. Judgment for plaintiff by default.

Benjamin F. Graham vs. John Pool. This was an action on an overdue promissory note for $225, with interest from January 3, 1876.

Patrick Foley vs. Royal Canadian Insurance Company. The plaintiff sues for $977 on a insurance on property which the defendants refused to pay. Judgment for plaintiff by default.

John A. Jordan vs. John L. Lay. This was an action on an overdue promissory note for $431.41, subject to a credit of $250, and the defendant being indebted to the plaintiff for rent and cigars for $200.52. Judgment of condemnation.

Jordan & Orme vs. John L. Lay. This was an action to recover $495.51 for goods sold. Judgment of condemnation was entered.

Abraham Merrell vs. Grafton Tyler and John B. Tanner. This was an action on a certain promissory note for $500, with interest at 6 per cent. Dismissed as to Tyler, and judgment against John B. Tanner.

Felix M. Draney vs. Adelbert B. Simons. This was a suit to recover $356.65 balance on contract. Judgment by default.

Nicholas H. Shea vs. Marcy A. L. Parks. This was an action to recover $170.89 for goods sold to defendant. Judgment by default.

N. H. Shea vs. Marcy A. L. Parks, administratrix of Geo. A. Parks. This was an action to recover $78 for goods sold to defendant. Judgment by default.

Hall & Hume vs. C. P. Gautier and G. W. Cook. This was an action to recover balance of $56, with interest from January 27, 1875, on an overdue promissory note. Judgment by default against C. P. Gautier.

Hall & Hume vs. E. J. Sweet. This was an action for $150, with interest from October 5, 1875, at 10 per cent. on overdue promissory note. Judgment for plaintiff by default.

Freeman W. House vs. Thomas Peter. This was an action to recover $1,000, with interest at 10 per cent. until paid, on an overdue promissory note. Judgment for plaintiff by default and condemnation.

German-American Bank vs. M. A. L. Parks. This was an action to recover $56.84, with interest from January 10, 1876, on an overdrawn account. Judgment by default.

Smith & Co. vs. Callahan & Spalding. This was an action to recover $436.97, for material furnished to defendant, who gave an order to satisfy the bill on Robert J. Fleming, which was accepted. Verdict for defendant.

Hortsmann Bro. & Co. vs. Gotthelf & Behrend. This was an action to recover $220 for goods sold and delivered to defendants. A juror was withdrawn and leave to amend pleadings granted on the payment of costs.

L. G. Tillotson & Co. vs. John L. Lay. This was an action to recover $379, for goods sold and delivered to plaintiff. Order of publication made.

Charles H. Haddaway, use of John W. Leonard, vs. Augustus S. Nicholson. The plaintiff sues to recover $1,000, with interest from June 17, 1876, on an overdue promissory note, subject to credits of $50, paid October 28, 1875, and March 9, 1876, $178. Judgment by default.

Hayden & Blundor vs. George H. Boston & Co. This was an action to recover $210, with interest at 10 per cent. from October 1, 1875, for use of four boats and barges for twelve days, at $5 per day each. Judgment by default against George H. Boston and George D. Johnson.

Michael Smith vs. Samuel H. Gibson. This was an action to recover $115, with interest at eight per cent. from July 1, 1876, on an overdue promissory note. Judgment for plaintiff by default.

Francis McBohn & Son vs. Henry M. Diggins. This was an action to recover $188.50 with interest from February 6, 1876, for goods sold and delivered to the defendant. Judgment against defendant by default.

George H. Turton vs. Seth A. Terry et al. This was an action to recover $200, with interest from May 17, 1876, at 5 per cent., on an overdue promissory note. Judgment for plaintiff by default.

Adolph Kaufman vs. Alex. Sharp, United States marshal. The defendant seized goods as the property of Samuel Bieber, bankrupt, and plaintiff comes in with a replevin suit to recover the goods, setting forth that he purchased them before Bieber became a bankrupt. Case still on.

Equity Court.

Before Judge Wylie.

PROCEEDINGS IN DIVORCE CASES—INJUNCTIONS OVERRULED AND OTHERS MADE PERPETUAL—CONFIRMATION OF TRUSTEE'S SALE—DECREES TO BE SUBMITTED.

Shipley vs. Shipley. Suit for divorce. Appearance of absent defendant ordered.

