THE NEW ORLEANS BULLETIN.

VOLUME I—NO. 252. NEW ORLEANS, WEDNESDAY, JANUARY 13, 1875. PRICE—FIVE CENTS.

STATEMENT OF FACTS AND LAW.

To the Honorable Charles Foster, William Walter Phelps, and Clarkson N. Potter, Congressional Committee on Louisiana Affairs, Sitting in New Orleans:

I. AS TO THE DEMOCRATIC-CONSERVATIVE ORGANIZATION.

The total number of Representatives to which the people of Louisiana were entitled at this session was one hundred and eleven (111). The Returning Board, prior to the 4th of January, 1875, had furnished the Secretary of State with a list of one hundred and six (106) members upon whose election said Board had passed, of which number fifty-four (54) were supposed to be Republicans, and fifty-two (52) Conservatives and Democrats.

At twelve o'clock on the 4th day of January, 1875, the day prescribed by law for the meeting of the General Assembly, the House being assembled, William Vigers, clerk of the preceding House of Representatives, whose term of office had expired on the 4th of November, 1874, proceeded to call the roll, under the forty-fourth section of Act No. 98, approved November 20th, 1872, which section declares:

"That it shall be the duty of the Secretary of State to transmit to the Clerk of the House of Representatives, and the Secretary of the Senate of the last General Assembly, a list of the names of such persons as, according to the returns, shall have been elected to either branch of the General Assembly; and it shall be the duty of the said Clerk and Secretary to place the names of the Representatives and Senators elect so furnished upon the roll of the Senate and of the House respectively; and those Representatives and Senators whose names are so placed by the Clerk and Secretary respectively, in accordance with the foregoing provisions, and no other, shall be competent to organize the House of Representatives or Senate. Nothing in this act shall be construed to conflict with Article thirty-four of the Constitution of the State."

Article 34 of the Constitution provides that each house of the General Assembly shall judge of the qualifications, elections and returns of its members; but a contested election shall be determined in such manner as may be prescribed by law.

Article 33 of the Constitution provides that not less than a majority of members of each house of the General Assembly shall form a quorum to transact business; but a smaller number may adjourn from day to day, and shall have full power to compel the attendance of absent members.

Article 20 of the Constitution provides that each parish in the State shall be entitled to at least one Representative.

Article 36 of the Constitution provides that each house of the General Assembly shall keep and publish weekly a journal of its proceedings, and the yeas and nays of the members on any question, at the request of any two of them, shall be entered on the journal.

After the completion of the roll call by William Vigers, Clerk of the former House, as provided by section forty-four, above recited, L. A. Wiltz was nominated as temporary Chairman by a member, and was, upon a *viva voce* vote, declared elected temporary Chairman, whereupon he took the chair, and announced himself temporary Speaker of the House of Representatives, and as such took his oath of office before Judge Houston, and also had said oath administered to him by a member. He thereupon administered the oaths to the members of the House. He then declared the functions of the former Clerk, Vigers, at an end. A Clerk was then, on motion, nominated and elected. A Sergeant-at-Arms and assistants were also elected.

During this temporary organization, upon motion put and adopted, the five members whose elections the Returning Board had not promulgated and had referred to the House, were admitted as members and sworn in. Thereafter L. A. Wiltz was nominated as permanent Speaker. The roll was called, and Wiltz and Hahn being in nomination, Wiltz received 55 votes, Hahn 2, and 1 blank. Fifty-six being a majority and legal quorum of the whole number, one hundred and eleven, to which the House was entitled, he was thereupon declared duly elected permanent Speaker, and was sworn in and then administered the oath to the members (by fours), including Michael Hahn, Thomas Baker, Murrell and Drury, Republicans. A Committee on Credentials was then appointed, of which Hahn and Thomas were appointed members and accepted, and withdrew with the committee. Upon the return to the House of said committee, Hahn made known that he would make a minority report.

About this time, resistance being made to the Sergeant-at-Arms of the House, and there being great danger of violence and bloodshed, the Sergeants-at-Arms, consisting of only some ten men, the State-House being crowded on the inside and outside with metropolitan police and other unruly persons, said police on the outside being supported by a large array of United States soldiers, the Speaker, upon motion of Dupre, a member of the House, put and carried, requested Gen. De Trobriand, who had previously entered the State-House, accompanied by some United States troops, without the knowledge or request of the Speaker, to speak a few words to the persons in the lobby, the Speaker expressing the opinion that the General's remonstrance would prevent a riot, which was imminent. The General complied with the request, and without the use of any force restored comparative quiet in the lobby. No other intervention by the United States authorities was asked for or obtained. This request was made, as above stated, after the General and some soldiers had entered the room.

