RECESS.

The SPEAKER. The question is on the motion of the gentleman from Oregon [Mr. LANE] that the House take a recess until ten o'clock to-morrow morning.

Mr. ATKINS. Pending that motion, I ask unanimous consent that at ten o'clock to-morrow a further recess be taken till five minutes before twelve.

There being no objection, it was ordered accordingly.

The motion of Mr. LANE was then agreed to; and accordingly (at five o'clock and five minutes p. m.) the House took a recess till to-morrow morning at ten o'clock.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ANDERSON: The petition of 13 citizens of Franklin County, Illinois, that pensioners be granted pensions from the date of their discharge, to the Committee on Invalid Pensions.

By Mr. BRADLEY: The petition of 54 citizens of Midland County, Michigan, for cheap telegraphy, to the Committee on the Post-Office and Post-Roads.

By Mr. CALDWELL, of Tennessee: Two petitions from citizens of Tennessee, of similar import, to the same committee.

By Mr. COX: The petition of August Lipka, for a pension, to the Committee on Invalid Pensions.

By Mr. CUTLER: The petition of citizens of Maywood, Massachusetts, for cheap telegraphy, to the Committee on the Post-Office and Post-Roads.

By Mr. DENISON: The petition of Philander Perrin and 43 others, that a pension be granted Mrs. Francis A. Moses, widow of F. A. Moses, late of Company A, Third Regiment Vermont Volunteers, to the Committee on Invalid Pensions.

By Mr. DUNNELL: The petition of Franklin Staples, M. D., and others, of Minnesota, for the printing of the object-catalogue of the National Medical Library, to the Committee on Printing.

By Mr. FORT: The petition of Pat O. Hawes, for pay and allowances as a member of Congress from Nebraska, to the Committee of Elections.

Also, the petition of A. W. Atwood and 96 other citizens of Iroquois County, Illinois, for cheap telegraphy, to the Committee on the Post-Office and Post-Roads.

By Mr. GOODIN: A paper relating to the bill (S. No. 1142) for the relief of the Kaskaskia, Peoria, Piankeshaw, and Wea tribes of Indians, to the Committee on Indian Affairs.

By Mr. HILL: Two petitions, one from citizens of Rome, the other from citizens of Barnesville, Georgia, for the repeal of the bank-tax laws, to the Committee of Ways and Means.

By Mr. HOPKINS: Memorial of the Coal Exchange of Pittsburgh, asking for an increased appropriation for the improvement of the Ohio River, to the Committee on Commerce.

By Mr. LANDERS, of Connecticut: The petition of the Mechanics' Savings Bank of Winstead, Connecticut, for the repeal of the bank-tax laws, to the Committee of Ways and Means.

By Mr. LEAVENWORTH: The petition of George F. Comstock and 37 other citizens of Onondaga County, New York, of similar import, to the same committee.

By Mr. LORD: The petition of 54 citizens of Midland County, Michigan, for cheap telegraphy, to the same committee.

By Mr. PHILLIPS, of Kansas: The petition of citizens of Kansas, of similar import, to the same committee.

By Mr. POWELL: The petition of J. W. Williams and 62 other citizens of Pennsylvania, for the repeal of the bank-tax laws, to the same committee.

By Mr. SEELYE: The petition of William Giles Dix, of Peabody, Massachusetts, for the passage of a law prohibiting the manufacture and sale of munitions of war by citizens of the United States for the use of the Turkish Government, to the Committee on Foreign Affairs.

By Mr. STRAIT: The petition of J. P. Waste and 21 others, of Minnesota, for cheap telegraphy, to the Committee on the Post-Office and Post-Roads.

By Mr. TARBOX: The petition of Henry C. Warner and other citizens of Tewksbury, Massachusetts, of similar import, to the same committee.

By Mr. TOWNSEND, of New York: A paper relating to the establishment of a post-route between Nassau and Niverville, New York, to the same committee.

By Mr. TUFTS: The petition of L. J. Penticost and other citizens of Panora, Iowa, for the repeal of the bank-tax laws, to the Committee of Ways and Means.

By Mr. WALKER, of New York: Two petitions from citizens of New York, of similar import, to the same committee.

By Mr. A. S. WILLIAMS: Remonstrance of Heineman, Butzel & Co., Heavenricht & Co., Charles Root & Co., and other merchants of Detroit, Michigan, against a further extension of letters-patent for buckles, granted to Sheldon S. Hartshorn July 10, 1855, and extended in July, 1869, for seven years, to the Committee on Patents.

IN SENATE.

FRIDAY, *February* 9, 1877—10 a. m.

The PRESIDENT *pro tempore*. The recess having expired, the Senate resumes its session.

Mr. TELLER. I move that the Senate take a further recess until twelve o'clock.

The motion was agreed to.

The Senate re-assembled at twelve o'clock m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Thursday, February 8, was read and approved.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of MATT W. RANSOM, elected by the Legislature of the State of North Carolina a Senator from that State for the term beginning March 4, 1877; which were read and ordered to be filed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 4198) to authorize the President to restore Thomas J. Spencer to his former rank in the Army was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 4611) to remove the political disabilities of Dabney M. Scales, of Memphis, Tennessee, was read twice by its title, and referred to the Committee on the Judiciary.

FORTIFICATION APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. No. 4188) making appropriations for fortifications and for other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1878, and for other purposes.

Mr. WINDOM. I move that the Senate insist upon its amendments and ask a conference with the House.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee on the part of the Senate.

COMMITTEE SERVICE.

The PRESIDENT *pro tempore* appointed Mr. PADDOCK a member of the Committee on Agriculture in place of Mr. HARVEY excused.

He also appointed Mr. HARVEY a member of the Committee on Public Buildings and Grounds in place of Mr. PADDOCK excused.

COLUMBIA RAILWAY COMPANY.

Mr. SPENCER. I move that the vote by which the bill (H. R. No. 1271) amendatory of an act to incorporate the Columbia Railway Company of the District of Columbia, approved May 24, 1871, was indefinitely postponed be reconsidered, and that the bill be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the General Assembly of the State of Colorado, in favor of the passage of an act authorizing coinage at the mint at Denver, and praying an appropriation therefor; which was referred to the Committee on Finance.

Mr. ALLISON. I present the petition of the American Society of Civil Engineers, the petition of the Iron and Steel Association, the petition of the Stevens Institute of Technology, and petitions of various scientific associations and colleges, with reference to the commission appointed by an act of Congress for the testing of American iron and steel. The documents accompanying these petitions are of considerable importance. I move that they be referred to the Committee on Appropriations and printed.

Tho motion was agreed to.

Mr. ALLISON. I move also that extra copies be printed, which motion I ask to have referred to the Committee on Printing, which I believe has under consideration the President's message on the same subject.

Mr. DAVIS. What documents does the Senator desire to have printed?

Mr. ALLISON. Resolutions of scientific associations, colleges, &c., in relation to the mode of testing iron and steel.

The PRESIDENT *pro tempore*. The motion to print extra copies will be referred to the Committee on Printing.

Mr. INGALLS presented a memorial of the Kansas State Horticultural Society, praying Congress to adopt some effective means to prevent the destructive invasion of the Rocky Mountain locusts; which was referred to the Committee on Agriculture.

He also presented a petition of citizens of Philadelphia, Pennsylvania, praying the removal of the limitation to arrears of pension; which was ordered to lie on the table.

Mr. KELLY presented a petition of a large number of settlers in the Des Moines Valley, Iowa, praying Congress to redress their grievances in relation to the lands occupied and claimed by them; which was referred to the Committee on Public Lands.

Mr. COCKRELL presented a memorial of the State grange of the State of Missouri, praying an appropriation for the improvement of the navigation of the Mississippi River and its tributaries, so as to insure cheaper rates of transportation of freights from the West to

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the East and to the Old World; which was referred to the Select Committee on Transportation Routes to the Seaboard, and ordered to be printed.

Mr. DAVIS. I present two petitions, one from citizens of the State of West Virginia and another of the same character signed by nearly all the members of the Legislature of West Virginia. As the petitions are very short and relate to pensions, I ask that the one signed by a majority of the Legislature of the State of West Virginia be read.

The PRESIDENT *pro tempore*. The petition will be read, if there be no objection.

The Chief Clerk read as follows:

To the Forty-fourth Congress:

We, the undersigned, do most earnestly urge upon Congress the passage of the act allowing pensioners the amount of arrears to which they would be entitled by a removal from the statutes of the unjust limitation which has debarred many from receiving their just dues, and that they shall be entitled to receive in all cases pensions from date of discharge of the soldier. That a limitation act of the kind in force is unjust, and that the representatives of the people had no right to take advantage of the accidents and incidents which have occurred in many ways to prevent those who have made the most extreme sacrifice for the country from receiving the full measure of justice to which they are equitably entitled.

The petitions were ordered to lie on the table.

Mr. DENNIS presented a petition of citizens of Somerset County, Maryland, praying for the establishment of a post-route from Westover to Heckman's Store, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BARNUM presented a petition of citizens of Connecticut, praying an amendment of the pension laws, so as to allow arrearages of pensions; which was ordered to lie on the table.

Mr. WHYTE presented a petition of the faculty of St. John's College, Annapolis, Maryland, praying the passage of the bill for the repeal of the import duty on books; which was referred to the Committee on Finance.

He also presented a memorial of the Board of Trade of the city of Baltimore, Maryland, in favor of the repeal of the law imposing Federal taxes on the deposits, circulation, and capital of all banks; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. SPENCER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 4554) for the support of the government of the District of Columbia for the fiscal year ending June 30, 1878, and for other purposes, to report it back with various amendments, and I ask that the bill, as amended, be printed. I desire to give notice that I shall call up this bill some day in the early part of next week and ask the Senate to pass upon it.

The PRESIDENT *pro tempore*. The bill, with the amendments, will be printed of course under the rules.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of John D. Foster, praying compensation for his services as colonel of the Twenty-second Regiment Missouri Volunteers from September 1, 1861, to February 19, 1862, submitted an adverse report thereon; which was ordered to be printed; and he moved that the claim be rejected; which motion was agreed to.

Mr. MERRIMON, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1217) to incorporate the Metropolitan Life-Insurance Company of the United States of America, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1271) amendatory of the act to incorporate the Columbia Railway Company of the District of Columbia, approved May 24, 1871, reported it with an amendment.

Mr. DENNIS, from the Committee on Commerce, to whom was referred the bill (H. R. No. 3163) to authorize the Ocean City Bridge Company to maintain and operate a bridge heretofore erected over and across Sinepuxent Bay, in Worcester County, Maryland, reported it without amendment.

Mr. DORSEY, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1126) regulating street paving and repairs in Washington and Georgetown, District of Columbia, reported adverselythereon; and the bill was postponed indefinitely.

HAYDEN'S SURVEY OF THE TERRITORIES.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a concurrent resolution of the House of Representatives to print extra copies of Professor Hayden's report of geological and geographical survey of the Territories for 1875 and 1876, reported it without amendment; and the resolution was concurred in, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be prepared 4,500 copies of Professor Hayden's annual report of the geological and geographical survey of the Territories for 1875 and 1876; 3,000 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 500 copies for the use of the office of the survey.

BILLS INTRODUCED.

Mr. DAWES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1236) to authorize and equip an expedition to the arctic seas; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. WHYTE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1237) to remove the political disabilities of H. H. Lewis, of Baltimore, Maryland; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1238) making an appropriation for the expenses of the electoral commission; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. COOPER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1239) to provide for changing and fixing the boundaries of certain property ceded to the Government of the United States by the city of Memphis, Tennessee; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SPENCER. At the request of several clergymen of this city I ask leave to introduce a bill.

By unanimous consent, leave was granted to introduce a bill (S. No. 1240) to relieve the churches of the District of Columbia and to clear the title of the trustees to such property; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1241) granting a pension to Frank A. Moriarty, guardian of the minor heirs of Peter Moriarty; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1242) to amend an act entitled "An act providing for the sale of the Osage ceded lands in Kansas to actual settlers," approved August 11, 1876; which was read twice by its title.

Mr. INGALLS. In presenting this bill I wish to say that it was forwarded to me by Governor Shannon, the attorney for the settlers upon those lands, and I introduce the bill at his request. I move that it be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1243) to repeal the statute forbidding appointments and promotions in the staff of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. SARGENT submitted an amendment intended to be proposed by him to the bill (H. R. No. 4559) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1877, and for prior years, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

WILLIAM A. GRAHAM.

Mr. WALLACE. I move that the bill (H. R. No. 431) for the relief of the heirs of William A. Graham be recommitted to the Committee on Patents.

Mr. JOHNSTON. I trust that motion will not prevail. The bill was reported nearly a year ago, and has been on the Calendar that time. It passed the House a year ago.

Mr. WALLACE. I think not.

Mr. JOHNSTON. It passed the House on the 20th of March, 1876. It came here and was referred to the Committee on Patents and reported to the Senate on the 9th of June. The bill was before the committee from the 20th of March to the 19th of June, and the committee had every opportunity to examine it. It has been upon the Calendar from the 20th of June to the present time. To recommit the bill now at this stage of the session of course would defeat it. Parties contesting have had abundant opportunity to do so, not only when the bill was pending in the House, but for three months before the Senate committee and since it has been on the Calendar here. This motion, if agreed to, would undoubtedly defeat the whole measure now at this stage of the session, and I trust it will not prevail. If it is in order to speak to the merits of the case on this motion, I should like to be heard.

Mr. WALLACE. I only wish to say that parties interested in this patent ask to have a hearing. I did not know that this bill had been so long before the Senate as the Senator from Virginia states. It appears, therefore, that parties contesting are in default, and I of course withdraw the motion.

Mr. WITHERS. I ask the Senator from Pennsylvania who the parties contesting are?

Mr. WALLACE. The vice-president of the American District Telegraph Company, Philadelphia, is interested in this subject. I withdraw the motion to recommit the bill.

The PRESIDENT *pro tempore*. The motion is withdrawn.

LANDS IN KLAMATH INDIAN RESERVATION.

Mr. KELLY. I move that the Senate proceed to the consideration of House bill No. 1316, to adjust the claims of the owners of lands within the limits of the Klamath Indian reservation in the State of Oregon.

The PRESIDENT *pro tempore*. Is there objection to this motion?

Mr. WRIGHT. Let the bill be reported.

Mr. JOHNSTON. How long will it occupy?

Mr. KELLY. It will occupy, I think, only a short time.

Mr. JOHNSTON. It will take all the morning hour, I fear.

Mr. KELLY. No; I think it will not.

The PRESIDENT *pro tempore*. The bill has been before the Senate heretofore, and amended by the Senate. The Secretary will report the bill as it now reads.

The CHIEF CLERK. As amended, the bill reads:

Be it enacted, &c., That the Commissioner of the General Land Office be, and he is hereby, authorized, under the direction of the Secretary of the Interior, to issue scrip for quantities of land not less than one section to the legal owners of the land granted to the State of Oregon by act of Congress approved July 2, 1864, to aid in the construction of a wagon-road from Eugene City to the eastern boundary of the State, authorizing them to select and locate, of the unoccupied and unappropriated public lands of the United States, not mineral, and which are then subject to entry under the homestead or pre-emption laws of the United States, and in tracts not less than one section, as provided for in the United States land laws, and if unsurveyed when taken, then to conform when surveyed to the general system of the United States land surveys, a quantity of land equal in amount to the lands within the limits of said grant embraced in the Klamath Indian reservation designated and set apart by the Commissioner of the General Land Office as lands in place, the quantity of said lands to be ascertained by the Commissioner of the General Land Office. And the said Commissioner shall issue patents for the lands so selected: *Provided*, That no scrip nor patents shall issue as hereinbefore provided until the owners of the lands embraced in said reservatisn shall execute and deliver to the Commissioner of the General Land Office a deed conveying to the United States all their right, title, and interest to the same: *Provided further*, That no scrip issued in pursuance of the provisions of this act, or any act of Congress amendatory or supplemental thereto, shall be located upon other than the public lands lying within the said State of Oregon.

The PRESIDENT *pro tempore*. Is there objection to this motion? The Chair hears no objection. Will the Senate proceed to the consideration of the bill?

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. ALLISON. Is there a report accompanying this bill? If so, I should like to hear it read.

Mr. KELLY. The report has already been read and the bill discussed at the last session, when several amendments were adopted by the Senate. The Senator from Iowa will remember that there was quite an elaborate discussion on the subject at the last session, especially by the Senator from Vermont, [Mr. EDMUNDS.] I think it has been fully discussed.

Mr. MERRIMON. Does it appropriate any lands?

Mr. KELLY. It simply gives other lands to the owners of certain lands on which was located the Klamath Indian reservation. The lands had been conveyed to those owners by patent and the bill provides that they shall reconvey to the United States all the title they have to those lands lying within the Klamath reservation, and then they are to get other lands in lieu of them. If it be desired I shall not object of course to the reading of the report; it is brief.