Barker vs. Gilbert. Dismissal of bill as to lots 8, 9, 10, 12, 13, 14 and 15, in square 778.

Lee vs. Phillips. Confirmation of trustee's sale.

Smith vs. Pope. Final confirmation of trustee's sale.

Cook vs. Hall. Injunction continued.

Abraham Morrell vs. Grafton Tyler and John B. Tanner. Injunction overruled.

Edwards vs. Hickman. Vacation of order dismissing bill, and leave to file bill of record.

Worthington vs. Marquis. *Pro confesso* vs. defendant, Eschard, and limiting to take proof to the 23d of December.

Hare vs. Bennett. *Pro confesso* vs. all defendants.

Walker vs. Moulton. *Pro confesso* vs. defendant, Alvord.

Baltimore and Potomac Railroad Company vs. Gallaher. Case continued, on motion of complainant.

Cottrell vs. Schriftgeiser. Decree to be submitted.

Colored Union Benevolent Association vs. District of Columbia. Decision allowing demurrer.

Kretchmar vs. Jackson. Continued.

French vs. Plant. Exceptions to auditor's report sustained.

Kilmon vs. Killmon. Suit for divorce. Submitted by complainant.

Criminal Court.

Before Judge MacArthur.

CHICKEN THIEVES COOPED—CLOTHES AND JEWELRY STEALERS CONVICTED—A GAME HOUSE CASE NOT MADE OUT—HEAVY SENTENCES IMPOSED BY HIS HONOR.

Ananias Haskins and Sandy Henderson, charged with stealing, August 28, 1876, from John Wilberger, in the county, guilty chickens, valued at $40.

Sandy Henderson, one of the accused, is a small boy, about eleven years of age, with a bright eye, and watched every witness closely as their evidence was delivered from the stand.

John Thomas was called as a witness. He was a bright mulatto boy, about three feet high, and in response to a question of the judge replied that he was fifteen years old.

Mr. Drury, counsel for Henderson, asked his Honor to question the witness and see if he knew the responsibility of an oath.

Judge MacArthur deemed it unnecessary, as nowadays boys fifteen years old were pretty well posted, and thought they knew a great deal more at that age than they really did when they became older.

The jury found Haskins guilty and not guilty as to Henderson. The court sentenced Haskins to one year in the penitentiary.

George Jones, white, indicted for grand larceny in taking from Mrs. Robt. S. Bayne a set of coral jewelry, valued at $50; bracelet, $2.50; pistol, $10; fruit basket, $25; garnet earrings, $10; neck-chain, $2, and pocket-book, $1. The larceny was committed September 1, 1876. Guilty; three years in the penitentiary.

Theodore Watkins. Burglary with intent to rob Bertha Freibus on June 2, 1876. The counsel for the defense filed a plea of formal acquittal, and the case went over until to-day.

Henry Middleton, charged with keeping a gambling-house in July, 1876, in this District. Not guilty.

Thos. Carter, indicted for grand larceny in stealing from Johanna Jackson, November 9, 1876, goods valued at $5, plead guilty. Sentenced to two years in the penitentiary.

Louis Lee and Frank Shorter, charged with grand larceny in stealing, on October 9, 1876, from Frederick Klotz, wearing apparel valued at $200.75. Shorter plead guilty and Lee found guilty by the jury; each was sentenced to three years in the penitentiary.

Howard Gordon, indicted for burglary and larceny in entering, on November 6, 1876, the house of E. E. Rice and stealing various articles valued at $15. Case still on.

The trial of Charles G. Fisher, indicted for stealing papers from the clerk's office, has been set for the 19th instant.

Police Court.

Before Judge Snell.

A BURGLAR HELD FOR THE GRAND JURY—ASSAULTING AN OFFICER—FORGING A DEED OF CONVEYANCE—PETIT LARCENY AND MINOR CASES SETTLED.