About an hour after this, order being fully restored, Gen. De Trobriand returned, and informed the Speaker that he had been ordered by Gov. Kellogg to replace Vigers as Clerk, and to eject the five members above referred to, upon whose cases the Returning Board had failed to report, and desired to know whether his orders would be complied with without the use of force. The Speaker replied that he was the lawful Speaker of the House of Representatives of the State of Louisiana, and would obey no order from Kellogg, or any other source, unless compelled so to do by actual overpowering force, whereupon the General retired and soon returned with soldiers and requested the Speaker to point out the members indicated in his order from Kellogg for ejectment, the General not knowing them personally. This request was also promptly refused; whereupon General Campbell and T. C. Anderson, the former General of Kellogg's militia, by which he was surrounded in and out of the State-House, the latter a member of the Wells Returning Board, neither being members of the House, were called upon, and pointed out the desired members, who were thereupon seized, each by United States soldiers, with guns and fixed bayonets, and were forced out of the State-House against their oft repeated protests.

Immediately upon this action by the military authorities of the United States, the Speaker requested the Conservative members to retire with him, which was done without exception. Gen. De Trobriand then ordered Mr. Vigers to call the roll, whereupon Speaker Wiltz reiterated his refusal to allow him to make such call; Vigers persisting, Wiltz had him forcibly ejected by his Sergeant-at-Arms. During all of these proceedings, the Speaker reiterated his protests and refusals to submit to any interference, unless compelled by overwhelming force. Such force was used by the United States military authorities, and to it he yielded.

II. AS TO THE PRETENDED REPUBLICAN ORGANIZATION.

After the withdrawal of Wiltz and the Conservative members, Vigers was restored to the position of Clerk by Gen. De Trobriand, Hahn was elected by acclamation Speaker, and administered the oath to the members in groups of four. Immediately thereafter a resolution was adopted seating four persons from the parishes turned over to the Legislature by the Returning Board for decision. The oath was administered to them, an election for Clerk was then proceeded with, at which Vigers was declared elected.

Upon the calling of the roll, for the election of permanent Speaker, only fifty answers were made. Both Hahn and Vigers testified on the 6th of January, 1875, before your honorable committee, that this was the number who answered the roll call when the vote was cast for Speaker, but claimed that two names that had answered upon a previous call of the roll, which call was stopped by Wiltz before he retired, were added to make the fifty-two. This is the largest number claimed by the two witnesses above mentioned when under oath before the committee. Two of this number as before said, were of those who retired with Wiltz, and whose affidavits accompany this statement, showing that they were not present when Vigers called the roll *de novo*. But even if present and properly added they would not have completed a quorum, as under article 33 of the Constitution, not less than a majority of the members elect shall form a quorum. The number elected was one hundred and eleven, of which fifty-six is a quorum.

THE LAW OF THE CASE.

The only measure of the authority of an outgoing Legisiature, as to an incoming Legislature, must of necessity be the Constitution of the State.

The House of Representatives which assembled January 4th, 1875, in the State-House of Louisiana, was as free from any regulation imposed by the preceding Legislature, as was the first House that assembled in the State, unless a distinct provision can be found in the Constitution authorizing such regulation.

Does the Constitution of Louisiana of 1868 contain any clause which warranted the enactment of Section 44, Act No. 98, approved November 20th, 1872?

The language of this section is quoted in the above statement of facts and law. What is the extent of the Clerk's powers under this law?

"And it shall be the duty of the said Clerk and Secretary to place the names of the Representatives and Senators elect so furnished upon the roll of the House and Senate respectively."

There is no other portion of the section which relates to the duties or powers of the Clerk. His duties are strictly limited and entirely ministerial.

He calls the roll merely by the grace of the House, in accordance with custom, and the moment he completes the roll call his functions are ended. The manner of organization then belongs exclusively to the House.

But it is urged that Section 44 of this Act prescribes that no others, than those thus placed on the roll by the Clerk, are competent to organize the House.

How can the rights of the House which met January 4, 1875, be less than that which adjourned March 1st, 1874, unless the House of 1874 was given power in the Constitution to abridge the rights and privileges of its successors?