Mr. ALLISON. I should like to hear the report read.

The PRESIDENT *pro tempore*. The Chair is informed that there is no report.

Mr. KELLY. There is a House report.

Mr. ALLISON. The Senator from Oregon perhaps can explain it best. As I understand, there was a grant made some years ago to the State of Oregon to build a wagon-road through that State.

Mr. KELLY. Yes, sir.

Mr. ALLISON. This wagon-road as located passed through an Indian reservation.

Mr. KELLY. No, sir; it did not. I will explain the bill, if the Senator will permit me.

Mr. ALLISON. I should be glad to have an explanation.

Mr. KELLY. I will give a brief statement of the facts as they exist. On the 2d day of July, 1864, Congress granted certain lands to the State of Oregon to aid in the construction of a military wagon-road from Eugene City to the eastern boundary of Oregon. On the 24th day of October, 1864, the State of Oregon conveyed all its rights and interests in those lands to the Oregan Central Military Wagon Road Company. Immediately afterward that company began the construction of this road, which was built from Eugene City to the eastern boundary of the State of Oregon, a distance of four hundred and sixty-one miles, at an expense of probably nearly $300,000. Afterward land was granted by treaty for an Indian reservation, which took a part and the best portion of these lands. That treaty was dated the 14th of October, 1864. It was ratified on the 2d day of July, 1867, or at least it is reported that the ratification was "advised" at that time; but it was not proclaimed till the 17th of February, 1870. That treaty contains the following article:

This treaty shall bind the contracting parties whenever the same is ratified by the Senate and President of the United States.

Before the ratification this road had been built. The reservation, however, was laid upon these lands, and as was likely, it produced difficulty. If the report of the House committee is read, it will be seen that Agent Dyer strongly recommends that Congress grant other lands in lieu of these which were patented to this company. All they ask is simply that they shall have other lands in lieu of them. They have earned all these lands; they have earned them at a very costly price to them. They have paid taxes on them to a large amount; and whatever may be the result, if Congress grant them these lands, they will still be the losers, because the lands they have earned will not pay them for their outlay.

The Klamath Indian reservation was, as might have been supposed, laid upon the lands that were most valuable. The Indians will not leave them now; and yet the assignees of the gentleman who constructed this road have a perfect title to them, but they do not want to disturb the Indians in them. The bill is equitable and just in every respect, and indeed it will be a breach of faith if the United States, having induced these gentlemen to expend their money in this work for the receipt of public lands, shall, after they have earned them and received patents for them, allow an Indian reservation to take them away. It is but just and nothing but justice that they should have these lands in lieu of those taken away. They might go on and try their title by insisting in the courts that possession should be given to them; but they do not want to put the Government to that expense, nor do they desire to dispossess the Indians.

This is the substance of the bill. I might elaborate it, but I do not care to take up time.

Mr. ALLISON. I want to hear the report read.

The Secretary read the report made by Mr. LAFAYETTE LANE, from the Committee on Public Lands, in the House of Representatives, on the 25th of February, 1876.

Mr. INGALLS. I dislike to interpose any objections to a measure that seems on its face to be purely local in its character; but this bill involves a question of very considerable interest, and may establish a very injurious precedent. It appears from a law passed on the 2d day of July, 1864, that the United States granted "to the State of Oregon, to aid in the construction of a military wagon-road, * * * alternate sections of public land, designated by odd numbers, for three sections in width on each side of said road." The act provided further:

That the lands hereby granted shall be exclusively applied in the construction of said road, and shall be disposed of only as the work progresses; and the same shall be applied to no other purpose whatever.

There is an additional provision:

That any and all lands heretofore reserved to the United States by act of Congress or other competent authority be, and the same are, reserved from the operation of this act, except so far as it may be necessary to locate the route of said road through the same, in which case the right of way granted.

By the treaty of October 14, 1864, the reservation that is now occupied by the Klamath Indians was established. At that time the definite route of location of this wagon-road had not been established, and there had been no definite location of the road so far as the public lands are concerned, no map of withdrawal had been filed. There had been no reservation of any portion of the public domain under this act for the benefit of this corporation. While it is true that this treaty was not proclaimed until a subsequent date, yet it is a fact that by the regulations of the executive department the treaty under which the Klamath Indians now hold this reservation is recognized to have been established on the 14th of October, 1864.

The conveyance by the State of Oregon of its rights under this act to the wagon-road company in question was not made until a date subsequent to that when the treaty was ratified. It is a matter of fact that it was not until a very much later period that there was any work done by the corporation under which they became entitled to locate any lands by virtue of this, and meanwhile this reservation had been established in the language of the proviso to the bill "by competent authority," that is, by the treaty-making power of the United States Government. Now the question arises whether or not the subsequent act of this wagon-road corporation in constructing their road authorizes them to indemnity or lieu lands in the place of what they would have received in this Indian reservation had not those boundaries been established. I do not know what the amount that the company would have received in the reservation would have been. The entire area of the Klamath reservation is 1,056,000 acres. I therefore assume that the term of the act granting "alternate sections of the public land designated by odd numbers for three sections in width on each side of said road" reserved to this corporation a very considerable amount of the public domain.

The Supreme Court, in a case which was recently before it, in the suit of the United States against the Leavenworth, Lawrence and Galveston, and the Missouri, Kansas and Texas Railroads, has established the proposition that corporations that are endowed with grants of public land do not take within Indian reservations, even when these are subsequently extinguished, that those reservations are in no sense whatever public lands of the United States, so as to entitle the companies to receive a grant in them by virtue of an act endowing them with public lands for the purposes specified in this or any other similar act. In this case this is an existing Indian reservation to which the title has not been extinguished. If the company would not be entitled to indemnity lands or to lands within the limits of this reservation if the reservation itself were extinguished, can it be held that we shall say that this corporation shall be entitled to indemnity lands in an existing Indian reservation whose boundaries were established prior to the date when the grant inured by virtue of the terms of the act itself? It is establishing a very novel proposition, and one that, in view of the great number of Indian reservations through which railroad corporations have run their lines, may be of very considerable importance to this Government hereafter.

Mr. KELLY. I think I can explain the matter to the entire satisfaction of the Senator from Kansas and the Senate. The grant made to the State of Oregon was on the 2d day of July, 1864. It uses the words that are common in land grants to corporations, "that there be, and hereby is, granted to the State of Oregon" a certain quantity of land, and it is a present grant.

Mr. INGALLS. May I interrupt the Senator a moment?

Mr. KELLY. Certainly.

Mr. INGALLS. Does he understand that the terms of that act constitute a present grant of specific tracts of land to the State of Oregon?

Mr. KELLY. I will answer thus: it constituted a specific grant of certain lands to the State of Oregon, and when they are definitely located then the title relates back to the time of the grant. That is as I understand the decision of the Supreme Court. It is a present grant to be ascertained thereafter by the actual location of the land.

Mr. INGALLS. Will the Senator answer me this question: When the title either of the State of Oregon or of the corporation which is the assignee of the State vests in any specific tract of land along the route of that road?

Mr. KELLY. The title to the lands vests in the company at the time of the location of the road. That is the time they become fixed and certain, although the grant relates back to the time of the act of Congress; but that, as I will show, amounts to little or nothing. That is the proposition I contend for.

On the 24th day of October, 1864, as I stated, the lands were granted by the State of Oregon to this company. Ten days before that time a treaty was made with the Klamath Indians. It was not ratified until two years afterward. Whether it was ratified or not I can hardly say because the treaty itself says "ratification advised on the 2d of July, 1866."

Mr. HAMILTON. If the Senator from Oregon will allow me, I will ask him if the ratification of that treaty did not relate back to the making of the treaty?

Mr. KELLY. If one relates back, the other relates back. If the location of the road relates back to the date of the grant by Congress, it is possible that this ratification may relate back to the time of the date of the treaty; but I call especial attention to the twelfth article of the treaty, which says:

> This treaty shall bind the contracting parties whenever the same is ratified by the Senate and President of the United States.

It bound nobody until it was ratified. Therefore I contend that at the time of ratification these lands had become vested in the company. But if that were not so, if I am even deceived in this, these men built the road in good faith upon the pledge of the United States. The Indians were not located on the land at that time nor for several years after. They were taken on to the reservation long after the road was constructed; and it is simply an act of good faith to give them this land. If they were mistaken, if there was doubt about it, is it not right and proper that this matter should be settled amicably and peaceably, and that these gentlemen who have built this road for the benefit of the Government should receive lands elsewhere?

While speaking on this point I would say that the very supplies for these Indians are carried over the road that has been constructed by these men. Everything that is taken there is carried over it. It was a wilderness; it was impossible to get there, and it would be impossible now to get to that reservation and carry the Indian supplies except for the road built by these men. They have justice, and I believe they have law in their favor.

For these reasons I do hope the bill will pass before the morning hour expires.

Mr. SHERMAN. I have a very strong impression that at the last session of Congress the Senator from Vermont [Mr. EDMUNDS] made very decisive opposition to the bill, and made statements which impressed me very strongly. I am not able now to turn to the debate.

Mr. KELLY. I can turn the Senator to it.

Mr. SHERMAN. Here is the book. I think that under the circumstances, especially during the morning hour, as this involves a private claim to land for a considerable amount, we ought not to act on it until the Senator from Vermont can be in his seat. Taking up bills in this way and passing them in the morning hour when we are not prepared to point out objections to them, is not safe except as to minor bills of an uncontroverted character.

My friend has just handed me the RECORD with the debate. I see that the Senator from Vermont made a long speech against this bill, and I listened to him at the time and it made a decided impression on my mind; but the facts which control the case I am not prepared to enter into now. I think, therefore, it would be better for the Senator from Oregon to let the bill go over. The attention of the Senate has been called to it now and I ask the attention of Senators to the debate of the last session, which is now before me, on the 19th of July, 1876, when the Senator from Vermont gave very good reasons against the passage of the bill and for the time defeated it, or at least it was put over until the present session. I think my friend from Oregon, as there are but five minutes left, had better let it go over.

Mr. KELLY. I beg the Senate not to do that. Last session, I was going to say it was talked to death but not exactly that, but twice at the expiration of the morning hour this bill went over. It is a measure of very great importance. If I could only have the time of the Senate after the expiration of the morning hour I would not hesitate a moment to let it go over and be discussed fully and fairly by every Senator in the body; but I know what will be the result. The same thing was said before, "let it go over" and it is now said "let it go over." The upshot will be that in the end it will be defeated; in the end it will go over for good and all.

Mr. SHERMAN. I hope my friend from Oregon will let the bill go over. I do not want to say a word against it without having the exact facts in my mind refreshed, but I know when the matter was discussed at the last session I made up my mind very strongly against the bill, and here is a long speech before me containing a great deal of information. As a matter of course I am not prepared to repeat that unless I send it to the Secretary to have it read and I do not want to consume time in doing that. I submit to the Senator under the circumstances that he had better allow the bill to go over unless the Senate is willing to extend the morning hour. Then I am perfectly willing to go into the merits.

Mr. KELLY. I would make this suggestion then: I desire to accommodate every Senator, but I do not wish that this bill shall lose its place; and if it be the unanimous consent of the Senate that it shall be taken up to-morrow after the morning hour, so as to give the Senator from Ohio time to examine it, I shall be perfectly satisfied. I want to get a fair consideration of the bill; I never desired anything else; but it must be apparent to every Senator that the session is fast approaching its close and if I do not insist on it now, necessarily a failure will take place. I certainly cannot be blamed for that. The Senate certainly knows that I have not occupied much of its time in debate, and I do not think it is asking very much if I simply ask the favor of the Senate that it take up this bill to-morrow after the morning hour shall have expired.

The PRESIDENT *pro tempore*. Is there objection to this suggestion?

Mr. INGALLS. I have previously given notice that at the first opportunity after the disposition of the pending order, which I believe is the Pacific Railroad bill, I should feel it to be my duty to ask the consideration of the bill relating to the pensions of the soldiers and sailors of the war of 1812, and the existing limitation upon the pension laws; and I must therefore object to any unanimous understanding, so far as I can do so now, that will interfere with that previous notice that I gave.

The PRESIDENT *pro tempore*. The Senator from Kansas objects.

Mr. KELLY. I shall ask for the consideration of the bill to-morrow morning after the morning business is disposed of, and I hope there will be no objection to it.

The PRESIDENT *pro tempore*. The Senator from Oregon gives notice that he will ask for the consideration of the bill to-morrow morning after the morning business is over. The bill will go over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House insisted upon its amendments to the bill (S. No. 1222) to provide for a deficiency in the appropriations for the public printing and binding for the current fiscal year, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HENRY WALDRON of Michigan, Mr. J. L. VANCE of Ohio, and Mr. CHARLES B. ROBERTS of Maryland managers at the conference on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 824) for the relief of Hannah L. Lloyd as executrix and George W. King executor of William Lloyd, deceased.

A bill (H. R. No. 4284) authorizing the commissioners of the Freedman's Savings and Trust Company to buy in certain real and other property, and to sell the same at public or private sale, and for other purposes; and

A bill (H. R. No. 967) authorizing the survey of certain townships in Michigan and making an appropriation therefor.

BILL RECOMMITTED.

Mr. STEVENSON. I move that the bill (H. R. No. 3748) to provide for the redemption of real estate sold under judgments and decrees in the courts of the United States be recommitted to the Committee on the Judiciary.

The motion was agreed to.

TELEGRAPHIC COMMUNICATION WITH EUROPE.

Mr. WHYTE. I ask the Senate to indulge me during the residue of the morning hour in taking up Senate bill No. 1141.

There being no objection, the bill (S. No. 1141) to encourage and promote telegraphic communication between America and Europe was considered as in Committee of the Whole. It authorizes Ferdinand C. Latrobe, William F. Frick, and Robert Garrett, of Maryland, to construct, lay, land, and maintain a line or lines of telegraph, or submarine cables, on the Atlantic coast of the United States of America, to connect the American and European coasts by telegraphic lines, wires, or submarine cables. At least one cable shall be laid and operating between Europe and the Atlantic coast of the United States within three years; and the present tariff rates of messages are to be reduced to one-third, or one shilling British currency, per word, over the new cable or cables. No amalgamation, union, or sale of cable interests established under the act is to be made to any existing European or other cable companies.

Any telegraphic line or cable laid is to be subject to the following conditions, stipulations, and reservations:

First. The Government of the United States shall be entitled to exercise and enjoy the same or similar privileges with regard to the control and use of such line or lines, or cable or cables, as there may, by

law; agreement, or otherwise, be exercised and enjoyed by any foreign government whatever.

Secondly. Citizens of the United States shall enjoy the same privileges as to the payment of rates for the transmission of messages as are enjoyed by the citizens of the most favored nations.

Thirdly. The transmission of dispatches shall be made in the following order: First, dispatches of state, under such regulations as may be agreed upon by the governments interested; secondly, dispatches on telegraphic service; and, thirdly, private dispatches.

Fourthly. The lines of any such cables shall be kept open to the public for the daily transmission of market and commercial reports and intelligence, and all messages, dispatches, and communications shall be forwarded in the order in which they are received, except as hereinafter provided.

Fifthly. Before extending and establishing any such line or lines, or cable or cables, in or over any waters, reefs, islands, shores, and lands within the jurisdiction of the United States, a written acceptance of the terms and conditions imposed by this act shall be filed in the office of the Secretary of State by the said company.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. WHYTE. I ask the indulgence of the Senate for five minutes to pass this bill.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

Mr. WEST. Let it be subject to a call for the regular order.

Mr. WHYTE. Certainly.

Mr. WEST. Very good.

The bill was reported from the Committee on Foreign Relations with amendments.

The first amendment was, in section 2, line 16, after the word "interested," to insert "the rates not to exceed those charged to individuals;" so as to make the clause read:

Thirdly. The transmission of dispatches shall be made in the following order: First, dispatches of state, under such regulations as may be agreed upon by the governments interested, the rates not to exceed those charged to individuals; secondly, dispatches on telegraphic service; and, thirdly, private dispatches.

The amendment was agreed to.

The next amendment was, in line 23 of section 2, to strike out the word "hereinafter" and insert "hereinbefore."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

HEIRS OF WILLIAM A. GRAHAM.

The PRESIDENT *pro tempore*. The unfinished business is Senate bill No. 984, in relation to the Pacific Railroad acts.

Mr. JOHNSTON. I ask the Senator from Louisiana to allow the regular order to be laid aside informally that I may call up a bill which I do not think will occupy time.

Mr. WEST. If it will meet the convenience of the Senator from Connecticut, [Mr. EATON,] who I understand desires to address the Senate on the regular order, subject to a call for the regular order, I shall not object.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Virginia?

Mr. JOHNSTON. I move the consideration of the bill (H. R. No. 431) for the relief of the heirs of William A. Graham.

Mr. BOUTWELL. That bill will give rise to debate, no doubt.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts object?