Charles E. Wesley, charged with burglariously breaking into the house of Wm. Hagler, No. 7 Stoddard street, Georgetown, and stealing a silver watch worth $25, and $30 in money; grand jury—$2,000 bonds. Wm. Thomas, assault on Thomas Helmuth; $20 and costs or thirty days in jail. Henry Brown, assault on Officer Charles H. Safiel; $5 and costs or ten days in jail. Henry Brown, petit larceny; $5 and costs or thirty days in jail. Joseph Hall, threats to Sarah Hall; $200 bonds to keep the peace. Chas. Stewart, charged with forgery of a deed of trust conveying a piece of land not his own, to secure the sum of $700, with intent to defraud; grand jury—$1,000 bonds. Thomas Washington, loud and boisterous; $5. John Crow, cursing; $5. Martin Banks, Mary Smith and Mary Jones, loud and boisterous alley rangers; $5 each. John W. P. Duval, loud; $5. Edward Carroll, a bold artilleryman, drunk and disorderly; $5. Robert Maine, insanity; $5.

Court Calendar for To-Day.

Circuit Court. Before Chief Justice Carter. Nos. 105, Goldsmith vs. Johnson; 223, Rittenhouse, Fowler & Co. vs. Baltimore and Potomac Railroad Company; 172, Lee vs. Abbey; 210, Cohen vs. Sharp; 212, Abbey vs. Pomeroy; 213, Slater vs. Johnson; 214, Jones vs. Copeland; 216, Lowe & Rollins vs. Williams; 218, Eastwood vs. Schopp's administrator; 221, Rollins vs. Sharp; 225, Schopp's administrator vs. Metropolitan Life Insurance Company; 235, Fant vs. Lewis; 239, Johnson, use, &c., vs. Stickney, vs. Bobbins; 250, Neale vs. Bender; 258, Morton vs. Cammack & Ward; 262, Archer and Pancoast Manufacturing Company vs. Shepherd; 266, Robinson vs. Baltimore and Potomac Railroad Company.

Equity Court. Before Judge Wylie. Nos. 4, Hopper vs. Vigel; 8, Hilton vs. Sherman; 10, Kasher vs. Utermehle; 11, Holmes vs. Vandenburgh, 12, Selke vs. Peck; 13, Owen vs. Sypher; 14, Cooke vs. McGinnis; 15, Blake vs. Fant; 16, Hillis vs. McNamara; 17, Barrett vs. Bige low.

Criminal Court. Before Judge MacArthur. Lemuel Weeden, assault with intent to kill, two cases; Christopher Johannesson, assault; Michael Sexton, James Ryan and Edward Long, resisting an officer; Mary Canaan, murder of her child; Joseph Lacey, robbery; Richard Carter and Addison Spillman, larceny.

"Les Miserables."

Capt. Crocker, accompanied by the necessary assistants, left last evening, by the 9 o'clock train, on the Baltimore and Ohio railroad, with the following convicts for the Albany penitentiary: Johanna Turbin, convicted of murder and sentenced to be hung, but whose sentence was commuted to imprisonment for life; Henry B. Lien, forgery, one year; Henry Byesch, grand larceny, two years; Wm. Blandy, grand larceny, one year; Lewis Shorter, grand larceny; one year; Wm. Johnson, petit larceny, (second offense,) three years; Jackson Fields, grand larceny, three years; Adolphus Mason, grand larceny, three years.

AMUSEMENTS.

Concert by St. Aloysius Choir.

The concert, in aid of the St. Aloysius school building, by the choir of St. Aloysius' church, at Marini's hall last evening, furnished one of those delightful musical entertainments with which the public of this city are seldom favored, but which, whenever they occur, draw large, appreciative and fashionable audiences. The choir at St. Aloysius' contains so many of the leading vocalists of the city that the name of the organization was enough to insure a large house. The singers who participated were Messrs. Pugh, Barbili, Gannon and Witherow; Miss Eva Mills, Misses B. and N. Eichorn and Mrs. Sherman.

Miss Mills did credit to her laurels as the leading soprano of the city by her rendition of a solo from Gounod's "Romeo and Giulietta." She has a voice of unusual freshness, sweetness and evenness, and manages it with charming skill. In the solo were many intricate and difficult bars, which were mastered with wonderful ease. The *encore* that followed was well won, and responded to with grace. Miss Mills also appeared in a trio with Messrs. Pugh and Gannon, and in the sextette that concluded the evening's entertainment.