Not a word can be found in the Constitution even looking toward such an authorization. On the contrary, article thirty-four, quoted in the statement of facts and law, specially provides that each House of the General Assembly shall judge of the qualifications, elections and returns of its members.

The plain language of this article shows that the convention which formed the Constitution was careful to prohibit the Senate and Executive from any interference with the qualifications, elections and returns of the members of the House. The specific constitutional provision as to contesting seats, following immediately the provision in Article 34, that "*each* House of the General Assembly shall judge of the qualifications, elections and returns of its members," excludes the idea that either House of the General Assembly can be controlled in deciding upon the qualifications, elections and returns of its members by a law which requires the approval of the Senate and Executive. This provision was intended to secure the independence of the House from the influence of the Senate and Executive, and is almost a duplicate of the provisions contained in all of the State Constitutions, and is in the exact words of the first clause of the fifth section of the first article of the Constitution of the United States.

How many are a quorum? Article 33 of the Constitution declares "that not less than a majority of the members of each House of the General Assembly shall form a quorum to transact business, but a smaller number may adjourn from day to day, and shall have full power to compel the attendance of absent members."

The 20th article of the Constitution provides "that each parish shall be entitled to at least one Representative."

Construing the thirty-third article, which requires a majority of the members of each House to form a quorum, with Article 20, which requires that each parish shall be entitled to at least one Representative, and article 46, which requires returns of all elections for members of the General Assembly to be made, the conclusion is inevitable that a legal quorum, under the Constitution, must be a majority of the whole number of Representatives to which the State is entitled, to-wit: fifty-six—a majority of one hundred and eleven.

To construe section 44 of Act of 1872, as authorizing a quorum to be constituted of a majority of the members that may be returned by the Returning Board, is to annul by statute the constitutional provisions contained in articles 20, 33 and 46. Such a construction leads to a *reductio ad absurdam*. The Returning Board, who referred in this election the claims of five Representatives, representing four parishes, to the Legislature for decision, had, under the law, the same right to have referred fifty or one hundred; or one hundred and ten, leaving one man to organize the House.

It is well settled that when the Returning Board had dissolved, referring the decision as to the claims of certain parties to seats, to the House, its powers in the premises were ended.

12 Barbour's Reports (N. Y. Supreme Court), 217. The People, ex rel. Alexander H. Bailey vs. The Supervisors of Greene.

To deny the right of the House to decide upon the *prima facie* rights of claimants to seats, would be to deny, altogether, under certain circumstances, the right to organize, and would give the Returning Board absolute power to disfranchise the people of the whole State.

A precedent for the mode of the temporary organization adopted by the House of Representatives of the State of Louisiana, on the 4th of January, 1875, was established during the first session of the twenty-sixth Congress of the United States.

See Congressional Globe, volume 8, from pages 1 to 21, inclusive.

The House of Representatives assembled on Wednesday, December 22, 1839. On the 25th of December, 1839, being still without a temporary organization, Mr. Adams (p. 19) arose and said: "I am under the necessity of appealing to you, fellow citizens, to set aside the decisions of the Clerk, and act for yourselves. I propose that the House shall act in whatever form it pleases; it may elect a temporary Clerk or not, as it thinks proper. I put this question to the majority of the House. It is their duty to organize it, and therefore they ought, as a preliminary step, to put themselves into such a situation that no decision of the Clerk can force upon the House an organization in the manner he dictates. The House may set aside the Clerk, but is not forced to obey his despotical dictates." The Clerk had refused, and was refusing, to call the names of the members from New Jersey, their names not appearing on the roll, which he had made up in accordance with past usage. He had omitted to place them on the roll because two sets of claimants appeared for the seats. Mr. Rhett (p. 19) then offered a resolution that Louis Williams, the oldest members of the House, be appointed Chairman of this meeting until the House organize. Mr. Williams declining to take the chair, Mr. Rhett (p. 20) "then varied his motion, so as to call Mr. Adams to to the chair instead of Mr. Williams, and putting himself the question to the meeting, it was carried, and Mr. Adams took the chair." The temporary organization of the House was thus effected.

During this temporary organization, Mr. Duncan (p. 26) observed "that he understood yesterday that after the appointment of a Chairman the rules of the last House of Representatives were adopted for the governance of this House for the time being. One of these rules required that the yeas and nays should be called alphabetically. Now he wished to know of the Chair if the yeas and nays would be called if demanded, and how. The Chair stated that the rule did not apply, because the organization of the House was not completed. The yeas and nays, therefore, could not be called."