Mr. BOUTWELL. Yes, sir, I object.

The PRESIDENT *pro tempore*. As it is beyond the morning hour, the Chair will submit the question to the Senate. One objection will not put it over.

Mr. BOUTWELL. It will give rise to debate inevitably; but I am as willing the bill should be considered now as at any other time. I will not object to the consideration of the bill.

The PRESIDENT *pro tempore*. The bill is subject to a call for the regular order. If there be no objection, the bill will be considered as before the Senate as in Committee of the Whole.

The bill was read.

Mr. WEST. I yielded to the solicitation of the Senator from Virginia to have that bill brought to the attention of the Senate; but I am satisfied from the notice that has been given by the Senator from Massachusetts, and also from the fact that the Senator from Nebraska who is not now in his seat [Mr. PADDOCK] has expressed a desire to be heard on the bill, that it will lead to a prolonged debate; and therefore, although I should be exceedingly glad to oblige the Senator from Virginia, I feel it my duty to call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Louisiana calls for the regular order, which is the railroad bill.

PACIFIC RAILROAD ACTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 984) to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of the said first-named act.

Mr. EATON. Mr. President, it is not my purpose to detain the Senate long upon the bill under consideration. There has been a very unnecessary amount of legal learning, in my judgment, thrown into the discussion of this bill. I had supposed that the States of New York, Massachusetts, and Connecticut, together with other States, as well as the legal action of the Government, if I may say so, had shown what the paramount law of the Legislature was in cases of this character. The ordinary term which is found in nearly all acts of incorporation reserving the power to alter, amend, or repeal is not an omnipotent governing power in the hands of an assembly, either the Congress of the United States or the Legislature of any State. I had supposed that without a list of authorities such as has been brought before the Senate in the discussion of this question the power was well understood by every intelligent lawyer in the land. That the Congress of the United States to a certain extent has power to amend, no one doubts; that the Congress of the United States for good and sufficient reasons has the power to repeal, no one doubts; but there must be a reason, there must be a violation of duty upon the part of the corporation that will warrant action of that character on the part of Congress.

I do not propose to go into a legal discussion. So far as that is concerned, the discussion by the distinguished Senators from New York [Mr. CONKLING] and Massachusetts [Mr. BOUTWELL] has closed this matter, in my judgment. I do not propose to go into a legal discussion on that point. But has any contingency arisen that would warrant the action of Congress in this matter? The Congress of the United States have once before undertaken to act in this matter. They have undertaken to say that interest should have been paid. The Supreme Court said that Congress was wrong in that respect.

I do not propose, either, to be drawn into a discussion with regard to the propriety of the original legislation on this subject. That is another matter. Whether it was wise or unwise for the Government to enter into this contract, whether the fact of their being a party to and connected with a corporation of this sort was unwise legislation, is something which I am not about to speak of. But we have the thing right before us in this way: Here is a large amount of money, some say eighty, some ninety million dollars, that has been or will have to be paid by the people of the United States. The Judiciary Committee, by the bill which they have offered, undertake to mark out a course by which this money can be saved to the Government and the people. Now, in my judgment, the Judiciary Committee have failed, and will utterly fail, and Congress will utterly fail if they permit that bill to become a law.

In the first place, that bill undertakes to determine what net earnings are. I say that it is not competent for the Congress of the United States to determine a commercial matter of that character. There will be no net earnings that can be touched by the law of the United States if that bill shall become a law. It would be like a contest that there was once in New York; the Senator from New York will remember it well; a good many years ago there was a certain ferry company in New York that when its net earnings amounted to a certain percentage all over that was to take a certain course. It never arrived at that. Why? Because there was boat after boat, steamer after steamer built; their ships were full, there never were any net earnings to exceed the certain percentage, 8 per cent. I think it was; nor would there be here.

Now, sir, these railroad companies should be treated properly; and what is proper? Here is a large debt to the United States. Then there is some fifty or sixty millions of dollars of prior indebtedness to that to the United States. That must be paid. The United States occupy the position of second mortgagee in this matter. Now in my judgment what is to be done is as business men to do what we best can, both for the roads and for the Government. My honorable friend from Pennsylvania, [Mr. WALLACE,] in a word or two which he said in favor of the Judiciary Committee bill, stated that he thought it was proper that the Law Committee of this House should determine this matter. I beg leave to differ with him. I am not very clear that the Railroad Committee is the proper committee, although I am a member of it. I am not very clear that the proper committee who should have had this matter in charge is not the Finance Committee of this body. But no matter about that. In my judgment it is clearly any other than the Judiciary Committee. This is a business matter. The Government of the United States has become involved here, wisely or unwisely, to the tune of $100,000,000. How shall we get out of this difficulty and in what manner? By enacting a law that will cripple these companies? I beg to say that that is not the way. By enacting a law that would induce these companies to throw their property out of their hands? That is not the way; and the Government cannot protect the people by legislation of that character. In my judgment, it would result in injury, and therefore I am opposed to it.

The Railroad Committee had before it a bill offered by the Senator from Georgia, [Mr. GORDON.] I am very frank to say that, although I voted for the bill in committee, it hardly meets my entire commendation; but it is before the Senate. If there are objectionable features in it, those features can be amended. The principle of this bill, in my judgment, is right.

A Senator upon this floor who has made this matter a subject of study says that by the terms of this bill, if the payments were all anticipated and the money due to the United States from the railroad companies was to be paid to-morrow, it would amount to more than 50 per cent. of the amount due the United States. It was suggested here by certain gentlemen, rather by the questions of certain Senators, that there would be an overwhelming loss to the Government by the terms of this bill. My friend, the honorable Senator from Colorado, [Mr. CHAFFEE,] has given this matter a great deal of attention, and I have great confidence in his arithmetic. His opinion is that the Government of the United States, if prepaid to-day, with all the advantages of discount, &c., would receive more than 50 per cent. of the amount of money which it has paid out; and if the Government of the United States has paid out $100,000,000 for the benefit of these railroad companies and could receive back to-day $50,000,000 it would be amply repaid, rather than wait twenty years and take the full amount, for the Government is going on every year semi-annually paying a certain amount of interest.

I submit, therefore, to the Senate that the true principle is to be found in the bill of the Senator from Georgia, which is not to cripple the roads. I am not an advocate of corporations. I presume had I been a member of this body when the road was chartered the act would not have received my vote. I have no idea that I shall vote for any charter of that character while I am a member of this body. But the faith of the Government has been pledged to these companies. I respect that pledge. I would not be part and parcel to any legislation which tended to bring dishonor upon the Government, and I verily believe that the legislation contemplated by the bill of the Judiciary Committee would be injurious to the character of the Government of the United States. Somebody said it would involve us at once in a lawsuit, expensive, tedious, and doubtless one that in the end would be unsuccessful so far as the Government is concerned. Of course I make this suggestion with great deference when the distinguished lawyers of the Judiciary Committee have announced that in their judgment that bill is a bill that will stand the test of the Supreme Court of the United States; but still I express my own judgment, and, therefore, I will have no part in this legislation. I think the very worst policy that either men or Government can get into is to buy into lawsuits. I have never known an individual who bought into a lawsuit that did not suffer pecuniarily. I have no doubt that if the Government is forced into a lawsuit it will suffer as we have before by being forced into such a suit.

Honesty requires, fairness requires that such legislation should be had as will tend to pay the debt; and it is averred here—and I have no doubt of it, though I have not gone over the figures myself—that this debt will be entirely paid by 1912 by the operation of the bill of the Senator from Georgia if it should become a law. Now I submit to Senators that if this great transaction can be ended in that way, it ought to be adopted. I have heard no Senator who has advocated the bill of the Judiciary Committee who has pretended to give the date when this payment will be made. No Senator has examined this question with sufficient thoroughness to be able to tell the Senate and the country when there will be an end to this matter by the bill of the Judiciary Committee. If the other bill be imperfect, amend it, but with this we can see an end of this matter in thirty years; and in thirty years, in the opinion of gentlemen who have given this subject thorough consideration, the people of the United States will be repaid for the money which they have advanced.

I say again that the legislation of the United States with regard to these corporations should be liberal, fair, and just. It should treat these corporations precisely as we would treat individuals. One would suppose, to listen to the arguments of one distinguished Senator on this floor with regard to this bill, that these companies ought to be punished, because the Supreme Court of the United States has said that the interest was not due until the principal matured. Why punish the companies for the legislation of the United States, if that legislation was improper, unwise, or wrong? That is not the way to treat this question.

We have been told on the floor of the Senate that these corporations had violated their charters in that they had not made their reports as the law demands. That honorable Senator was entirely mistaken in making a charge of that character. When he examines the statutes of the United States he will find, as the distinguished Senator from New York said, the error that he has fallen into; that is to say, Congress has ordered the reports to be made, not to the Secretary of the Treasury, but to the Secretary of the Interior, and there these reports are filed and are to be found to-day precisely as the law requires. Therefore if that reason formed one of the arguments why legislation of this character should be forced upon these companies, it falls to the earth. That is not a reason any longer, because it is not the fact.

Mr. President, not to detain the Senate longer, I believe the temper of this body is to legislate in such a manner as will protect not only the people of the United States, but this great railroad interest that deserves protection at the hands of the Legislature. Believing as I do that such is the temper of the Senate, such the temper of Congress, I trust that the bill which has been brought before the Senate by the Judiciary Committee will be voted down, and that the bill of the Railroad Committee will be substituted in place thereof; and then, if the principle in that bill is right, as I firmly believe it to be, if there be any errors in the text of the bill, let those errors be amended, and, in my judgment, the honor of the country will be maintained, the honor of Congress will be maintained, the honor of the people will be maintained, and justice to the corporations will be had.

Mr. DAWES. Mr. President, I shall detain the Senate but a few moments on this measure, as I desire to say a few words on the principles which govern the vote that I shall give. The attitude of the public and of the Legislature to this enterprise illustrates, I think, almost as much as anything in our history the uncertainty and fickleness in legislation upon important subjects. Those who have here before and during the progress of this work up to this time, and have watched its attitude and the attitude of the public, and legislation toward it, can hardly fail to wonder at the difference between now and then. For a long time the idea of a railroad to the Pacific was treated as a mere fancy, utterly impracticable, and it arrested the thought of no legislator of practical common sense for year after year. It was only when the war broke out and we began to feel that there was in the topography of the country, as well as in the social institutions of the country, an element of weakness that this project, among others, of binding together the different parts of this country arrested the attention of those who were willing to undertake any and everything for the accomplishment of that end; and in the progress of the effort to bind together parts of the Union the determination to spare nothing of effort or of treasure or of enterprise to accomplish that end so grew upon the people that it has no parallel in the history of any other nation—the undertaking of such a great enterprise in time of war, when all the energies of the nation seemed to be taxed to their utmost for the preservation of the peace of the country, peace being the question in the minds of many; but all hastened to the undertaking of this great work.

Then it was that we chartered these companies. Then it was that we waited one or two years to see if this enterprise could be undertaken upon the terms that were first proposed; and failing in that, determined that this road should be built as a national enterprise, without regard to cost, we undertook a new plan, advertised to the public new terms for the accomplishment of this great work, and we advertised for many months and we presented to capitalists and to engineers new inducements before they could be enlisted in this work. When it was undertaken we watched it with very much the zeal, no, far more, than we do the great enterprise that so enlisted the attention of the Senate yesterday, the opening of the mouths of the Mississippi to free navigation. So we watched every step of this work. We had offered our terms, men had accepted them and had undertaken the work; and as every section of the line became so completed as to entitle them to call upon us for the fulfillment *pro tanto* of our part of our obligations, we were only too willing to respond and to demonstrate to the parties on the other side how glad we were for the opportunity. So it went on twenty miles, forty miles, one hundred miles, two hundred miles, and we put our hands into the Treasury without asking any questions.

Then we invited them from the other side to make haste and to see which of these two competing corporations would accomplish this work the soonest, and we told them that all we had offered to them was ready in an open hand to that corporation which should first accomplish this work. We made no complaint; we did not say to these corporations in the middle of their work, "We made an improvident bargain with you." We never stopped to inquire whether it was improvident or not. We urged on the undertakers of this enterprise; we stimulated them to the utmost of our ability in every inducement we could hold out to them; and when the two companies joined hands in 1869 at Ogden and bound together the continent in this iron bond, the whole nation, instead of uttering complaints against these corporations for the manner in which they had executed their part of the contract, instead of charging them with misappropriating the funds with which we had furnished them, with full knowledge of all that it had cost us, the nation and its Legislature united in a public rejoicing that one of the greatest enterprises in history, undertaken in a time of war, had been so rapidly and so completely accomplished.

When we made the offer we knew as well as we know to-day just how much it would cost. No new element of cost has entered into it. We knew the number of miles; we knew the number of thousands of dollars per mile that we had engaged to give these corporations for this work; we knew the number of acres of land which we had donated to them. We knew at each stopping place in the progress of the work that we had just as much power as we have to-day to stop it. We knew then just where every dollar that had come out of the Treasury for this purpose up to that hour had been placed. But we told them to go on and complete another section, and when that was done, with eyes just as wide open as they are to-day, we turned over to them what we had promised in the beginning to them, and then we told them to go on and make haste, and six or seven years before they had obligated themselves to us that they would complete this work they had it so substantially completed that we were enjoying to a great extent the benefits of it. Not until three or four years after that, when we had begun to feel the beneficial effects of it all over the country, was a single whisper of complaint heard in the land that we had entered into an improvident obligation on our part with these roads. But the necessities and the exigencies of a political campaign in 1872 involved these roads in the bitterness of a party con-

flict, and all at once parties in this country rivaled each other in seeing how far they could go in making war upon one of our own children.

Now, after it is all over, after it is accomplished, after the performance by these corporations cannot be taken back, after so far as they are concerned there is no retreat, after the fact and after the demonstration, it is discovered on the part of the other contracting party, or it is thought by the other contracting party that they have discovered that they did then make an improvident contract with these corporations. And that is the attitude to-day of the Legislature of this great nation toward this great work; an after-thought; a war got up after the fact, when it is not in their power to retreat; and the study and the effort to-day is not to discover whether this can be done rightfully or not, in the forum of good morals and of fair dealing, but whether we have the power to do it.

The Senator from Iowa [Mr. WRIGHT] yesterday, in discussing another subject, gave us a good lesson:

> I do not understand that in this question we have anything to do with the grandeur of this improvement. I do not understand that we have anything to do with the question as to whether these bonds are above or below par. * * * The question is: What is a fair construction of this statute?

I do not understand that we have anything to do to-day, any more than yesterday, with the question whether when we made this contract we made an improvident one or whether if we had known then what we know now we should not have endeavored to make a better one; but I understand, in the language of the Senator from Iowa, the question is, what sort of a contract did we make? It is all summed up in a fair and honest paraphrase of this Judiciary Committee's bill in these words: I have entered into some negotiation with you, Mr. President, [Mr. BURNSIDE in the chair,] the result of which is that I hold your note for a thousand dollars to be paid ten years hence. I do not complain, nor do you, that I hold this note fraudulently or that I have obtained it from you under any false pretenses. You are capable of managing your own affairs and so am I; not so capable as you are, but for the purpose of the illustration as capable as you. We have entered into this contract and you have given me your note payable ten years hence for a thousand dollars, and I have taken such security as I deemed sufficient. After it is all over, somebody whispers in my ear that that was a very improvident contract for me to make with you, the vicissitudes of ten years are such, the uncertainties are so great that I ought not to have made any such contract with you. What do I propose to do? I propose to write something across the face of that contract. Bear in mind, Mr. President, that it is I who propose to do it, who hold this contract in my hand. I do not propose to invite you into a court of justice that has jurisdiction over you and me and abide the judgment of that court between you and me; but I, holding this contract, propose to write two things over that contract; the first is that you shall pay me interest on that thousand dollars and pay it now, and the Senator from Ohio [Mr. THURMAN] and the Senator from Missouri [Mr. COCKRELL] and the Senator from Pennsylvania [Mr. WALLACE] say that if you do not pay it now and wait until the end of ten years you must pay interest on that interest. That is what I, holding the contract, and thinking that because I have it in my hand I thereby have the power, will write across that contract the new stipulation that you shall pay interest on the thousand dollars year by year, and at the end of ten years it shall be compounded. That is the proposition advocated by the Senator from Ohio, sanctioned by the interrogatories of the Senator from Missouri, and involved in the calculation submitted to us here by the Senator from Pennsylvania. And that is not all. Not quite satisfied with the security which I agreed to take——

Mr. COCKRELL. Will the Senator from Massachusetts permit me to make a little correction there, and also to ask a question?

Mr. DAWES. By and by. If it be just as convenient for the Senator not to mix it up with this, I should prefer it.

Mr. COCKRELL. Certainly.

Mr. DAWES. By and by the Senator shall have the opportunity of asking me questions, and if I forget it I hope he will remind me.