Misses B. and N. Eichron sang "Li Souvien," a duo by Ricci. The quality and training of their voices were exhibited to full advantage, and no one could wish for a more delightful vocal performance. Mrs. Sherman made an indispensable contribution to the evening's entertainment in the shape of a solo from Lito Matti. The culture and power of her rich contralto, which is known and admired by all the lovers of music in Washington, were brought into play by this selection.

Mr. Fugitt, the jolly, rendered a bass solo from Halevy. It is unnecessary to say that the rendition was good. Mr. Fugitt's splendid voice, with its great scope, is too well known for that.

Mr. Pugh, the tenor, sang "Love, the Pilgrim," with a clear and sweet voice, in a way which called for an *encore*.

Mr. Gannon sang a baritone solo, "The Raft." There is something sympathetic in Mr. Gannon's voice which holds his hearers in close attention while he sings, and they are always repaid by some rich music. His voice possesses great truth and precision, and has a pleasing harmony for the ear.

Signor Barili also contributed a baritone solo, singing a selection from Gounod. There are, perhaps, few more accomplished and thorough masters of the art of singing. But he seems to prefer a wonderful exhibition of skillful management of the voice to pleasing melody and harmony. His voice is grand and perfectly disciplined, and in the parts where he was constrained to simple movements its music was pleasing. The other parts, though their rendition required much more skill, were not so enjoyable. He sang them with such tremendous violence that his voice fell with a stunning and unpleasing effect. Mr. Webster accompanied all of the singers on the piano, and opened the entertainment with a solo, played with great expression.

The entertainment was concluded by a sextette, from Donizetti's "Lucia," sung by Miss Mills, Mrs. Sherman and Messrs. Witherow, Pugh, Gannon and Fugitt. The concert was in every way a great success.

"La Grande Duchesse."

A refined and fashionable audience welcomed "La Grande Duchesse" at the National Theatre last evening. The opera was superbly rendered, and was almost a faultless performance. We are again compelled by the great strain upon our columns this morning to omit even the brief criticism we had prepared. We would suggest to Manager Ford a repetition of "La Grande Duchesse" instead of some of the other less popular operas. A crowded house would be the result.

THE FIRE DEPARTMENT.

Meeting of Commissioners—Record of Fires for the Month—Applications for Positions in the Department.

The regular monthly meeting of the Fire Commissioners was held last night, at their rooms in the Morrison building. Present: Commissioners Morgan, (president,) Tait, Collins, Bacon, Reed (secretary) and Stewart.

Chief Cronin submitted his report for the month of November, which shows that eleven alarms of fire had been turned in, involving an estimated loss of $450, with an insurance of $350. Hostler Springman, of No. 1 engine company, was transferred to engine company No. 4, and Hostler Dunlar, of No. 4, to engine company No. 1. On the 23d inst. he appointed Private Sherwood, of the Franklin company, and on the 1st inst. Private Keyes, of engine company No. 4. He also preferred charges against Private Robinson, of the same company. With the exceptions heretofore mentioned the foremen report the conduct of the men under their charge during the past month as good. Calhoun Clark was appointed a temporary private.

Mr. Henry R. Miles, superintendent of the fire-alarm telegraph, submitted his report for the month of November, which showed that 13 alarms of fire had been turned in, and that the lines of telegraph, instruments and apparatus in use are in good order and condition for work. As a matter of history, it may be interesting to note that the number of alarms of fire during the month exactly equals the average number occurring the same month for the past six years. The largest number of fires that have occurred in any month in this District was nineteen, in 1875. The lowest number for the past six years was seven, in 1874. A communication was received from the directors of the Columbian Hospital asking that the fire-alarm be extended to that building. The cost of so doing would be $400. The communication was referred to the District Commissioners. Applications were received from the following persons for positions under the board: John S. Brent, Edward Kerrie, James Burroughs, Frank Bell and John Maddox.

Geo. Jones Gives a Leap for Freedom.

Yesterday afternoon between 3 and 4 o'clock, immediately after the adjournment of the Criminal Court, and while the audience was passing out, considerable excitement was created by the cry that one of the prisoners had escaped, which the bailiffs, much to their surprise, found to be too true. It appears that when the criminals were brought in, at the opening of the court, the dock was overcrowded and some half a dozen prisoners, handcuffed in pairs, were placed in seats directly in front of those in the dock. Among them was George Jones, white, who was tried during the day on an indictment for grand larceny, convicted and sentenced to the penitentiary for three years. After the trial he took the seat assigned him, and during the afternoon managed to free his hand from the iron bracelet that incased it. When the crowd rushed out of the court-room, at the close of the day's proceedings, he jumped the railing between the bar and the audience-room, rushed out of the door into the street, and away at full speed. He was finally captured by Bailiffs O'Neill and Parker, near Sixth and E streets northwest, brought back and once more safely secured. This is the second time in eight years that a prisoner has escaped the marshal's clutches.