Thereafter the question arose on the second branch of Mr. Rhett's resolution in the following words, "and after the names of such members are called, and before a Speaker is elected, they shall, provided there be a quorum of such present, then hear and adjudge upon the election returns, and qualifications, of all claimants (Messrs. Ingersoll and Naylor excepted) to the seats contested on this floor, which motion was carried; yeas, 138; nays, 92." During the progress of this debate (p. 53), Mr. Wise said: "In order to illustrate the position of my colleague, I will state that the Chair decides that he cannot put the question on his appeal while the election is going on. Now, from that very decision my colleague has a right to appeal. The Chair said, the motion of the gentlemen could be offered when a Speaker was chosen, but that he could not take an appeal when the House was in the act of electing a Speaker. Mr. Wise then said: 'Here is a decision that an appeal cannot be taken. Is it not competent for my colleague to take an appeal from that decision?' The Chair, 'certainly not, sir.'"

Under the Constitution of Louisiana, before quoted article 36, no call for yeas and nays is allowable, even in permanent organization, unless demanded by *two* members, and there is no constitutional right of appeal from the decision of the chair.

In the organigation of the House resulting in the election of Mr. Wiltz as Speaker, no two members called for yeas and nays, and no appeal of any kind was taken from the ruling of Mr. Wiltz, either as temporary or permanent Speaker.

The temporary organization by which Mr. Wiltz was called to the Chair, was made when there were 102 members present, an ample constitutional quorum. There was a vote in his favor, and no votes against him. He thus became temporary Chairman, without any opposition of a body composed of 102 members.

The statute of 1872 cannot be urged against this, because the persons present were the same persons named in the statute, having been returned by the Returning Board.

The next step was equally legal. Five members, representing four parishes, had been elected, and the returns showed that they had been elected. Under Article 46 the Returning Board should have returned their names to the Secretary of State, and he to the Clerk, for the article specifically requires the returns of all elections to be so made.

No one was contesting their seats. Their *prima facie* title was clearly without dispute.

The seating in no manner affected the right of after-contestation. Mr. Wiltz and his political friends in the House would have violated Article 46 of the Constitution if they had not admitted them to a voice in the election of a permanent Speaker.

They were therefore properly admitted, care being taken to reserve the right of any one who chose to contest their seats.

The body then proceeded to elect a permanent Speaker, and upon this vote an ample quorum was present, and more than a legal quorum voted, there being fifty-five votes for Wiltz and three for opposition Republican candidates.

Mr. Wiltz thus became legal permanen Speaker.

A Committee on Credentials was then appointed, of which Michael Hahn was a member, and he retired with the Committee. The Committee returned, after some delay, and reported in favor of admitting sundry other members, and Mr. Hahn reserved his right of making a minority report. During the whole proceedings there were no appeals taken from the rulings of either the temporary chairman or permanent Speaker.

Thus organized the House of Representatives of Louisiana, the 4th day of January, 1875, in strict accordance with the Constitution of the State and precedent. This organization was destroyed by the interference of Federal troops, to whom the Legislature refused to submit until overpowered and compelled by actual force.

Whether this armed intervention is to stand as a precedent becomes a vital question to every State in the Union.

JOHN H. KENNARD,
Of Counsel for Committee of Seventy before Congressional Committee.

L. A. Wiltz, being duly sworn, deposes and says, that he has carefully read and critically examined the facts and figures contained in the above brief, as to the organization of the House of Representatives of the State of Louisiana, on the 4th day of January, 1875, and of his own knowledge knows them to be true. LOUIS A. WILTZ.

Subscribed and sworn to before me on this 11th of January, A. D. 1875.

J. G. EUSTIZ,
United States Commissioner for the District of Louisiana.

THE BATTLE OF NEW ORLEANS was fought January 8, 1815; another battle will be fought on the approaching January 16.

A battle for fortune,
A battle for fortune.

$20,000, $20,000, $20,000, $20,000.
$20,000, $20,000, $20,000, $20,000,

Are on that day to be had for ten dollars by the lucky holder of the winning number in the great single number drawing of the Louisiana State Lottery. Buy your tickets in time.

Sign of indigestion: "Gone to dinner—be back in five minutes."

FACTS VS. FICTION.