That is the one proposition. The other is that, not being satisfied with my security, I will take 25 per cent. of all you earn in addition to that security, year by year, and I will put it in my pocket; I will hold it there. I will not pay myself before it becomes due, because I cannot; the United States Supreme Court says I cannot pay myself before it comes due. But I will take it; I will put it in my pocket; I will keep it in my pocket, year by year, until the end of the ten years, and then I will pass it over into the other pocket, and give you the paper! That is the other proposition; it is all bound up in that. It is not worth while for me to discuss the question whether I have the power to do this, holding the paper. The Senator from New York and my colleague have disposed of that so far as my poor, feeble comprehension is concerned; and if I knew I did have the power, there is something back of the power which troubles me dreadfully, that is, whether it would be decent to do it or not.

The Senator from Pennsylvania admits that the question whether I would have the power to change this contract that you have made with me is a doubtful question; but he says that in this doubt he has submitted the question to the best lawyers in the Judiciary Committee, and they have devised a way by which that can be done, and he has resolved his doubt in favor of doing it. In my opinion, when the question comes up, Mr. President, whether I have the right without your consent to change myself the contract which you and I made, whether I have the right in the forum of conscience and of decency, I submit to the Senator from Pennsylvania that the ten commandments would be of a great deal more service than the brief of a lawyer. Let us put the case to ourselves in our dealings with our fellow-men. Suppose we had induced them to undertake and to accomplish a great work like this upon certain terms, clear and distinct, and though those terms after the fact appear to have been too generous, could we turn our backs upon that contract, and force other terms and other exactions out of the other side? The answer to that question is not to be found exclusively in the opinions of courts, but is to be found in a law higher than the judgments of courts, and which is to govern us whatever they may be. And, sir, the attempt on the part of the Judiciary Committee—I say it with all due respect—to tell tell these companies what was the nature of the agreement with us when they said they would pay 5 per cent. of the net earnings, I think is not justifiable. These parties say to us, "We will go into the highest tribunal of the land, you and we, on equal terms, as everybody else does in a controversy, and we will abide the judgment of the highest court in the land;" and in that condition of affairs the party who says, "I will not go there, but I will say what is the meaning of my own contract," stands condemned before the world; and whether he has the power or not, I do not care.

What do the Judiciary Committee mean when, after they enact what these railroad laws shall mean, when they enact what shall be done in addition to what they then said was enough to do, then they say we will go into court? And how shall we go into court? When we get into court "it shall be the duty of the court to determine the very right of the matter." I should like to ask the Senator from Missouri what that means; what is the difference between that and any other right of the matter? I appeal to the Senator from Missouri as the last resort in philology. We are to go to "the very right of the matter;" not any other right, but "the very right of the matter." When we get into court, after the United States, the party of the first part, have stamped across their own agreement, their own interpretation of the agreement, the judgment of the court is invoked, not in the ordinary way, not to the ordinary extent, and not with the ordinary function of a court; but they are to go some way they would not go if it were not for this law, and that is to go to "the very right of the matter," and they are to go in a queer way, "without regard to matters of form." This whole thing is without form and void, and darkness is on the face of it, as is suggested by my colleague. "Without regard to matters of form, joinder of parties," they are to go to "the very right of the matter," no matter who is a party. He may be a party sufficient to send this court to "the very right of the matter" and bind somebody else. Why, sir, under this I can let myself for that business to parties in the Supreme Court to be for the purposes of each case a party when they are going to "the very right of the matter." But that is not all. "Without any regard to matters of form," without any regard to who are parties, and "without any regard to multifariousness." That is to say, you can try one form of action, and another form of action, and two or three forms of action all put into one crucible and stirred up without regard to who will be affected or what may be the nature of the rights, whether they are in equity or in law, provided only this court get at that which they never got at before without the aid of a statute, I suppose, the necessity of a statute being evidenced by the fact that this bill imposes upon them what they could not otherwise do. They can go "to the very right of the matter," no matter who is in court or how he is in court or what is in court, and no matter whether "multifariousness or other matter" be alleged. And that so relieves the Senator from Pennsylvania on this question of doubt, drinking at this fountain of legal lore and forgetting the other fountain to which he ought to have gone first, that he is willing to vote for it. It seems to me that, regardless of that which alone the Judiciary Committee have turned their attention to, namely, the power, he should have drank from that fountain that would have told him what was the right; and, sir, can there be any question upon that point of what it is right for us to do? Can we hope to get around the question by the contrivance that we do not appropriate the money of these companies to the payment of their debts before the debts are due by the simple contrivance of saying we keep their moneys for them until they are due.

The complaint against the companies and against the bill which is offered as a substitute, raised by the Judiciary Committee, is that, if the bill offered as a substitute should pass, the corporations would be relieved from all obligations thereafter to keep their roads in repair. "Thereafter" means after the United States have ceased to have an interest. "Thereafter" means when the interest of the United States in these roads is precisely like the relation of the United States to any other railroad in the land. "Thereafter" means precisely when the relations of the United States to these roads are the relations of the United States to the Boston and Albany Railroad, or to the New York Central Railroad; and is it a subject of complaint here in Congress that there is no provision of the laws of the United States by which Congress can compel the New York Central Railroad Company to keep its road in repair? By what process is it that the United States can assert any right over these roads to keep them in repair, when all their obligations toward the United States have ceased and they have completely fulfilled them all? Where does the Senator from Ohio then get ground for any such proposition as that?

Now, sir, the objections which I have to the bill of the Judiciary

Committee are summed up in brief in the very illustration which I have used solely for the purpose of illustration. Whether the substitute is the wisest and the best for the accomplishment of a common purpose—I mean by a common purpose a purpose in which the contracting parties to an existing obligation are to bring about the fulfillment of that obligation in the best and safest and the most just way—I am not prepared to say. The desire of one of the contracting parties is to protect itself against loss and the public from inconvenience. The desire of the others is to fulfill at the earliest possible moment the obligations which it has assumed to the contracting party on the other side. Any policy that arrays the one against the other will either come to naught or will involve the country in an attempt which will be disastrous.

Therefore, it seems to me that, rather than spend our efforts on discovering some loop-hole through which we can escape from the performance of our obligations on our part precisely as we entered into them, and not as we are disposed now either to interpret them, to make them anew, we should address ourselves to what ought to be the duty of Congress, to co-operate with these parties, so far as the public interests will justify and no further, in providing, if it can be done, a better security for the debt and for the performance of the unexecuted parts of this contract. When that is done, and in counting the dollars and cents at the end it will be found that we have made or lost, the public will have little concern or care, provided they shall be satisfied that we kept our faith, and in keeping it one of the greatest public enterprises in the land was accomplished, and the loss will be trifling compared with what will be gained thereby. But in the main features and purposes of the substitute there is no chance for loss. It is possible for us to obtain perfect security after all the indebtedness to us if we are willing to postpone for a dozen or fifteen years the time when the repayment shall be completed, without loss to us of a penny, without placing upon these companies a single pound of burden not already undertaken, without jeopardizing the public interests in any particular; but securing in 1912 what in 1898 may be due, everything that the nation can by possibility ask for at their hands.

Therefore, sir, I ask, is it not wise for us to take up some such bill as this substitute and perfect it rather than to turn our attention in legislation to running just as near what the Senator from New York calls the border line of our power without regard to the other question whether in so doing we keep our faith?

Mr. CHRISTIANCY. Mr. President, I have only taken part in this debate so far as it related to the question of constitutional power proposed to be exercised by the bill reported from the Judiciary Committee and to some objections to the bill reported by the Railroad Committee. In fact, but for the absence of the Senator from Ohio who has the bill from the Judiciary Committee specially in charge and who is at present engaged in another field of action, I should not, probably, have said a word upon this bill, more especially as his arguments do not seem to me to have been answered. I gave my own views the other day upon the question of constitutional power and pointed out some objections to the bill presented by the Railroad Committee. I only propose to show now that the brief argument I made the other day has not been successfully answered as to the question of power to amend, and that no answer has yet been made or attempted to the objections I then urged to the bill of the Railroad Committee.

As to the question of the power to amend the railroad acts of 1862 and 1864 so far as the bill from the Judiciary Committee would operate to amend them, I endeavored to show that the acts of 1862 and 1864 were, in effect, to be construed since the passage of the act of 1864 as one act, except so far as the power of amendment and repeal was concerned; but that as to this power, the act of 1862 giving but a qualified power and that of 1864 giving an unrestricted power, the latter in effect superseded the qualified provision in the act of 1862 and applied to both acts, rendering both amendable or repealable, according to the discretion and sense of justice of Congress; and that this power extended to the alteration, so far as relates to the future, of the terms of the contract created by these acts and their acceptance by the companies. I shall not here repeat but merely refer to that argument.

The only serious attempt to meet that argument has been made by the Senator from Massachusetts, [Mr. BOUTWELL,] and I submit that he has not succeeded in the attempt. He cites (and it is the only case he cited) the case of Holyoke Company *vs.* Lyman, 15 Wallace, where the question was, as stated in his own language:

> Whether a grant having been made to the Holyoke Company to build a dam across the Connecticut River, and there being no provision in the charter that the company should maintain a fish-way, the Legislature was competent to compel the company, under the general reservation of power, to construct a fish-way through the dam at Holyoke; and the court held that the power of the Legislature was sufficient for that purpose; but the court did also say that if in the charter there had been a provision that the company should not be required to construct a fish-way through the dam the Legislature would not have been competent to compel them to do it.

I agree fully in that decision. The decision is right and covers the full extent of power which I claim here; but the judge giving the opinion did utter a *dictum* which related to a question not then before the court; and that was, what would have been the power if another provision had been inserted in the charter or if the charter had been different from what it was? The court had no authority to decide a question of that kind; it is mere *dictum*. But, whether a *dictum* or not, let us apply that case to the present. There was no provision that this company should maintain a fish-way; yet, as there was no express provision that they should *not* be required to maintain the fish-way, the Legislature had the power to amend so as to require the company to construct such fish-way. Here the act of Congress did provide that the company should pay within a certain time, but did not declare that they should not be required to create a sinking fund to secure that payment; and therefore, within the very reasoning of that case—allowing the *dictum* on which the Senator relies to be a part of the decision, which I deny—Congress has the right to require the company to create that sinking fund, because the act did not declare that they should not be required to do so.

If it be said in reply to this that the requiring the company to make payment in a certain time did, without negative words, imply that they should not be called upon to pay anything before that time, even by way of a sinking fund for security, then I reply that when the Holyoke Company were authorized to build a dam without requiring a fish-way, it was just as clearly implied that they should not be required to construct one. But, sir, while I fully agree in the decision of the court in the Holyoke Company case upon all it decides I reject, as I have a right to reject as wholly unsound, the dictum which says that if there had been in the charter a provision that they should not be required to construct the fish-way, it would not have been competent for the Legislature to require it by an amendment.

I speak of this dictum with entire freedom, and with a high respect for the court. No court ever insists that the mere dictum of the judge who writes the opinion, upon a point not involved in the case, and, therefore, never argued or considered by the court, is to be treated as law or as a point decided. And no court or judge, much less any of the eminent judges of our Supreme Court, will ever take offense at any criticism upon its mere dicta upon a point not involved in the case.

But the Senator from Massachusetts puts one question which he thinks every advocate of the bill of the Judiciary Committee will be obliged to answer in a way to show that Congress has no such power as that attempted to be exercised by this bill. I refer to the RECORD. The Senator says:

> Now if I put one question to those who advocate this bill, I think they will be obliged to so answer it as to show that it is not competent for Congress to pass this bill; and that question is this: When one of these roads had constructed forty miles and the commissioners appointed by the Government had examined it, had approved it, had reported that in every particular it answered to the requirements of the act of Congress, would it then have been competent for Congress to say "We will not issue these bonds; we have got the power to repeal this statute, to amend it, to alter it, and we will not issue these bonds, notwithstanding your part of the agreement has been performed to the very letter?"

To this question I answer just as the Senator from Massachusetts supposes every man must, that it would not be competent. And yet that answer in no way tends to show that Congress has not the power attempted to be exercised by this bill.

Why would it not be competent to do what the question supposes? Because, and simply because, in legislation acts do not operate retrospectively but prospectively, not upon the past but upon the future; because the forty miles of road were built on the faith of the law as it then was, which though subject to amendment had not been amended, and though it was a part of the contract that Congress might amend it, it was equally a part of the contract that until they should see fit to amend it it should stand as it was, and the rights of the company and of the Government should be decided by the law as it was. And the right to the bonds and the lands had become vested before Congress saw fit to make any amendment of that contract.

I do not contend and have not contended that the power of amendment extends to divest rights or property already vested before the amendment, nor the rights of third parties accrued on the faith of the act prior to an amendment.

Mr. BOUTWELL. If the Senator from Michigan will yield I should like to make an inquiry touching the subject from which the Senator appears to be now passing.

Mr. CHRISTIANCY. No, I have not passed it.

Mr. BOUTWELL. Then I shall put the question.

Mr. CHRISTIANCY. If the Senator will wait until I get through I will answer his question.

Mr. BOUTWELL. Very well.

Mr. CHRISTIANCY. The Senator from Georgia, [Mr. GORDON,] the Senator from Illinois, [Mr. LOGAN,] and the Senator from Massachusetts who last addressed the Senate, [Mr. DAWES,] have been eloquent in their appeals to the honor and good faith of Congress to abide by the contract made with these companies. I believe as firmly as they do in the propriety of abiding by that contract with the utmost fidelity and good faith, and go as far as they do in adhering with unswerving fidelity to all the terms of that contract, and am opposed to the obliteration of any of them. But one of the terms of that contract was, and is, in the act of 1864, that—

> Congress may, at any time, alter, amend, or repeal this act.

That is a very important term of that contract.

Mr. DAWES. Does the Senator understand by that that Congress means to say we will be bound by this contract as long us we have a mind to and that we will not any longer.

Mr. CHRISTIANCY. If the Senator will wait until I get through he will find out precisely what I mean. This is the most important and the only provision of that contract by which the Government can secure the public interest.

But the Senator from Georgia, the Senator from Indiana, and the Senator from Louisiana, while they are very earnest in enforcing the stipulations of the contract which operate in favor of the companies—all of which, as I have endeavored to show, are conditional, being subject to amendment—they seem equally earnest and determined that the stipulations in that contract in favor of the Government, and the only one by which the Government can protect itself, shall be wholly ignored, nullified, and in effect stricken from the contract. And the Senator from Illinois expressly insists that this power of amendment only extends to amendments which shall operate in favor of the companies—giving them greater rights—but not to impose any greater obligations. Now all such amendments as he admits may be made under the power could have been made just as well without as with this reservation of power, and that reservation becomes utterly nonsensical. And this argument of the Senator from Illinois seems to me to treat this power of amendment and these railroad acts as a kind of trap by which it is easy for the Government to get into difficulty, but impossible to get out; by which more and more powers and privileges may continually be granted to the companies, but not one can be taken back—operating upon the principle of the mouse-trap which lets the victim in with seductive facility, but will not let him out or allow the slightest prospect of escape.

So much for this question of power. And now one other point of objection made by the Senator from Louisiana to the bill from the Judiciary Committee which defines "net earnings" to be what is left of the gross earnings after deducting the actual and necessary expenses of operating the roads and keeping them in repair. It is urged that this is not a proper definition of net earnings, but that the interest on the debt of the companies and the amount of all debts overdue should also be deducted from the gross earnings. I must confess that until this claim was gravely put forward here I had supposed that the debts and interest on the debts of a railroad company were entirely distinct from the question of the earnings or net earnings of the road, and that the net earnings of the road over and above running expenses and repairs would, it is true, in the absence of any other appropriation of them, constitute a sum which might be used in reducing its debts and the interest on its debts.

But the question of net earnings, as it seems to me, simply involves the question of earnings, and how much is left after deducting running expenses and repairs and possibly the supply of new rolling-stock. The rest of the debt of the company should, I think, be treated as chargeable to construction account. But whether this be the true construction or not, we have in the power of amendment the power to adopt it.

I called the attention of the chairman of the Railroad Committee the other day specially to one of the provisions of the bill which I fear may operate as a snare; and I always fear there may be some snare and must be something wrong in a provision which conveys to my mind no definite idea; and I put certain questions to him (now several days old) to which neither he nor any other advocate of this bill of his committee has yet condescended to give an intelligible answer, at least no answer intelligible to me, which of course may be owing to my own obtuseness or deficient apprehension. The first section provides for a single payment of $1,000,000 once for all by each of these companies and no annual payment.

I propose now to read the first and second sections of the bill, to repeat my observations upon them, and to repeat the questions I then addressed to the chairman of the Railroad Committee, and which neither he nor any advocate of the bill has yet answered. The first section of the bill provides, in effect, for the payment, not annually but as a gross sum, once for all by the Central Pacific and by the Union Pacific each $1,000,000 for transportation, which might be due to the company up to the last day of December, 1876.