"There Is a Tie That Binds."

The following marriage licenses have been issued: George D. Graham, of Fayette county, Pa., and Annie E. Harris, of this city; Wm. L. H. Smith and Lillie E. Proctor; Sandy G Green and Anna White; Charles Brown and Mary E. Williams, of Prince George's county, Md.; Francis E. Dodson and Libbie E. Lown, of Fairfax county, Va.; Randolph G. Gatchell, of Boston, Mass., and Florence H. Birney, of this city; James Proctor and Sipporah Payne.

Indictments and Dismissals by the Grand Jury.

The following indictments were brought in by the grand jury yesterday: Hiram V. Dempster, larceny; Charles Harris, George Wilson and Wm. Beeves, burglary and larceny; Chris. G. Pearson and J. E. Sherman, larceny. Bills were dismissed in the case of Fulton Rice, charged with obtaining money by false pretences.

Matrimonial.

The nuptials of Mr. J. Cooper McGuire and Miss Mamie L. Waddington were celebrated at the Metropolitan church last evening, Dr. Newman officiating. The assemblage at the church was large and fashionable. After the ceremony was over the young couple were congratulated by numerous friends, and started off to New York, as the first point in an extended wedding trip.

CITY BREVITIES.

At a meeting of the Oldest Inhabitants' Association, held yesterday afternoon at the City Hall, it was decided that the association would pay a visit to the President on New Year's Day.

The ladies of the Mite Society of Christ church, Navy Yard, under the direction of Miss Ryon, gave a very pleasant entertainment last evening in the chapel attached to the church, consisting of vocal and instrumental music, tableaux, &c.

Tuesday morning a colored woman named Lucy Taylor died at her residence, on K street, between Sixth and Seventh streets southwest, at the advanced age of 105 years. She formerly was a slave belonging to Elias Washington, of Westmoreland county, Va.

ULSTERS for men.
EISEMAN BROS., Corner Seventh and E.

TRUTH FOR HISTORY.

(Continued from First Page.)

date of violence, violence, &c., mentioned. To illustrate, we undersigned will refer to

THE FIVE PARISHES.

of East and West Feliciana, East Baton Rouge, Morehouse and Ouachita, which appear, as the evidence discloses, to have been especially selected 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 5,134, and the colored 13,344, a majority of 8,110. 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 the 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 the intimidation and violence, would have been cast for their candidates. The law, therefore, in this, but provides a partial and inadequate remedy for the grave wrongs from which the 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 made for the causes mentioned are generally from polling places which, but for

INTIMIDATION, VIOLENCE, OUTRAGE AND MURDER

would have given Republican majorities, thereby greatly increasing the aggregate by the board in consideration of powers and duties, this important feature of the law should be borne constantly in mind, for whilst that tribunal may upon proof and in the exercise of judicial discretion reject votes for the causes mentioned, it cannot upon so doing return any not actually cast. If will, therefore, readily occur to any one that a careful selection of polling places where certain parties 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 parishes thus selected be rejected, might well be a favorite method for achieving success, and as we proceed it will be apparent that such was the mode adopted to carry Louisiana for the Democratic party.

What, then, is the remedy 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 at any place selected until all preliminaries are first complied with, which must be supplemented by the testimony of witnesses.

THE STATUTE ORGANIZING THE BOARD

declares, in substance, that whenever, from any poll or voting place, there shall be received by the board the affidavit of two citizens of the registration or commissioner of election, confirmed by the affidavits of three or more citizens, of any riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influence which prevent or tend to prevent a fair, free and peaceable vote of all 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, and to that end shall have power to send for persons and papers. And if, after the examination, the board shall be convinced that such acts of violence, intimidation, &c., did materially interfere with the purity and freedom of the election at such poll, or did prevent a sufficient number of qualified electors from registering or voting to materially change the result of the election, then the board shall not canvass or compile the votes of such poll, but shall

EXCLUDE IT FROM THEIR RETURNS.