The following report of Mr. J. A. Fremaux, Captain of the Parish Prison under the administration of Sheriff Patton, speaks for itself, and shows conclusively the falsity of Gen. Sheridan's assertion that the murders committed in this State—more especially in the parish of Orleans—are attributable to those terrible fellows, the "Banditti":

[Copy.]

NEW ORLEANS, Jan. 12, 1875.

Ex-Gov. A. Voorhies, New Orleans:

After perusal of the official dispatch of Gen. P. H. Sheridan, calling the people of the parish of Orleans a set of bandits, I felt it my duty to give you a list of murderers committed to the Parish Prison during my administration as captain of the same, with their political status.

Charles Earle, white, Radical, ex-policeman.
John Garvey, white, Radical, ex-policeman.
Dido Baptiste, white, Radical.
Francis Martin, white, Radical.
Peter Lewis, colored, Radical.
Oscar Burns, white man.
Beauregard Jamisson, colored, Radical.
Bob West, colored, Radical.
Wm. Bradley, colored, Radical.
Austin Smith, white, Radical, on the police force when committed murder.
E. A. Giroux, white, Radical.
James O'Brien, white, Radical, pardoned by Kellogg, now serving term for robbery.
John Bennett, white, Radical, on the police when he killed the man, now in State-House.
Chas. Fossier, white, Radical.
J. P. Collins, white, Radical, from Tangipahoa.
Ed. West, white, Radical.
Samuel Barrett, white, Radical, pardoned by Kellogg.
B. F. Rivers, white, Radical.
George Hays, colored, Radical.
Richard Bell, colored, Radical.
John Jones, colored, Radical.
J. F. Domingues, white, Radical.
Jos. Perera, white, Radical.
W. Reed, white, Radical.
Jeremiah Fox, white, Radical.
Geo. Littlejohn, colored, Radical.
Thos. Murry, white, Radical.
James Gallagher, white, Radical.
J. M. Roach, white man.
Joe May alias Joe Neil, colored, Radical.
Timothy Hays, white man.
Michael Aspill, white man.
Peter Johnson, colored, Radical.
Peter Gore, colored, Radical.
Robt. Despercio, white man.
H. M. Riddell, white man.
Gabe Beebe, white man.
Nelson Severin, colored, Radical.
Gust. McCarthy, colored, Radical.
Jordan Allen, colored, Radical.
Laura Harris, colored woman.
Corinne Scott, colored, woman.
Maria Purcell, white woman.
Ephraim Morris, colored, Radical.
John Garrett, white man.
A. W. Kinchen, white, Radical.
M. Maloney, white man.
Alex. Johnson, colored, Radical.
Anne Johnson, colored woman.
W. R. Adams, white man.
S. M. Williams, white man.
Jos. Higel, white, foreigner.
Charity Jackson, colored woman.
Andrew Camp, colored, Radical.
John Pierre, colored, Radical.
Jules James, colored, Radical.
Cecelia Mason, colored woman.
Louis Kline, white, Radical.
Peter McWilliams, colored, Radical.
Bart Touro, white man.
A. C. Billings, white, Radical.
Ed. Lee, colored, Radical.
Ed. Burns, white, Radical.
Alex. Newton, white, Radical.
Moses Harvey, colored, Radical.
Roman Marmoget, white man.
Antonio Esquino, colored, Radical.
Norbert Collins, colored, Radical.
Emma Ferdinand, colored woman.
M Ambrovich, white.
George Eugene, colored, Radical.
Francis Auffrey alias Jordi, colored, Radical.
Thomas North, white man.
William Burke, white man.

The above is a correct list to the first of December, 1874. Yours respectfully,

J. A. FREMAUX, Capt. Parish Prison.

THE UNIVERSITY HIGH SCHOOL.

Among the many educational institutions in our city there is none that ranks higher than the University High School, and there is none whose merits have received more recognition at the hands of our people.

The school is under the direct management of Prof. E. C. Venable, who is assisted by Geo. E. Preot, associate principal, and H. S. Bemiss, assistant, all efficient and experienced teachers.

Prof. Venable refers to the Faculty of the University of Virginia, of which institution he is a graduate, and a number of prominent gentlemen in this city.

Augusta *Constitutionalist:* Col. S. N. Moody, of New Orleans, who died recently by his own hand, while suffering from an intolerable neuralgic attack, was a singular man. He prospered when Louisiana was wealthy and he prospered when Louisiana was as poor as a rat. The secret of his continued success was advertising. He knew how to advertise, and the duller the season the more persistently he kept himself and his wares before the public. He was known as the "Shirt King of the Southwest."