I will now read the second and part of the third section of the bill.

Mr. PADDOCK. What bill does the Senator refer to?

Mr. CHRISTIANCY. I refer to the bill reported from the Railroad Committee. Section 2 of that bill reads as follows:

That the said Central Pacific Railroad Company and the said Union Pacific Railroad Company shall each pay into the Treasury of the United States the sum of $750,000 per annum, in equal semi-annual installments, on the 1st day of April and October in each year, commencing on the 1st day of October, 1877, either in lawful money or in any bonds or securities of the United States Government, at par, until such sums shall, with interest thereon as hereinafter provided, be sufficient, when added to the other sums to the credit of said sinking funds, to pay off and extinguish the Government bonds advanced as aforesaid, with 6 per cent. interest thereon from their respective dates up to the date when they are so paid and extinguished as aforesaid. Interest on all sums placed to the credit of said sinking funds shall be credited and added thereto semi-annually at the rate of 6 per cent. per annum.

Now, note the proviso:

Provided, however, That if the foregoing provisions shall prove insufficient to extinguish the Government bonds and interest thereon as aforesaid by the 1st day of October, in the year 1912, the semi-annual payments shall be increased to such a sum as will be sufficient for that purpose.

Then follows the first clause of section 3, which is in these words:

That the payments so to be made by said companies shall be in lieu of all payments or other requirements from said companies under said act, and the amendments thereto in relation to the re-imbursement to the Government of the bonds so issued to said corporations.

It was, I think, sufficiently demonstrated by the Senator from Ohio the other day—and his position has not been successfully contradicted—that the annual payments of $750,000 by each of these companies would not pay the interest due to the Government. Yet section 3, as I suggested the other day, makes the payments required by the first and second sections operate as a payment in full of all obligations of the company on account of the bonds issued to it. The only provision, therefore, as I said the other day, which saves the bill from the charge of making a payment less than the interest operate as payment of both principal and interest is that provision in the second section that—

If the foregoing provisions shall prove insufficient to extinguish the Government bonds and interest by October 1, 1912, the semi-annual payments shall be increased to such sum as will be sufficient for that purpose.

It being evident on the face of the bill that the sum appropriated will not extinguish the debt by 1912, I wish to know what is meant by this proviso and how it is to be enforced. I now repeat the question I once before asked of the chairman of the Railroad Committee, and which, though asked by another Senator the other day, of the Senator from Georgia, has not yet been answered: When, how, and by whom is it to be ascertained that the sums required by "the foregoing provision" have proved or are to prove insufficient to pay the Government bonds and interest by the day named, October 1, 1912?

Mr. WEST. Mr. President——

The PRESIDING OFFICER, (Mr. MERRIMON in the chair.) Does the Senator from Michigan yield to the Senator from Louisiana?

Mr. CHRISTIANCY. I am very nearly through.

Mr. WEST. I thought the Senator had been putting questions to me all the time.

Mr. CHRISTIANCY. I supposed the Senator would answer afterward. I shall be through in a moment, and then will be glad to hear an answer. It is a question which has troubled me, and on which I shall be glad to receive some light. And how, without something more definite than this, can any one tell when the obligation to make increased semi-annual payments is to commence, and how will it ever be practicable to enforce it? One difficulty arises from the fact that it is evident on the face of the bill that the sum provided is insufficient now. Suppose a dispute arises between the officers of the Government and these companies as to the time when such increased semi-annual payment shall commence and what shall be the amount of it.

I will ask if the data furnished by the bill do not enable us to make just as good a calculation upon that as they will twenty years hence, and, if so, why not render the whole provision definite by fixing the additional sum which they shall pay and fixing it here in this bill? I ask the Senator to enlighten us upon these questions and explain fully the *modus operandi* of enforcing so indefinite a provision, and even of practically administering or giving any effect to such a law as this would be. I confess my inability to see just how it is to be done. I have not the slightest reason to doubt that the provision was inserted in entire good faith. But I think it altogether too blind to be blindly supported. Now I shall be very glad to hear an answer to the questions which I put to the Senator from Louisiana.

Mr. WEST. The Senator makes a proposition of his own and then asks me to answer his proposition. He states, first, that it is apparent on the face of this bill that this payment will not be sufficient to liquidate the entire debt at its maturity. I differ with him entirely on that proposition. I cannot answer his question; but, in response to what he says as to who shall determine it and how it shall be determined, I will say that it will certainly be determined by one of the contracting parties, and by agreement unquestionably of the other contracting party, because they entered into that agreement upon those terms. In other words, if this calculation which the Railway Committee have made is not adequate to pay the amount upon a further verification of the arithmetic of the case, and upon such statement as may be made by the Secretary of the Treasury, the additional installments will be due at the very first payment and continued to the final one. I do not think there is any very great intricacy in regard to that point. That is not the question for Senators to consider now. That can be considered subsequently when we are considering that bill. It is amendable in any way that the Senate sees proper, and if there is anything deficient in it, I am sure the committee and I am sure the Senate will be glad to have the Senator's suggestion; but he is departing from the point. He has gone into the details of the question. The principle that the Railway Committee is contending for is that we shall have an adjustment with these companies. When we get that principle before the Senate by a vote upon the substitution, then we can consider the merits of the particular case, but not until then, I should scarcely think.

Mr. BOGY. Mr. President, when this subject was before the Senate a few days ago, I took occasion to explain my views very briefly, and I expressed my willingness to vote for the bill reported from that committee. I am yet disposed to do so, and no doubt will do so; but, at the same time, I am ready and willing to say that the bill does not meet my entire approbation. I have many objections to that bill. It is very cumbrous and, in many particulars, very obscure. It is very possible, also, that it may require from these companies more than they are able to pay and at the same time retain something like a fair amount of receipts for their own legitimate benefit. I see in the bill reported from the Committee on Railroads some very good features. It has the merit of very great

simplicity, of very great directness; and, although there are some provisions of that bill to which I object, nevertheless there are some very good things in it. I would myself prefer that the whole subject be postponed beyond this session of Congress, and that a committee from this body be appointed to confer during the recess of Congress with the railroad companies, to ascertain the best way possible how to adjust this matter: what they are able to pay and what it would be right for us to receive.

It is not worth while for us to legislate regardless of the rights of these railroad companies. They are great public institutions. Their proper maintenance as great highways of communication is very important to this entire country. It will not do to cripple them; nor would it be wise for us to destroy the value of the stock of the railroads, nor to do anything which would cripple them. I am afraid that the bill reported from the Committee on the Judiciary is a harsh bill. I am also fearful that it may lead to litigation; that the companies would resist it; yet, upon a fair comparison between the two bills, I shall vote for the bill reported from the Committee on the Judiciary, hoping at the same time that neither bill will be adopted.

One of these roads created by the law starts from the western border of my own State, and extends to the city of Denver, in the State of Colorado. That enterprise was urged by some of the very best men in the city of Saint Louis, some of our most enterprising men. Gentlemen were ready to go into the enterprise from a broad spirit of enlightened enterprise, men of wealth, who did not go into it to make money, but who felt it a question of very great interest to connect the State of Missouri with that great western world which was then and is now growing so rapidly into importance. Yet after years of great labor and very large expenditures of money, owing to the course pursued by the Government toward that road, owing to the fact that the Government has, in violation of the law, retained for a long time all the amount which the Government should have paid for the transportation of Government freight, the Kansas Pacific road has been so crippled that it has gone into the hands of a receiver, and if proper legislation is not soon applied to that road, it may prove that ultimately it will be in great danger of being bankrupt. I desire to preserve that road as I desire to preserve all the other roads.

I therefore think that the best and wisest way to dispose of this subject would be not to legislate at this session of Congress, but to appoint a committee from this body, with authority to sit during the recess of Congress, in order to confer with these railroad companies, with a view of coming to some understanding as to what they are justly to pay and what amount the Government should justly claim from them. I am perfectly satisfied that an arrangement of that kind could be made. It is certainly to the interest of these roads that this question should be settled. Their stock can have no permanent value as long as this thing is hanging over them all the time. Their bonds are affected, all their assets are affected in value by the matter being the subject of legislation by Congress, and I am perfectly satisfied that they are willing to enter into a fair arrangement with the Government.

I shall vote against the substitute and I shall vote for the bill reported from the Committee on the Judiciary, notwithstanding that bill does not meet my entire approbation by a long way; but I prefer it to the bill reported from the Railroad Committee. I shall vote against the substitute, and I hope that neither bill will be adopted finally at this session, with the hope that this whole subject will be relegated to a committee with ample powers to investigate and to come to some arrangement with these railroad companies and to report to this body at the next session of Congress.

I am reminded by my friend from Colorado [Mr. TELLER] of the fact that the Kansas Pacific Railroad has gone into the hands of a receiver, because the Government has withheld from it, and does now withhold, upward of a million dollars justly due that company according to the decision of the Supreme Court of the United States; and these men are crippled by it, and it is doing that section of the country a very great injury—Colorado, Missouri, Kansas, and all that vast world that lies back of it.

Mr. LOGAN. The Judiciary Committee bill crushes it still more.

Mr. WEST. I should like to invite the attention of the Senator from Missouri to the fact that the very circumstance that he has stated, the bankruptcy of that company, would involve the Government in an irretrievable loss of $6,300,000, the amount advanced to that road upon the second mortgage.

Mr. BOGY. That would be the effect if that road should be so crippled as to be prevented from maintaining it in good order. We are impairing the security of the Government, as stated by the Senator from Louisiana, to an amount of upward of $6,000,000. Under the present law they are required to pay $350,000, when their receipts are not sufficient now to pay the interest on their bonds and keep the road in order, and when they have been driven into the hands of a receiver.

Mr. HITCHCOCK. And yet the Senator has just stated that he proposes to vote for the bill which does this thing, which includes the very objection he has stated.

Mr. BOGY. It is Hobson's choice; it is that or worse. I am not wholly in favor of the bill of the Judicary Committee, because I think it is defective in many particulars. I will not detain the Senate by going into a history of the defects of the Railroad Committee's bill. I believe also there are some good features in that bill, but between the two I prefer the other. I might vote for the bill of the Railroad Committee, but I have committed myself to the other bill, and I am a democrat and therefore a consistent man. I have already said I would vote for the other bill, and I dislike to change the position which I have taken.

Mr. HITCHCOCK. I want to call the attention of the Senator from Missouri to the fact that the Railroad Committee, considering the bankrupt condition of the Kansas Pacific Road, did omit to exact from that road any annual payment such as is required of the other roads which they thought were able to pay. The Judiciary Committee bill insists upon the annual payment of $350,000 from this road, which is already in the hands of a receiver. Yet the Senator from Missouri proposes to vote for the Judiciary Committee bill in preference to voting for the bill reported from the Railroad Committee.

Mr. BOGY. While I have many objections to the bill of the Committee on the Judiciary, I have still many more objections to the other bill.

Mr. BOUTWELL. Mr. President, the Senator from Michigan [Mr. CHRISTIANCY] has this morning made some remarks in reply to observations made by me two or three days ago touching the right of Congress to pass the bill reported by the Judiciary Committee. If the Senator had not ventured to announce an opinion different from that expressed by the Supreme Court, I should certainly not have ventured to entertain an opinion different from the one expressed by him. I think, if he will examine the case of the Holyoke Company *vs.* Lyman, he will find that the observations of the court, to which I called the attention of the Senate, were not mere *dicta*. The exact question was raised by the pleadings or by the counsel in the argument of the case, that by implication, and to some extent by the language employed in the charter, the company was relieved from all obligation to construct a fish-way through the dam; and the argument rested upon the fact that by the charter the company had been required to quiet the claims of riparian owners, both above and below the dam for the privilege from the most ancient times that had been enjoyed in the exclusive use of the fisheries upon the shores of the Connecticut River. A very strong argument, as the Senator from Michigan will see, could be based upon the fact that the corporation had been required to quiet, by the payment of money assessed by juries, all the claims of the riparian owners both above and below the dam. The court said that inasmuch as it was not expressly stipulated that the Legislature would not afterward compel the company, at its own cost, to build a fish-way the act was within the discretion of the Legislature. Therefore, I have to say to the Senator from Michigan, if he will examine the case, that I said nothing except what the record of the case shows, and he will find that that exact question was before the court.

The point which I had in view in presenting the case to the Senate has not been exactly appreciated by the Senator from Michigan. It was for the purpose of showing that where in a State the broadest powers of reservation of legislative right to amend, alter, or change a charter existed, the Supreme Court found that there were certain things which the Legislature nevertheless was not competent to do. That was the point to which I called the attention of the Senate.

Mr. BLAINE. What things were they not competent to do?

Mr. BOUTWELL. The record in the case of the Holyoke Company *vs.* Lyman shows that the court held that if there had been in the charter a stipulation that the company should not be required to build a fish-way, the act of the Legislature requiring them to build a fish-way would have been void, and that in the presence of an act of the Legislature, a general law, which had existed since 1831 and antedated the act of incorporation. It provided that—

> Every act of incorporation passed after the 11th day of March, in the year 1831, shall be subject to amendment, alteration, or repeal at the pleasure of the Legislature.

There were words as broad, as comprehensive, as inclusive of power, as could have been employed; yet the court did say in this case, where a corporation was created in the presence of that statute, that there were some things which the Legislature could not do. I have said that the very question to which I called the attention of the Senate was raised and discussed. The court say:

> Concede, however, that the power to make such a contract exists, and that it is as boundless as the theory of the respondents assumes it to be, still the court here is of the opinion that the decree of the State court is correct, and that it should be affirmed, as the charters under which the dam in this case was erected and is maintained do not contain any such exemption from the implied obligation to construct fish-ways for the free passage of the fish, nor any provision which prohibits the Legislature from imposing that obligation under the power reserved to amend, alter, or repeal the charter.
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> Such a charter may doubtless be granted to build a dam across a river whose whole course is within the State granting the franchise, with a provision exempting the corporation from all obligation to construct such fish-way for the free passage of the fish.
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> That the charter, in view of the fact that it contains no such exemption, is subject to the power reserved to the Legislature by the general law in operation when the charters were granted.—15 *Wallace Supreme Court Reports*, 3.2, 523.

The chief object, the sufficient object which I had in calling the attention of the Senate to this opinion of the Supreme Court was to show that where the most ample power of amendment, alteration, and repeal is reserved to the Legislature, the courts do hold that there are many things which the Legislature is not competent to do.

I will next ask the attention of the Senate to a consideration of

the question whether this bill does contain, with reference to the Pacific railroad corporations, that exercise of power which it is not competent for Congress to exert. That is the real question before us. The Senator from Michigan has called the attention of the Senate to the question which I put the other day; and he answers it in the affirmative. I now submit to the Senate that that answer is a concession of the case as far as the Senator from Michigan is concerned. I said, suppose the corporation had constructed forty miles of railroad in every respect answering to the requirements of the law, and that that forty miles had been subjected to the inspection of the authorized officers of the Government and accepted, would it then be competent for Congress by law, under this reservation of power to amend the charter, to interpose and say, "Notwithstanding you have done what you were required to do, as far as these forty miles are concerned, we shall neither issue to you the bonds of the United States nor issue patents for the lands;" and the Senator from Michigan says that it would not be competent for Congress to do that. Therefore he has admitted that there are certain things connected with this grant, or this contract between the Government and these corporations, which do not fall within the scope of the power reserved to Congress.

Mr. CHRISTIANCY. I do not deny that.

Mr. BOUTWELL. There is a great difference between having denied a thing and admitting it. There are many things we have not denied and yet do not admit; but I am glad to have the admission in reference to this particular contract or charter, that the power of the Government of the United States is limited, notwithstanding the provision in the act of 1864. It being admitted that that power is limited, the question arises, where is the limit, where is the line between those things which legislative power may do and those things which legislative power cannot do? We have found by the admission of the Senator from Michigan one thing which it is not competent for the legislative power to do, and why? The Senator from Michigan says, because it is retrospective legislation.

What is retrospective legislation? It relates to something that has already taken place. Is there any provision of the Constitution that prohibits Congress from legislating in regard to things that have taken place? I know of none. I think the Senator from Michigan would be puzzled to find any limitation upon the legislative power of Congress which has its root in the circumstance that legislation is retrospective. We hold up retrospective legislation as a feature or practice not to be indulged in, and it is a very wise thing to avoid retrospective legislation; but why is it? Not because it is retrospective, but because legislative bodies are tempted to indulge in retrospective legislation for the purpose of touching what cannot be touched by the courts or by what is known as "due process of law." That is the reason of the prejudice, if you may call it a prejudice, or the general sentiment, against retrospective legislation, because for the most part it is never resorted to except to defeat an existing relation which the tribunals of justice would recognize. We say "abstain from retrospective legislation," not because it is retrospective, but because the motive which inspires it brings suspicion upon everything of the nature of retrospective legislation. But I submit to the legal judgment of the Senator from Michigan that the real fact why he cannot sustain the proposition which I submitted to him is that it touches a contract. The reason why we could not say to these companies when they had built forty miles, "You shall not have the bonds," when we had agreed they should have the bonds, is not because it is retrospective legislation, but because it is an act which the Constitution prohibits to a State, it is an act which, by judicial decision and by the general judgment of the people, cannot be indulged in by the country. In one sentence, it touches a contract.