Nothing can be more simple, more just, than these provisions. They are, for the reason 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 we present, occurred in 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 to 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 President and Vice President of the United States; but in the discharge of that duty it acts exclusively under

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 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 the 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 rights of voters to vote, and, in short, the court would become in regard to such cases mere clerks 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 the 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 or 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, the Hon. James Nelson 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 the 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 the 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 the loss of property he never faltered in his devotion to the Union cause.

Under the Banks reconstruction scheme he was chosen Lieutenant Governor on the ticket with the Hon. Michael Hahn, who was elected Governor, and upon the election of the latter to the Senate, a year after, Mr. Wells became Governor of the State, to which office he was subsequently unanimously 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

CANNOT BE QUESTIONED.

Gen. Anderson was born in Virginia; has resided in the parish of St. Laundry for the period of forty years; was colonel of the Louisiana regiment of regular Confederate troops at the outbreak of the war; was educated a lawyer; is the owner of and carries on several plantations; is a man of widely known and highly respected throughout the State; 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 more than twenty years.

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

Mr. Joseph Rauer, the 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 registration commissioners bureau in the department of improvements.

PROOFS OF FRAUD.

We will now present such an outline of the proofs as disclose not only such violence and intimidation as prevented a fair election in several parishes at many polls, but disclose also that these grave offences were committed in pursuance of a preconcerted and settled plan formed by the Democratic leaders to prevent a Republican vote 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 J. 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, if proper steps be so. But be careful to say and do nothing that can be construed into a threat or intimidation of any character."

The circular also recommended that there should be frequent meetings of all the clubs to be formed, and that occasionally form in their respective places of meeting and proceed thence on horseback to the central rendezvous, stating that "proceedings of this character would impress the negroes with a

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And it further recommended that on the day of election at each voting place there should be "affidavits prepared to the effect that" there has been no intimidation 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 the timid black 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 the least important part of the scheme of these leaders was to select the parishes where, "having the means to carry the election, and intending to use them," as stated in the circular, they could do so with the most effect.

REGISTERED STRENGTH OF VOTERS.

There were in the State of Louisiana on the day of election 92,066 white registered voters, and 115,436 colored—a majority of the latter of 22,344. 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 vote, it was absolutely required to be equal to that above indicated. The plan appears to have been to select for purposes of intimidation and violence as few parishes as possible—for in thirty of thirty-seven parishes where there 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, the 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 lies directly

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The geographical position of these five parishes was well suited to the purpose to be attained, for it was easy for members of the clubs to be formed therein and, who usually perpetrated their outrages in the night, and then to plead that they were committed by border ruffians from Mississippi and Arkansas, where like outrages had been perpetrated.

The population of these parishes, however, better suited to the plan to be accomplished than was the great disproportion existing between the number of white and colored voters. The former numbered but 5,134, the latter 13,344, a majority of the latter equal to more than one third of the entire majority of colored voters in the thirty-seven parishes of the State. The returns of votes actually cast in these five parishes suggest that the clubs to whom was assigned the task of securing Democratic majorities therein had performed their work of violence and intimidation effectually, whilst the proof discloses, of brief summaries portions of which are hereto annexed—that where violence and intimidation were inefficient, murder, maiming, mutilation and whipping were resorted to. Instead of a

MAJORITY OF SIX OR SEVEN THOUSAND,

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 5,808, and in East Feliciana, where the registered colored voters number 2,127, not a Republican vote for elector was cast. In East Baton Rouge, containing 4,936 colored registered voters and but 1,801 whites, the Democrats claim a majority of 617, which, but for the rejection of several polls by the commissioners and managers 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 6,425 is the result of the election in five parishes containing 19,264 colored Republicans and 8,134 white Democratic voters.

The conclusion that intimidation and violence alone could have produced this is almost irresistible, and that such influences were employed, and were supported by murder, the proof shows. It 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 motive existed for the exercise of violence and intimidation to prevent a fair election in several parishes at many polls, but disclose also that these grave offences were committed in pursuance of a preconcerted and settled plan formed by the Democratic leaders to prevent a Republican vote 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.

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