On every dead wall and on nearly every telegraph pole, in the Mississippi Valley, the wayfarer was invited "to get his shirts at S. N. Moody's." He was a most liberal patron of the daily press and, by a thousand ingenious devices, and in spite of tremendous opposition, he died as he lived, the super-eminent and pluperfect "King of Shirts." Such was his faith in the necessity of captivating the fancy of the people and winning their attention that it was seriously declared in New Orleans, years ago, he offered $50,000 to help pay for a new steamboat intended for the St. Louis trade, provided he had the naming of the craft.

His offer was promptly accepted, but almost as suddenly declined, when it became known that "Get Your Shirts at Moody's" was to be the baptismal appellation. Col. Moody was a thorough business man, but he lived in elegance and had many warm personal friends. It may not be a very sublime ambition to secure a sort of immortality in connection with the nether garment of a man; but out of that common and not-to-be-despised article of wear, Moody became a rich merchant, lived *en prince*, and gave his children a first-class education, backed up by all the advantages of foreign travel.

The venerable Father Boehm is the oldest Methodist minister in America. He resides in Jersey City, and will be one hundred years old the coming May. He was one of twenty-five clergymen who attended the first General Conference of American Methodists, many of whom were younger and stronger than himself, but who long ago left him behind. He is in excellent health and spirits, and read the entire Book of Revelation on Christmas Day.

CONGRESSIONAL.

DEBATE ON LOUISIANA AFFAIRS.

HOUSE.

WASHINGTON, Jan. 12.—Some filibustering defeated action upon the Civil Rights bill. Nothing occurred of interest to the South.

THE SENATE

had up to-day the resolution of Mr. Schurz, instructing the Judiciary Committee to inquire what legislation by Congress is necessary to secure to the people of Louisiana their rights of self-government under the Constitution, and report with the least possible delay, by bill or otherwise.

Mr. Howe, of Wisconsin, criticised Mr. Schurz's speech of yesterday, and denied that the army of the United States had removed from the Louisiana Legislature any members of that body. He defended the course of Gen. Sheridan, and said he was not in command of New Orleans when the events of Monday, January 4th, took place. Referring to the speech of Mr. Gordon, he said the Republican party did not hate any portion of this country. All the laws, he remarked, made for the South, were also made for the North.

The Republican party had poured out the treasure of the country as freely to open the channels of the Southern ports as it had to open the Northern ones. He thought murder was too common in the South, and was regarded there with much less abhorrence than in other portions of the country. Murder and other species of violence had been employed in the South for political purposes. He spoke of the Red River troubles in Louisiana, and said the perpetrators of those crimes went unpunished.

Mr. Gordon, of Georgia, said the Republicans were in charge of the State and had the judiciary. Therefore, if the majority of the people supported the Kellogg government, as was claimed by the Senators on the other side of the chamber, how was it that the courts of that State, aided by the army of the United States, did not bring the perpetraters of these crimes to justice?

Mr. Howe replied he would not go into that question now, but to the best of his information the courts of that State were weak.

Mr. Gordon said the Senator by implication, if not direct words, charged that murders were committed in Red River parish. If it be true, it was a most remarkable fact that the attorney for Louisiana, who belonged to the same party as the Senator, did not prosecute the criminals. The Senator had said the courts were weak. It the attorney had not the brains or nerve to draw up a bill of indictment, the Democratic party was certainly not responsible. [Applause in the galleries.]

Mr. Howe said no matter what the Senator might think of personal qualification of the attorney for Louisiana, he (Howe) would say that if the Democratic party of Louisiana would say to Gov. Kellogg that they would sustain him in every effort to put down murder, no such transactions as took place in Red River parish would ever take place again. He believed if half a dozen Senators on the Democratic side of the chamber would not tolerate these offences there would be no more of them.

Mr. Morton said it was well understood in Red River parish that witnesses who testified against these criminals, the grand jurors who were disposed to indict, or the petit jurors who were disposed to convict them, would be murdered, and that was the reason why these criminals in Louisiana had not been punished.

Mr. Howe, resuming his argument, said the Democrats were not the friends of colored men; that party was united upon one subject, and that was hostility to the negro. In defending the course of Gen. Sheridan, he said the Senator from Delaware (Bayard) did him injustice in his recent speech.