I ask the Senator another question, whether when one of these companies had built forty miles or four hundred miles of road, completed it according to the terms of the charter and received bonds and patents for lands along the line of the road according to the quantity constructed, it would have been competent for Congress to step in and say, "We will have nothing more to do with this business; we will not issue bonds or patents for another mile of this road; we exercise our power of alteration, amendment, or repeal, and we end this contract, or this agreement, or this understanding, right here or now."

Mr. CHRISTIANCY. Does the Senator wish a reply now?

Mr. BOUTWELL. Yes, sir.

Mr. CHRISTIANCY. I have not the slightest difficulty in answering the question to my own satisfaction. I may not succeed in satisfying the Senator from Massachusetts. I will say that this is not the first time that I have said there were many things that could not be done by way of amendatory legislation. In everything which I have said heretofore I have made the exception of property already vested and rights which had already accrued before the amendatory legislation. That is precisely the exception which I make now, and it covers the entire case. I will admit that property vested before an amendment cannot be divested by it. The ultimate reason is that which the Senator from Massachusetts has very correctly stated, it would be divesting rights without due process of law. I did not go through the whole process of reasoning when I made my explanation, because I did not suppose it necessary to do so. We do not differ on that ground. When a right has vested under one of these railroad acts, before any amendment has been made to it, it is not a conditional right; but everything which has not yet been done does remain conditional and subject to the exercise of the power of amendment or repeal. They stand there as entirely different powers. There is no semblance between them. This is all the answer that I wish now to make upon that point; but if the Senator will allow me, inasmuch as he has again referred to it, I will state in regard to the case of the Holyoke Company *vs.* Lyman——

Mr. BOUTWELL. I prefer now to proceed that I have the answer, as this advances me one step further.

Mr. CHRISTIANCY. I was going to answer——

Mr. BOUTWELL. I would prefer that the Senator should allow me to give direction to the course of debate while I have the floor. The concession made by the Senator enables me to advance one step farther, and with one step more we can cover the whole ground, and then I shall be able to understand the distinction that it will be necessary for him to make between the two propositions which I now submit. He admits that if the road had been constructed agreeably to the charter for a distance less than the whole, and the bonds and patents had been issued as far as required by law, under the power given to Congress in the charters to alter, amend, or repeal the charters, it would not have been competent to stop the work and say that no other bonds or patents should be issued. Now, why?

Mr. CHRISTIANCY. I did not make the statement in that way.

Mr. BOUTWELL. Then I misunderstood the Senator. The question I asked was whether it would be competent to stop the work.

Mr. CHRISTIANCY. I referred to the fact given in the Senator's speech the other day. So far as relates to the power of stopping any future operations, I have no doubt of it; but the legislative power could not undo the past. That is the principle; and now, if the Senator will permit me, what I wish to say in reference to the Holyoke case is simply this——

Mr. BOUTWELL. I beg the Senator's pardon; I prefer to continue what I have to say. I misunderstood the Senator, then, or he misunderstood my question. He now claims that it would be competent for Congress to stop the work midway, notwithstanding the existence of an agreement, whether binding or not. There was an agreement between Congress, representing the country, and these corporations that, as they went on twenty miles by twenty miles, certain things should be done. It was stipulated that this road under that contract should be built from the waters of the Pacific coast to the waters of the Gulf of Mexico. That was either a contract or it was nothing. It was an agreement by the Government, or it was a breath in the air of which nobody could take notice.

Mr. CHRISTIANCY. If the Senator will allow me, the ground which I take is this: that as to all future rights of the company whatever, they are conditional, covered by the power of amendment and repeal, but that the power of amendment and repeal cannot undo the past. That is all.

Mr. BOUTWELL. Well, Mr. President, if that be law, then the old idea that law is the perfection of human reason should be abandoned. If that be law, the idea which has been entertained that there is something ethical in law should be abandoned. Does the Senator from Michigan consider the extent of his proposition, that citizens of the Republic should be engaged by what appeared to be a pledge of the public faith—perhaps it was not, but what appeared to be a pledge of the public faith to invest their capital, expend their labor, consume their years of valuable time in creating this great highway between the seas, the Government of the United States would do what it had undertaken; that all that should pass for nothing, and that the Government of the United States whenever it chose should dissipate, under this power of repeal, all the pledges that it had made to its own citizens? Why, Mr. President, the words at my command fail to express my abhorrence of the morals of that law, whether legislative in its origin or judicial in its interpretation, which would permit a government to induce its citizens to embark their capital in an enterprise of this sort, and then by a power reserved, if it be reserved, annihilate their property, blast their prospects, and send them away desperate. Sir, there is too much morality in government, too much integrity in humanity, too much morals in the origination of law and in its administration, ever to permit in a civilized country such a doctrine to take possession of legislative bodies, of judicial tribunals, and above all, such is my faith in the people, that I am sure it can never take possession of the popular heart or have the least control over the popular judgment.

No, sir, we stand on something firmer than that. If the faith of this country was ever pledged in any particular to any body of men for any purpose, it was pledged to these men in the acts of 1862 and 1864, that if they would do certain things which were set forth in those acts, the Government of this country would respond by doing exactly and according to the terms of the bond what was written in the acts of 1862 and 1864, and I for one will never resort to any special interpretations, to any technicalities, to any doubtful proceeding, in morals or in law to escape. If we have made a contract to our own hurt, let us keep it. The faith of this country is to ourselves inestimable; and if we have any regard for our own interest, as we stand before the world, the first, the chief Republic, the hope of mankind, the elementary principle of which is integrity in public affairs—if we have nothing but that, sixty, seventy, one hundred millions are too paltry to be counted even as the dust in the balance!

I say then of the agreement on the part of the Government, it is

a contract binding, or it is nothing. If it is a contract compelling us to pay when forty miles are completed, it is because it is a contract, and because the conditions of that contract are written in the articles of agreement. There can be no other reason; and it is alike, and equally, and with the same substantial force written in the contract, that if they built this road from the waters of the Atlantic to the waters of the Pacific we would pay; and the violation of faith in one particular is just the same in moral principle, whatever it may be in law, as the violation of public faith in every particular. It stands as a whole, or it has no right to stand at all. It is either paper that we may blot out and hold in the fiery furnace, and extinguish the record, or it is written indelibly, and must stand until every feature and provision of it is made a living fact in the performance of the duties enjoined upon us.

What did we agree to do of the forty miles; I do not speak now of the whole? We agreed to give certain bonds; they were to run for a certain time, they were to bear a certain rate of interest; they were to be paid at a specific time, and in a specific way; and all and everything relating to those bonds was set forth in the agreement. If we were bound, when the forty miles were completed, to give the bonds, we were bound to give them of a particular sort; we were bound to observe exactly what was written on those bonds. The bonds for the forty miles do not differ from the rest; they are all in a mass. If we had stopped at the end of the forty miles, I ask the Senator from Michigan whether we could have changed the condition of the bonds after they were issued? That is what you propose to-day to do in reference not only to the forty miles but in reference to the whole mass that you issued. The Government were to be re-imbursed by these corporations at the end of thirty years; not before, but at the end of thirty years. You say, by this Judiciary Committee bill, that they shall re-imburse you before the forty years or else the bill is of no value. That is what it does say. It changes the terms; it alters the conditions on which the corporations were to re-imburse the Government. That is what it does, or it does nothing. Therefore if we consider only the forty miles, which the Senator from Michigan has asserted we were bound by the contract to accept and recognize and pay for, the proposition in this bill is to change the character of the bonds that were issued for those forty miles, and they are not different from the rest.

Mr. President, let us look at this transaction just exactly as it is. We are in an agreement. I do not care whether it is a good bargain or a bad one. I did not help to make it, but I will help to keep it, because it is the bargain of my country. I will not violate it because it is a bad one. I have never done that knowingly in my private business, and I will never do it as a representative of the people of this country; and when I return to private life no man shall ever receive my support who does not keep the faith of his country, whether it be for weal or for woe. We have got nothing better. The Constitution is nothing when the public faith is gone; and all that rests upon it is "like the baseless fabric of a vision" when the public faith is gone; and it is just as much here in this debate and in this bill as it is in the hundreds of millions of dollars of public securities that are held by confiding citizens of our own country, and confiding subjects of other countries, who have taken our bonds because they believed in our faith.

Mr. CHRISTIANCY. Mr. President, the very eloquent speech of the Senator from Massachusetts [Mr. BOUTWELL] would have been very appropriate if any proposition was made before the Senate to do some of the enormous things which he denounces as very immoral, improper, and unjust; but there being no such proposition, the speech must apply to a case when it happens to arise. It has not yet arisen. The question that we have been discussing is one of power simply, a question of constitutional power under the acts relating to these Pacific Railroad companies. The ground which he takes in regard to the reservation of power to amend and repeal on the faith of which the last act was passed obliterates it entirely from these statutes, and makes this obligation, which Congress intended to be conditional and subject to the power of repeal, positive and unconditional, and subject to no power of amendment or repeal. That is his construction.

Now, I admit that under a power of amendment and repeal many unjust things might be done. I adverted to that the other day. But where is the limit of the power of amendment and repeal under such a clause? It is just where you find the limit of a very large number of powers given to Congress, and that is in the good sense and good discretion and sound judgment of Congress; and whenever they undertake to go beyond that, I will endeavor to stand with the Senator from Massachusetts; but as a question of power I submit he is entirely wrong.

When the act of 1864 was passed the company were asking extraordinary privileges and extraordinary powers, and they were granted; but they were granted with a provision which said to them, "We will place these powers in your hands and these funds in your hands; we will grant you all these lands; but, at the same time, you must take them subject to our power, at any moment when we deem it necessary for the protection of the public interest, to amend or repeal entirely the act under which you are acting." Every right granted by that act was granted subject to that condition, and is yet subject to it, with the exception which I have already mentioned, that of divesting property or rights already vested, and which depend not upon any condition, but where they were performed before the amendment was made.

But I do not mean to detain the Senate further on that point now; I may perhaps refer to it hereafter. As the Senator from Massachusetts has called my attention to the Holyoke case, reported in 15 Wallace, I again reiterate what cannot be denied, that the charter then in question before the court contained no provision that the company should not be required to construct a fish-way, and therefore all that the court said upon such a charter was outside of the case and purely *dictum*, nothing else; and nothing else can be made of it. How can it be anything else than *dictum* when the court go on and decide what the right would be under a charter which is not before them and which is not in question before them, when there is no such provision in it. Whatever they say on a question of that kind is of no more authority than if any man in the street should say it—none whatever as authority. Such *dicta*, as every man knows who is acquainted with judicial proceedings, are never argued before the court and are never considered as the questions directly involved in the case are. Courts themselves would be offended if counsel were to cite to them a mere *dictum* as authority.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Georgia, [Mr. GORDON.]

Mr. SHERMAN. Notwithstanding the Senate has been engaged more or less for a week or two in a debate on this railroad bill, in my judgment the Senate is not at all prepared for this important vote. If this was a vote on some formal amendment, on a proposition which did not involve the fate of the two main measures, I would withhold what little I have to say until that point had been reached. But this vote is the governing vote of this whole controversy. If the amendment offered by the Senator from Georgia is adopted, it defeats the bill reported from the Judiciary Committee and adopts as the text before us, not amendable in committee at least, the bill of the Railroad Committee as the governing law of the subject; and then, having defeated the bill reported from the Judiciary Committee, we shall be left in the Senate only to adopt such amendments as the body may choose to the bill then before it or defeat it.

In my judgment, (and I have been studying this subject as carefully as I can since it has been brought before us,) the Senate is not now prepared for the final vote upon this question. Far from it. The amounts involved are so vast, the delicacy of the position is so great, that, in my judgment, this bill ought not to be voted upon until after the most thorough scrutiny and the most careful examination.

I listened to a good part of the remarks made by the Senator from New York [Mr. CONKLING] the other day, and I do not propose to answer them, because he dealt with objections to the bill reported by the Judiciary Committee. I also have some objections to that bill, but I intend to dismiss that bill entirely from consideration and call your attention to the bill now proposed to be substituted in its place; and I appeal to Senators, before they vote to put it before the Senate of the United States as the accepted basis of the settlement with the Pacific Railroads, to examine carefully the details of this bill. My friend from New York did not go into them, if I remember aright.

I wish to call attention to a few of the salient points of this bill, to show the Senate that it is not now prepared to adopt this proposition in lieu of the Judiciary Committee's proposition. It may be that the report of the Judiciary Committee will not meet the sanction of the Senate. I desire myself to offer amendments to it. It may be that it is too severe on the railroad companies, and that it might break them down, although I think some of the objections on that score are mistaken. So far as the Kansas Pacific Railroad is concerned, about which there has been some conversation, the bill of the Judiciary Committee is better than the bill reported from the Railroad Committee, strange as it may seem, because the bill reported by the Judiciary Committee would not apply to the Kansas Pacific Railroad until that road is able to pay the interest on its first-mortgage bonds; and I understand that its bankruptcy or insolvency was caused by its failing to pay the interest on the first-mortgage bonds. While the earnings of either of these railroads are not sufficient to pay their operating expenses and the interest on their first-mortgage bonds, the Judiciary Committee bill does not operate at all; but it would require the payment of one-half of the transportation to be paid directly to the companies, leaving the sinking-fund provision of the bill to operate only after there was a surplus over and above paying interest on the first-mortgage bonds.

But the bill reported from the railroad committee deals only with the two principal railroads, and they are after all the railroads to be affected. The Kansas Pacific and, I suppose, the other branch roads are comparatively unimportant. The Central Branch of the Union Pacific Railroad is interested to but a small amount. The whole amount of Government interest in that is $1,600,000, while in the two main roads it amounts to from $25,000,000 to $30,000,000 in each. To be precise, the whole amount of principal of the bonds advanced to the two great railroads is $55,092,192. Besides that there is due to the United States for interest from these railroads $21,535,102, making the amount involved in this bill reported to us $76,627,294, which is the great body of this debt.

Mr. PADDOCK. Now or at the maturity of the bonds?

Mr. SHERMAN. Now, to-day. When the debt matures it will be several times that.

Mr. PADDOCK. Is there any debt at all until it matures?

Mr. SHERMAN. I will show you presently that there is a present obligation. Let us look a little further. The annual interest that is now being paid by the United States for the benefit of these two companies, or on its loan of credit to these two companies, is $3,305,531, making an important element in the expenditures of the United States. The whole interest on the public debt is now about $100,000,000; and the amount paid to these railroad companies or for their benefit is over 3½ per cent. of the entire interest on the public debt. That is paid now by taxation. This bill, as I will show you, abandons, practically surrenders, all the stipulations in favor of the United States to the railroad companies for the purpose of establishing a sinking fund to pay the debt of the railroad companies. After this bill passes, not one dollar can by any possibility go into the Treasury of the United States to aid us in paying the interest on these bonds, and there is the striking feature, the salient point of the bill. If this bill passes not one dollar of money can go from the treasury of these railroad companies to the United States to aid us in paying the interest on the bonds. The whole of it, all the money that is provided for by this bill, goes into the sinking fund to pay the debts of the railroad companies; and the money which is now confessedly reserved by law to aid the Government of the United States in carrying on the operations of the Government is diverted from the Treasury of the United States to a sinking fund and there applied, with interest at 6 per cent. compounded, in order to do what? To pay a debt of the railroad companies. That is the whole of this bill. If this bill passes, the United States gain nothing whatever except a provision for the ultimate payment in 1912 of a portion of this debt by the operation of its own sinking fund, while every stipulation made in favor of the United States by the railroad laws is abandoned and converted into a stipulation in favor of the railroad companies.

If this is so, surely the Congress of the United States is not prepared for it. We cannot be prepared to surrender a property right of $77,000,000 to-day, which has already created a burden on the people of the United States of $21,000,000 outlaid and paid, and an annual charge on the Treasury of three and a half millions of dollars, without any stipulation whatever, except a remote one to be re-imbursed a portion of this money in 1912.

Let us look back a little further. If we were dealing with an insolvent corporation, one rule would apply that does not apply now. We are dealing with a powerful corporation, whose revenues probably are greater than those of any railroad corporation in this or any other country in ten years after its road has been completed. If we were dealing alone with the Kansas Pacific or the other branch Pacific Railroads that are practically insolvent, unable to pay their debts, then the rule of settlement with them would be to take what we could get; to take what the railroad companies were able to pay, and settle with them on liberal and honorable terms. I, for one, want to deal with these railroad companies in a very liberal, magnanimous spirit. I do not want to treat them in a carping, grinding, harsh way. I am perfectly willing to make a settlement with them that may be considered liberal on the part of the people of the United States, but I am not prepared to deal with these corporations as if they were unable to pay, because their own returns show that they are perfectly able to pay to a large extent, and, in my judgment, these railroad companies are to-day able to pay the entire interest accruing on the bonds issued to them, every dollar of it.