What offense had Gen. Sheridan committed? He had suggested for a most extraordinary state of things, an extraordinary remedy. He (Howe) thought that the Senator from Delaware, instead of heaping condemnation upon the head of Gen. Sheridan, should have spent a little of his energy in the condemnation of outrages which Sheridan denounced. He (Howe) did not think Senators should be very harsh in censuring the conduct of Gen. Sheridan—that officer did not say all the citizens of New Orleans were "banditti," and as to the disposition in that city to override all law, referred to by Sheridan, Congress could see for itself that it was so.

Mr. Bayard read Sheridan's dispatch in reference to banditti, and that it was an arraignment of the whole community of New Orleans. Personally he had scarcely an acquaintance with Gen. Sheridan, and no desire to detract from his merits as a soldier, but it seemed to him (Bayard) almost incredible that a Senator so advanced in years, and so amiable as the Senator from Wisconsin, should stand here to find fault with him for stating that the conduct of Sheridan in New Orleans, was that of human ferocity. The Senator outside of this chamber would find but one sentiment in regard to this dispatch.

Did he not ask the President of the United States to issue a proclamation he had no more right to issue than he had the right to issue a bull in the name of the Pope.

Mr. Howe said Gen. Sheridan did not ask the President to issue such a proclamation; he only suggested that such a proclamation be issued.

Gen. Sheridan stood there in the presence of murder. He felt keenly and spoke strongly. He suggested a remedy which the law would not warrant.

He (Howe) did not regard that as evidence of human ferocity, especially in one trained as a soldier. Did the Senator from Delaware, (Bayard) believe that there was a Senator in the chamber, especially on the Republican side, who would consent to the slightest infraction of our Constitution? Did he believe that the Republican party wanted to substitute a despotism for a constitutional government?

Mr. Bayard said he could scarcely believe that the Senator asked him that question seriously. He did believe that the Republican party had trampled upon the Constitution until there was scarcely a vestige of it left. He had seen effort after effort to break it down, till he believed, as he believed in his existence, that the party paid no respect to it.

Mr. Howe denied that the Republican party wanted any despotism, and said the Senator says we have trampled upon the Constitution; that is his opinion, and, fortunately, his opinion nor mine does not control the country. In conclusion he argued that the Democrats in 1854 employed a detachment of the army in Boston to take one negro out of that city.

It had been said here that the people are preparing to overthrow that party which has conducted the Government since 1861 down to the present day. It might come, he was not insensible to it, but he could not consent to turn back as admonished by the Senator from Missouri (Schurz) yesterday. He was not constituted on the crawfish order.

There might be storms ahead, and it might be prudent for those not fully insured to go ashore, but he was going to complete the voyage, and if the ship went down before the voyage was completed, he would go down with it, and if it should ever be raised again, as it must be—for the Great Underwriter would attend to that—there would be found at the mast head her flag, upon which might be read that all men, whatever their race or color might be, had equal rights to the pursuit of liberty and happiness.

Mr. Logan speaks to-morrow.

TEXAS LEGISLATURE—ADDRESS OF THE PRESIDENT OF THE SENATE.

GALVESTON, Jan. 12.—The following is a *News* special, dated Austin, Texas, Jan. 12:

Senate—At noon Hon. R. B. Hubbard called the Senate to order. Upon the call of the roll a quorum was found present. Senator Ireland, of Guadaloupe, moved the appointment of a committee of three to meet a like committee of the House to announce to the Governor the organization—carried: Ireland, of Guadaloupe, Culberson, of Marion, and Dillard, of Cherokee, were appointed.

The chairman read the following address:

Honorable Senators—Another year has passed with its joys, its sorrows, its life and death since we organized the Senate in this Council Chamber. We met here under untoward circumstances, within the shadow of a hostile army, threatening to drive this State Government from the place of power, and set at defiance the voice of a great people. Having, under the providence of God, passed safely through this perilous day of our early history, and having devoted your best labors to the State in the distinguished services rendered by your honorable body, during the first session of the Fourteenth Legislature, we have been vouchsafed the privilege of meeting to-day in the peaceful capital of the Commonwealth, representing, as you do, a million and a quarter of prosperous and happy people.