Therefore, Senators must dismiss from their minds the idea that we are dealing with broken-down corporations, that we are about to do a hardship to men who have invested capital in railroads, that we are taking away from them a fair interest on their earnings. Not at all. These railroad companies are able to pay 6 and even 10 per cent. on every dollar of their obligations, according to the sworn statement they have furnished, not only to the Government but to the public at large. The two principal railroad companies are the Union Pacific and the Central Pacific. Take first the Central Pacific, which probably is the more powerful corporation, because its earnings are the largest, and let us see what its actual condition is.

Mr. PADDOCK. If the Senator will allow me, he has made a statement to the Senate that the two together make a line of railroad from the Atlantic to the Pacific coast.

Mr. SHERMAN. We all know that, I think, and a great line, too, a line that can have no competitor for many years to come. I wish to show you that it is a powerful line, and able to pay its debts, and cannot appear before us in the light of an insolvent begging for easier terms. I have in my hand Poor's Manual of Railroads, which is regarded everywhere as authority, and is founded upon the sworn statements of the officers of the various companies. I find here, under the head of the Central Pacific Railroad Company, the ordinary tabular statements of its earnings and operating expenses. I find that during the year ending December 31, 1874, the actual earnings of the railroad were $13,868,952.98; the operating expenses of the road were $5,401,786. The payment in coin for taxes, interest on bonds, &c., amounted to $4,104,000. The net earnings, as they are usually classified by railroad men, were $8,467,186.98. Remember these are the net earnings, after deducting the operating expenses. But it is said that technically, or within the meaning of the railroad laws, these are not net earnings. Let us see. I may say something about that hereafter; but what are the net earnings according to their own admission? From their net earnings they claim to deduct the following payments in coin: Taxes, $327,000, which I think is a proper deduction: they ought to be deducted from gross earnings; interest on bonds, $3,184,350; exchange, discount on currency, $592,814; making a total of what they claim ought to be deducted from net earnings of $4,105,194.

Mr. WEST. Now, will the Senator allow me to ask, does he think that deduction is equitable?

Mr. SHERMAN. I do not think it is equitable, to ascertain the 5 per cent. of net earnings.

Mr. WEST. Does the Senator mean to say that the statements of the company as made there are not equitable in the light of deductions from their net earnings?

Mr. SHERMAN. I do. I say that the meaning of "net earnings" is the gross earnings, less operating expenses; and when that case is tried before the Supreme Court I have a confident belief, on the authorities I have examined, that they will so decide. But I am now taking the railroad argument. I think the 5 per cent. of the net earnings of this railroad would be about $430,000 a year. But take their own construction; they claim that they have the right to deduct from the net earnings the interest on their debt. Take that to be so. Take $4,104,000 from $8,467,000 and it leaves $4,363,000 over and above the expenses that they claim to deduct from the net earnings.

Mr. WEST. I may not be correct, but as I understand the Senator, he states the gross earnings of that road at $8,467,186. That is for twelve hundred and sixty odd miles of road, when only two-thirds of that length has been aided by the Government of the United States. Now I ask him in his calculation to deduct one-third from that and he has the basis of $5,644.791 to go upon.

Mr. SHERMAN. I have no official statement before me; but I venture to make the assertion, and I think I can find railroad men in my hearing who will bear witness to what I say, that the outside ventures of the Central Pacific Railroad do not pay expenses and do not yield profit, and that the profit is derived from the main line. That is what I have been informed.

Mr. WEST. If the Senator will pardon me, I have an official statement that is different, and I will give it to him.

Mr. SHERMAN. You can do it after a while.

Mr. WEST. There is an official statement from the House of Representatives in their examination that these particular portions of the road that run laterally from the main stem are very profitable. I only quote his own authority.

Mr. SHERMAN. It is not my authority. But if it is not so, it is the only railroad in the United States, I think, that can say that. As a rule the side roads, lateral roads, connecting lines, as they are called, are great contributing agencies to the business of the central road; but in themselves, as a simple investment, the receipts and expenditures generally show a deficit; but they make them pay by contributing largely to the general earnings of the main line. Even if there is a small profit, the Senator ought to be able to show exactly how much; the returns of the Central Pacific Railroad Company ought to show exactly how much is derived from the main line and how much from the lateral lines. But I will not go into that.

I take their own figures. Here is a railroad that so far can not only pay the interest on its bonds, its taxes, and its operating expenses, but have a surplus revenue of $4,300,000 in gold. Is it hardship, is it dealing hardly with this railroad company to say, "Out of this four million of surplus earnings you shall pay a million and a half of dollars for the interest we are bound to pay for your benefit?" Is that hard? Is there any violation of the public faith in that? Is there anything wrong in that? The United States by its credit and its money built these railroads by the enterprise and skill and I may say great adventure, meritorious adventure of men that I would not wrong to the slightest degree; but now they are in possession of a property which not only pays the interest on their bonds, not only pays their operating expenses with a reasonably fair allowance for wear and tear, but gives four millions of gold surplus; and the Government of the United States is now taxing the people of the United States $1,670,000 to pay interest on the very bonds and the very money that aided to build this road.

Mr. President, I say to you that if you surrender the rights of the people of the United States to be re-imbursed this money to railroad corporations that are thus able to pay, it will be a sorrier thing than to vote yourselves a million of dollars back pay; and these railroad companies must either comply with the law or they must show that they are unable to comply with the law before we can yield them anything but what the law demands. They are able to pay, and if I was the owner of the Central Pacific Railroad, this magnificent property the like of which there is none other, I would come forward to-morrow and say, "Thank God, this company, at least, is able to pay the interest on bonds loaned to it when it was important for the national interest as well as its own to complete this road." It is able to do it; it ought to do it; and any bill that surrenders that right so far as the law authorizes it to be enforced will be wrong and will meet with the popular condemnation.

It may be that the rule adopted by the Judiciary Committee is too hard. I will not stop to reason on that point. It may be that the construction I have given in regard to net earnings is not correct, but I am willing to wait for the judgment of the Supreme Court upon that question before ever I will vote to surrender. This com-

pany is now able to pay and it ought to pay the interest on its bonds; and now when we are called upon to levy taxes, when everybody is feeling the burden of taxation and of diminished income, these railroad companies ought not to call upon us to continue the payment of their interest except either upon an inability on their part to pay or because they have a clear legal right to refuse payment, and upon either of these grounds they must act.

Mr. CAMERON, of Pennsylvania. If the Senator from Ohio will yield I wish to move an executive session. ["No, no!"] We shall hardly get through to-day.

Mr. WEST. We did that for you yesterday.

Mr. CAMERON, of Pennsylvania. I want it to-day again.

Mr. SHERMAN. I prefer to go on further.

The PRESIDENT *pro tempore*. The Senator from Ohio declines to yield.

Mr. PADDOCK. I should like to make an inquiry of the Senator from Ohio.

Mr. SHERMAN. Very well.

Mr. PADDOCK. I should like to inquire of the Senator from Ohio if in the light of the decision of the Supreme Court recently rendered there is anything due by these companies in respect to interest or principal until the maturity of the bonds?

Mr. SHERMAN. I will come to that in a moment.

Mr. PADDOCK. I should like to have the Senator come to it immediately.

Mr. SHERMAN. I am a slow-moving coach; I must take my own time.

Mr. PADDOCK. No; a very rapid-moving coach.

Mr. SHERMAN. And sometimes a very stubborn one.

Mr. PADDOCK. It is best I think to look at this question exactly in its practical view, not in its imaginary or speculative view.

Mr. CAMERON, of Pennsylvania. I want to say something on this subject. I cannot say it to-day and I am sure we shall not finish the bill to-day, and I have some executive business of importance to the country and I desire to make a motion to go into executive session.

Mr. SHERMAN. I will give way to my friend in few minutes.

Mr. CAMERON, of Pennsylvania. Very well.

Mr. SHERMAN. I have spoken of the Central Pacific and shown that it is able to pay. I cannot reach in a hurried manner the obligations of the Government and the rights the Government has under the law, just at present. I cannot oblige my friend from Nebraska just at this moment. I want to take up the Union Pacific and show its condition.

Mr. PADDOCK. Taking up the Union Pacific, I should like to know if there is anything due here, if there is any premise on which the gentleman is making his remarks.

Mr. SHERMAN. I first want to see whether they are able to pay; if they are able to pay, I will then present my bill of particulars.

I find in the same manual to which I have referred that for the same year the gross earnings of the Union Pacific Railroad were $10,559,880. We find that the expenditures for maintenance of way, fuel, rolling-stock, transportation, and miscellaneous items, were $4,396,759, leaving a balance of surplus earnings of $6,163,121, or, less taxes, $255,555, leaving the net earnings $5,907,566. There are the net earnings. That is a very handsome income, six million dollars. What has it got to pay out of that? It has got to pay out of that the aggregate interest account for the year, $3,696,370, of which $1,632,780 is the amount of the interest on the first-mortgage bonds in gold. They have six millions of surplus revenue, and if you deduct the amount they pay on interest on first-mortgage bonds, they have $4,300,000 after paying interest on their first-mortgage bonds. That is a very handsome income.

So I say that these railroads, the Central and the Union Pacific, out of this handsome income, are able to pay the interest on the bonds that the Government of the United States has loaned them. And, sir, we for one will not vote to surrender any claim that we have under the law to these railroad companies, until they pay this interest. The question is not whether we can demand the interest. I say we cannot; the Supreme Court has decided that we cannot demand this interest until the bonds mature; but we have other rights given by these railroad laws as plainly written as anything else. First, we have a right to apply one-half of their transportation account on the payment of this interest, and *pro tanto* the interest is paid. The returns that I have before me show that the amount that has been realized in this way has been from $500,000 to $600,000 a year.

Mr. WEST. If you have the figures for that statement let us see them.

Mr. SHERMAN. Do you deny it?

Mr. WEST. Yes, sir.

Mr. SHERMAN. I have stated it too low; that is all the trouble.

Mr. WEST. So I thought.

Mr. SHERMAN. I will show you that I have stated it too small. On page 8 of the report of the House committee, the Senator will find exactly what has been paid each year:

From this it appears that the aggregate payments made by the companies to March 1, 1876, by services rendered to the Government, amount to $6,724,317.92. These services covered the period including 1867, and since, to March 1, 1876.

Nine years; so that in nine years these companies have paid to the Government $6,724,000, over $700,000 a year.

Mr. WEST. I thought you spoke of one company.

Mr. SHERMAN. No, I speak of the railroad companies.

Mr. WEST. The two of them?

Mr. SHERMAN. The two of them; yes, sir.

Mr. WEST. Nobody denies that.

Mr. SHERMAN. Now, my friend finds that I have fallen within limits.

Mr. PADDOCK. I should like to inquire of the Senator from Ohio what he thinks would have been the approximate cost of this service, which has cost $6,000,000 to the Government, if the railroads had not been constructed at all. Would it not have been at least four times as much as it is and as it has been by the railroad service?

Mr. SHERMAN. I do not know what it might have cost us if the Indians were all over that country; but I know that by the language of the railroad laws, and they claim to be governed by the law, they have expressly agreed that one-half of this transportation account should be applied on the interest. That is not controverted. The actual fact has shown that this interest account, as against all these railroad companies, is over $700,000 a year, and as to the two principal roads, over half a million. Here, at least, the people of the United States have one stipulation in this law which gives them the benefit of a revenue derived from these railroad companies of between $500,000 and $600,000 a year. We cannot surrender that.

Mr. WEST. We do not by this bill.

Mr. SHERMAN. My friend will see that he surrenders it. That is not all. We have another stipulation here plainly written in the language of the law that 5 per cent. of the net earnings of these roads shall be paid on the interest account; and if my construction of the law is correct, $750,000 this year, part of it in gold, should have been applied to the liquidation of the interest account. I have shown you that the net revenue of the Union Pacific is $6,000,000; that the net revenue of the Central Pacific is $3,400,000, and 5 per cent. on these two sums combined would have given us a revenue of a little over $700,000 that year. Thus, under the terms of the law as it now stands, if not repealed, or given away, or surrendered, we shall have paid to the people of the United States at least $1,200,000 in money every year to aid us in paying this interest. That is a solemn stipulation. It is true there is some controversy as to the nature of this contract. It has been claimed that the railroads were not completed at the time the Government insists they were, but I believe they have agreed that they were completed in 1874.

I have said all I desire to say about that. I have no doubt that the fair meaning of the language of this provision of the law is that the very moment these railroads were running as a connecting line through, as a matter of course from that time we ought to have had 5 per cent. of the net earnings, and I can show you a case from a respectable court, which I have read, where the very point was made and has been decided under similar circumstances that the completion of the line of road, where two or three roads meet together, is when a single train of cars may without break run through. Then the 5 per cent. of net earnings should have commenced to run. But that is not material. I am willing to leave that to the Supreme Court. It is admitted on all hands that the road is completed now, and that we are entitled to 5 per cent. of the net earnings. What are net earnings? Plain, simple men know what net earnings are. They are the gross earnings less the operating expenses.

Mr. WEST. On that point I should like to submit a proposition to my friend, as a plain business man, if he will listen to it a moment.

Mr. SHERMAN. Certainly.

Mr. WEST. A merchant in New York does business to the extent of two million dollars a year. Annually, at the close of his business, he finds that he has accumulated a gross sale over the gross cost of $250,000. It has cost him $100,000 for the expenses of his clerks, his rent, and the incidental expenses of carrying on his business. It has cost him $100,000 in interest in accommodations from the banks, that he has paid out. What are that gentleman's net profits? Are they $150,000, or $50,000?

Mr. SHERMAN. I will not take a supposititious case at all. I will take the actual case before us. It seems to me as plain as any one can make.

Mr. WEST. The supposititious case does not seem to suit you.

Mr. SHERMAN. It is not applicable at all. Here is a railroad that, when completed, is to pay 5 per cent. of its net earnings to the United States. It has been completed, section by section, forty miles right along, and at the end of every forty miles it demanded its bonds and received them. When the road was completed through and the lines connected so that trains ran through, the road was practically completed in the sense of the law. It is true that a railroad is never completed. Bridges will wear out and must be rebuilt. There are continual cases of improvement going on; but in the plain sense of plain men the road was completed the very day the cars ran through continuously. But that, as I said, is not material now. That question is practically ended, because several years ago, it is admitted on all hands, the railroad was completed.

Then as to what are net earnings, that question is now pending before the Supreme Court. I have perfect confidence that the Supreme Court will decide as is right; and I believe, in the light of the decisions I have seen, not going too much into minutiæ, that they will decide that the net earnings are to be ascertained by taking from the gross earnings the operating expenses. Here is a book containing the

statistics of fifty-seven thousand miles of railway, and upon that simple basis these statements are founded, first, the gross earnings, next the operating expenses, the result the net revenue. Then that revenue may be divided among bondholders, or stockholders, or preferred stockholders, or in any way, but the net earnings are the residuum after the operating expenses are paid. So these practical, sensible, good business men in this vast volume show the way they regard it.

But that must be decided by the Supreme Court. In either event there is a large sum of money due, because, as I have shown you, taking from the gross revenues of the Central Pacific the interest on the bonds and every possible expendiiure, together with their construction account, there is still a large balance left of many millions of dollars. If the construction I have put on it is correct, then the annual revenue of the Government of the United States from net earnings cannot be less than $750,000. That amount will be increasing year by year.

Here are two stipulations of the railroad law that are surrendered, one providing for a revenue of $500,000 a year, and the other for a revenue of $750,000; and this revenue of a million and a quarter of dollars is applied, not for the benefit of the railroads, but is paid to the Government of the United States in liquidation of the interest account.

Now, let us go one step further. This bill actually surrenders all our rights to these important stipulations in the railroad contract. I wish here to call the attention of Senators to this bill as I read it. The third section provides:

That the payments so to be made by said companies shall be in lieu of all payments or other requirements from said companies under said act and the amendment thereto, in relation to the re-imbursement of the Government of the bonds so issued to said corporations.

If this railroad bill shall pass, the Government has no right whatever to one-half of the earnings for transportation, no right whatever to the 5 per cent. of net proceeds. All these are surrendered. Every stipulation and requirement in the law in favor of the United States is surrendered by the plain and simple language of this third section.

Mr. EATON. I should like to interrupt my friend for one moment. As I understood him, he said that 5 per cent. would be $750,000.

Mr. SHERMAN. On the two railroads.

Mr. EATON. Yes, sir; that would require that the net earnings should be about $16,000,000.