Then our long line of frontier was unprotected by either State or Federal arms. Now under your generous legislation our gallant rangers have punished the savage, protected one thousand miles of border, and added a fadeless wreath of laurel to the traditional and historic fame of Texas arms; then our outstanding debt of millions hawked and peddled in the home and foreign markets, and debt inherited chiefly from a foreign administration was unprovided for. In the hands of our own impoverished people now, under a system of finance adopted by your body in unison with the other branch of the Legislature and controlled by a faithful and patriotic Executive, your bonds have been sold almost at par value, credit restored at home and abroad, our creditors paid and Texas standing, at this good hour, the equal if not peerless among all her sister States of the Union. Then our judiciary was warped too often by political prejudices; if not wanting in the pure ermine of the bench; from the lowest to the highest courts, the honored places of an illustrious line of great jurists filled by domestic ignorance or foreign adventurers; but now a judiciary goes in and out from our temple of justice, who know the law and in whose learning and purity a great people are willing to entrust their liberty and their lives.

I congratulate the Senate on their wise and judicious exercise of the power reposed in them by the Constitution in the confirmation of eminent men, whose subsequent careers since you last left these halls have shown alike the wisdom of Executive appointments and of Senatorial confirmation. To a pure judiciary more than all other departments of civil government combined is any people, Republican, Democratic or Imperial, indebted for happiness and grand strides in civilization and power. Texas thanks you to-day for the honorable part borne by your honorable body in procuring this boon—need I pursue the parallel further?

I congratulate you, Senators, not in the spirit of the Pharisee, but in that other reverent spirit which acknowledges God in all things—congratulate you, I repeat, that our State is peaceful, prosperous and happy, throughout all her broad boarders. Thither are coming as Moslem to their Mecca earth's thousands from the old world and the new; thither they are coming, our own kith and kin from the States of our father's land, more than two hundred thousand per year from beyond the seas and rivers and continents.

They are coming to till our rich lands, to breathe our pure air, to develop our great industries, to live with us, and if need be, to die with us. The struggle for freedom and the right, with plenty smiling at our threshold, with no wolf at the door, no starving thousands as in this winter's cold are crying for bread in the great Northwest; no despot in our midst, and no soldiers to tramp in our civic halls.

We should not forget, my countrymen, that Louisiana, our own sister, lies at our door bruised and crushed and manacled, and all else down trodden and stained save in honor, which is as bright as Heaven's own sunlight. We will extend to her and all others in like condition, the hand of help and the love of the great heart of Texas. Time, we hope, will, on its tireless wings, bring peace and triumph to our sister. We hear already the voice from the American people, from the lakes to the Gulf and from the Atlantic to the Pacific, telling them be of good cheer, be patient and fear not, whilst ere long the day dawneth on the dark night of our history; and lastly, Senators I congratulate you that while death has been busy abroad, at home our own circle is still unbroken, and that with cheerful hearts and an earnest zeal we will discharge our duty in letter and in spirit to this great Commonwealth. Invoking your forbearance and support in my official duties, I now declare the second session of this body organized and ready to proceed with the further organization of the Senate.

DEATH OF GOV. BRAMLETTE.

LOUISVILLE, Jan. 12.—Ex-Gov. Bramlette died at his residence in this city this afternoon, after an illness of several weeks.

He was Governor of Kentucky during the closing years of the war, but has not since taken an active part in politics.

He was regarded as one of the ablest and most prominent lawyers at the bar, and a short time since acted temporarily as Judge of the Federal Court during the absence of Judge Ballard. He died of rheumatism of the heart.

BROKE THROUGH THE ICE AND DROWNED.

OMAHA, Jan. 12.—At noon to-day, three teams in charge of four men were seen crossing the ice from Iowa to the Nebraska side of the Missouri river; when about half way abross the horses, wagons and men suddenly disappeared, and were swept under the ice by the rapid current. It is not yet ascertained who the unfortunate men were. It is supposed that they drove over a place from which the ice had been recently cut, and which was only frozen over slightly.

FIRES.

DAYTON, O., Jan. 12.—At 9 o'clock to-night the large carriage and wagon manufactory and repository of A. & W. F. Decamp, with the contents, were totally destroyed by fire. Loss $60,000. The building and stock were fully insured.

MILWAUKEE, Jan. 12.—A fire, at 5 A. M., in St. George's school, church and nursery, at Kenosha, entirely destroyed the three buildings. Loss estimated at from $30,000 to $50,000. Insurance $10,000, in Western companies. The loss falls on a Germany society composed almost entirely of workingmen.

A Wisconsin editor's reason for preferring Mat. Carpenter to all other men: "We like the way Carpenter has of wearing his hair, and of letting his shirt boil out between his vest and his pantaloons, a feat not easily accomplished.