Mr. SHERMAN. Not so much; $14,500,000. I have found it here, from their official records; I speak of the two railroads. I will again refer my friend to the figures of the earnings. Here are the gross earnings of the Central Pacific, and I put those upon record so that Senators can find them. This is Poor's Manual. It gives the gross earnings of the Central Pacific alone, $13,868,000; the operating expenses, $5,368,000; the net earnings, $8,467,186. Then the Union Pacific, $6,163,120. So that I am right. The net earnings of these railroads, according to these tables as tabulated for them in this manual, are, as I said, fourteen and a half millions of dollars. There can be no mistake about it.

These important stipulations are surrendered by the third section of this bill. I will read it.

That the payments so to be made by said companies shall be in lieu of all payments or other requirements from said companies under said act and the amendment thereto, in relation to the re-imbursement to the Government of the bonds so issued to said corporations.

Then it provides that the railroad companies shall not be released from their obligations to keep the road in repair; and there is this further stipulation, which is an additional obligation on the Government:

That all Government freight and transportation west-bound, destined for points between the Missouri River and the Pacific coast and on the Pacific coast, and from said coast, or any point east thereof, east-bound, shall be sent by the said railroads until the aforesaid claims of the Government on account of bonds advanced to the companies are fully paid and satisfied, whenever such freight can be so transported to its place of destination at rates not exceeding the cost at which such freight can be carried by any other means of transportation.

Here is an additional obligation on the part of the United States that we shall employ these railroads to do all our transportation unless some other mode of transportation comes in and rats under them. Why should the Government bind itself to any corporation, its own creature? As a matter of course we have the right to transport over their road; we have even the right, by the express terms of the law, to fix the compensation we shall pay, because it is much better that Congress should fix that compensation than that an interested board of directors should; but here we make a stipulation, not in favor of the United States but against the United States. What is the corresponding benefit? An annuity of a million and a half of dollars; what for? For the benefit of the railroad companies to pay their own debts. Under the law as it now stands we shall have coming into the Treasury of the United States not less than $1,200,000 in money to aid us in paying this interest. Under this bill we shall not have one cent; but, on the contrary, the $1,500,000 stipulated for in the bill does not go into the Treasury of the United States, but goes into what is called a sinking fund, and is there semi-annually compounded at 6 per cent. interest annually. Mr. President, it seems to me monstrous. We surrender an actual revenue in hand of $1,200,000, yearly increasing, to get a revenue for the benefit of the railroads, from which we can possibly get no benefit whatever until 1912, except that we stipulate to pay 6 per cent compounded on every dollar of this money until that time when the whole mass of it will be applied in the sinking fund to the payment of the bonds.

Mr. CAMERON, of Pennsylvania. Is the Senator from Ohio through? If not, I am sure he will give way.

Mr. SHERMAN. I will give way if the Senator desires, but I am not through.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

Mr. BOUTWELL. Will the Senator from Pennsylvania allow me to move an amendment to the amendment proposed by the Senator from Georgia, which I have already prepared? It is to strike out in the second line of the third section the words "lieu of" and insert the words "in addition to."

Mr. SHERMAN. That makes a great difference.

Mr. BOUTWELL. And strike out the word "however," in line 5, after the word "provided."

Mr. SHERMAN. That makes all the difference. It makes the whole animal another horse.

Mr. BOUTWELL. I have already given notice to the chairman of the committee that I should move the amendment.

Mr. SHERMAN. I was not aware of it. I think the amendment had better be printed.

Mr. BOUTWELL. Very well.

The PRESIDENT *pro tempore*. The printing will be ordered, unless there be objection.

EXECUTIVE SESSION.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After nineteen minutes spent in executive session, the doors were re-opened, and (at four o'clock and thirty minutes p. m.) the Senate took a recess until Saturday, February 10, at ten o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 1, 1877.

[CALENDAR DAY, *February* 9.]

AFTER THE RECESS.

The House re-assembled at ten o'clock a. m., Friday, February 9; when, on motion of Mr. NEW, a further recess was taken until five minutes before twelve o'clock a. m., at which time the House resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. No. 4452) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1878, and for other purposes.

SWAMP LANDS.

Mr. STEVENSON, by unanimous consent, presented a joint resolution of the Legislature of the State of Illinois, in regard to Government swamp lands; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD. It is as follows:

Senate joint resolution No. 11, concerning Government swamp lands.

Whereas section 2 of the act of Congress approved March 2, 1855, entitled "An act to amend the act approved September 28, 1850, entitled 'An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits,'" provides that, upon due proof by the agent of the State or States before the Commissioner of the General Land Office that any land was located subsequent to the 28th day of September, 1850, by warrants or scrip, the State or States should be authorized to locate a quantity of like amount upon any of the public land subject to entry at $1.25 per acre or less;

And whereas said law is inoperative on account of the rules and decisions of the Commissioner of the General Land Office, declaring that said indemnity scrip can only be located upon lands subject to entry in the State of Illinois, and of his refusal to further issue said scrip: Therefore,

Be it resolved, (the senate and house concurring therein,) That the Congress of the United States be requested by act or otherwise to instruct the Commissioner of the General Land Office to issue said scrip and to allow its location upon any of the public lands subject to entry at $1.25 per acre or less, within or without the State of Illinois, and that he be directed to issue the same in eighty and one hundred and sixty acre tracts.

ANDREW SHUMAN,
President of the Senate.

JAMES SHAW,
Speaker of the House of Representatives.

Adopted by the senate February 2, A. D., 1877.

JAMES H. PADDOCK,
Secretary of the Senate.

Concurred in by the house of representatives February 3, 1877.

E. F. DUTTON,
Clerk of the House of Representatives.

I, George H. Harlow, secretary of state of the State of Illinois, do hereby certify that the above is a true copy of a joint resolution of the Thirtieth General Assembly of said State, filed in this office on the 5th day of February, 1877.

In witness whereof I have set my hand and the great seal of State at Springfield this 6th day of February, A. D. 1877.

[SEAL.]

GEO. H. HARLOW,
Secretary of State.

EXPEDITION TO NORTH POLE.

Mr. O'BRIEN, by unanimous consent, presented a memorial of members of the Corn and Flour Exchange of Baltimore, favoring an appropriation by Congress for Captain Howgate's expedition to the north pole; which was referred to the Committee on Naval Affairs, and ordered to be printed in the RECORD. It is as follows:

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas it appears that an expedition to the north polar regions is proposed upon a plan which seems to promise a fair hope of a successful issue, at a cost quite out of proportion to the value of the least probable result;

And whereas it is desirable that no effort should be spared to determine questions in connection with the physical condition of the earth in the interest of commerce, agriculture, and science: Therefore,

Be it resolved, That we, the undersigned members of the Corn and Flour Exchange of Baltimore, heartily approve of the scheme indicated by Captain Henry W. Howgate, now before Congress, and respectfully suggest that the bill now pending be passed, with the appropriation of $50,000 to defray the cost of the expedition.

THOS. W. LEVING & SONS,
BARKER & GWATHMEY,
SAML TOWNSEND & SON,
E. D. BIGELOW & Co.,
And others.

Mr. O'BRIEN also, by unanimous consent, presented a memorial of the Merchants' Exchange of Baltimore, praying an appropriation by Congress for Captain Howgate's proposed expedition to the north pole; which was referred to the Committee on Naval Affairs, and ordered to be printed in the RECORD. It is as follows:

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas it appears that an expedition to the arctic regions is proposed upon a plan which seems to promise a fair hope of a successful issue, at a cost quite out of proportion to the value of the least probable result;

And whereas it is desirable that no efforts should be spared to determine questions in connection with the physical condition of the earth in the interest of commerce, agriculture, and science: Therefore,

Be it resolved, That we, the members of the Baltimore Merchants' Exchange, heartily approve of the scheme indicted by Captain H. W. Howgate, now before Congress, and respectfully suggest that the bill now pending be passed, with the appropriation of $50,000 to defray the cost of the expedition.

JAS. CAREY COALE,
JAMES BRICKHEAD,
H. O. HAUGHTON,
And others.

BALTIMORE, *February* 7, 1877.

STOCKBRIDGE AND MUNSEE TRIBE OF INDIANS.

Mr. LYNDE, by unanimous consent, introduced a bill (H. R. No. 4625) to authorize members of the Stockbridge and Munsee tribe of Indians to sue in the courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT TO REVISED STATUTES.

Mr. KNOTT, by unanimous consent, introduced a bill (H. R. No. 4626) to amend section 3737 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CLAIMS AGAINST DISTRICT OF COLUMBIA.

Mr. BUCKNER, by unanimous consent, introduced a bill (H. R. No. 4627) to provide for the settlement of certain claims against the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

JOHN M. WARD.

Mr. HARRIS, of Georgia, by unanimous consent, introduced a bill (H. R. No. 4628) for the relief of John M. Ward, postmaster at West Point, in Georgia; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PRAYER.

The SPEAKER. (at twelve o'clock m.) The Chair asks consent that prayer may now be offered.

There was no objection; and prayer was offered by Rev. A. FLORIDUS STEELE, of Washington, District of Columbia.

CAPTORS OF THE RAM ALBEMARLE.

Mr. WILLIS. I ask unanimous consent to report back favorably, from the Committee on Naval Affairs, for printing and recommitment, the bill (H. R. No. 4370) for the relief of the captors of the ram Albemarle.

Mr. CANNON, of Illinois. I object.

PAY OF JANITOR OF A COMMITTEE-ROOM.

Mr. MACDOUGALL, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Clerk of the House of Representatives be directed to pay to Captain Alvah W. Hicks, out of the contingent fund of the House, the sum of $40 per month for his services as janitor in charge of the room of the Committee on Military Affairs; said services to be certified by the chairman of said committee.

Mr. MACDOUGALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STEAMBOAT MOLLIE KEATOR.

Mr. DURAND. I ask unanimous consent to report back from the Committee on Commerce an act (H. R. No. 1915) to change the name of the steamboat Robert Ross with the recommendation that the amendment of the Senate be concurred in.

The bill, which was read, provides that the Secretary of the Treasury be, and is hereby, authorized to change the name of the steamboat Robert Ross to that of Mollie Kretor of Moline.

The amendment of the Senate is as follows:

Strike out "Kretor" and insert "Keator."

Mr. CONGER. I wish the gentleman would state what this steamboat is, whether it is a passenger steamboat or not.

Mr. DURAND. I really cannot tell whether it is a passenger boat or not, but I think not. It is a bill which has passed the House and passed the Senate and the amendment merely provides for correcting a mistake made in the name.

Mr. CONGER. I do not remember this bill or when it was passed, but this House has uniformly refused to change the name of passenger steamboats when that fact was announced. If this does change the name of a passenger steamboat and it is time to make objection, as the gentleman is unable to answer the question I have put to him, I must insist on my objection to the consideration of the bill at the present time.

Mr. DURAND. I do not think this is a passenger steamboat. I have not the report at hand.

Mr. CONGER. If the gentleman will let it pass for the present so I can ascertain whether or not it is a passenger steamboat, it can be again taken up.

The SPEAKER. Objection being made, the bill is not before the House.

PRINTING DEFICIENCY.

Mr. WALDRON. I am directed by the Committee on Appropriations to move by unanimous consent to take from the Speaker's table the bill (S. No. 1222) to provide for deficiency in the appropriation for public printing and binding for the current fiscal year, and for other purposes, to further insist upon the amendment of the House, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses.

There was no objection, and it was ordered accordingly.

Mr. WALDRON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER appointed the following as the conferees on the part of the House: Mr. WALDRON, Mr. VANCE of Ohio, and Mr. ROBERTS.

DEFICIENCY APPROPRIATION BILL.

Mr. WALDRON. I now demand the regular order of business.

The SPEAKER. The regular order of business is the consideration of the bill (H. R. No. 4559) making appropriations to supply deficiencies in the appropriation for the fiscal year ending June 30, 1877, for prior years, and for other purposes. When the House took a recess yesterday it was dividing on the amendment adopted in Committee of the Whole on motion of Mr. HANCOCK, covering various claims for deficiencies on which the yeas and nays were demanded.

Mr. STONE. I withdraw the demand for the yeas and nays.

The SPEAKER. The demand for the yeas and nays being withdrawn, the amendment stands rejected.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. CANNON, of Illinois. I desire to have the engrossed bill read.

The bill was read.

Mr. WALDRON moved to reconsider the vote by which the bill was ordered to be engrossed and read a third time; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WALDRON demanded the previous question on the passage of the bill.

The previous question was seconded and the main question ordered.

Mr. CANNON, of Illinois. I now move to recommit the bill to the Committee on Appropriations.

The SPEAKER. That motion is not now in order.

Mr. CANNON, of Illinois. I thought the previous question was exhausted.

The SPEAKER. It is not.

The House divided; and there were—ayes 118, noes 3; no quorum voting.

The SPEAKER appointed Mr. WALDRON, and Mr. CANNON of Illinois, as tellers.

The House again divided; and there were—ayes 140, noes 1.

So the bill was passed.

Mr. WALDRON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MEXICAN INDEMNITY FUND.

Mr. SWANN. Mr. Speaker, I am instructed by the Committee on Foreign Affairs to report back the correspondence between Mr. Fish, Secretary of State, and that committee in reference to the Mexican

indemnity fund, and also a bill for the distribution of that fund, on which I propose to take a vote at this time. The Secretary of State is very desirous of getting rid of this money. The bill meets with the approbation of the claimants, who are ready to co-operate with the committee in asking for the immediate distribution of the fund.

The bill (H. R. No. 4629) to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868, was read a first and second time.

The bill, which was read, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State is hereby authorized and required, as soon as may be practicable, to transmit to the Secretary of the Treasury a schedule of all the awards of moneys made by the commissioners and umpires under the convention between the United States and the Mexican Republic for the adjustment of claims, concluded July 4, 1868, in favor of citizens of the United States against the Mexican Republic, showing the names of the corporations, companies, or private individuals in whose favor such awards were respectively made, and the several and respective amounts of such awards, and also a schedule of all the awards of money made by the said commissioners and the said umpire, under the said convention, in favor of corporations, companies, or private individuals, citizens of the Mexican Republic, against the United States, together with a statement of the balances payable by the Mexican Republic to the United States pursuant to the provisions of the fourth article of the said convention of July 4, 1868, and the second article of the convention between the United States and the Mexican Republic of April 29, 1876, and also a statement of the total amount of the expenses to be deducted from the amount of the awards, as provided by the sixth article of the said convention of July 4, 1868.

SEC. 2. *And be it further enacted*, That the Secretary of State be, and he is hereby, authorized and required to receive any and all moneys which may be paid by the Mexican Republic under and in pursuance of the said conventions, and from time to time, as the same shall be received, to transfer and pay over the same to the Secretary of the Treasury.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized and required to deposit in the Treasury of the United States all moneys which shall be so transferred and paid over to him in pursuance of the preceding section, and the said moneys, when so transferred, paid over, and deposited, are hereby appropriated to be from time to time paid to and distributed, as hereinafter provided, among the private individuals, corporations, and companies, citizens of the United States respectively, in whose favor said awards have been made, or to and among their respective legal representatives or assigns.

SEC. 4. *And be it further enacted*, That, out of any moneys in the Treasury not otherwise appropriated, a sufficient sum is hereby appropriated to enable the Secretary of the Treasury to deposit in the Treasury of the United States, in gold or its equivalent, the equivalent of $50,528.57 in Mexican gold dollars, and $10,559.67 in American gold coin, and $89,410.17 in United States currency, (said sums being the aggregate in said currencies respectively of the awards made under the said convention of July 4, 1868, in favor of citizens of the Mexican Republic against the United States, and having been deducted from the amount awarded in favor of citizens of the United States, and payable by Mexico, in accordance with article 4 of the said treaty;) and that said sums, when deposited in the Treasury as aforesaid, shall be regarded as part of the awards made under the said treaty, to be paid or distributed as herein provided.

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury shall deduct from the first amount of money deposited in the Treasury, or transferred and paid over to him in pursuance of the provision of this act, the sum of $114,948.74, being the amount of the expenses of the commission, including contingent expenses, paid by the United States, in accordance with article 6 of the treaty, as ascertained and determined in pursuance of the provisions of the said treaty, which said sum of $114,948.74 shall be transferred and passed to the account of, and be regarded as unappropriated money in, the Treasury.

SEC. 6. *And be it further enacted*, That after making the deduction and transfer mentioned in the last preceding section, whenever and as often as any installments or payments shall have been made by the republic of Mexico on account of the said awards, and shall have been transferred and paid over to the Secretary of the Treasury, as herein provided, it shall be the duty of the Secretary of the Treasury, and he is hereby authorized and required, to distribute the moneys so held by him in ratable proportions among the corporations, companies, or private individuals, citizens of the United States respectively, in whose favor awards have been made by the said commissioners or by the umpires, or to their legal representatives or assigns, according to the proportion which their respective awards shall bear to the whole amount of such moneys then in the Treasury, and to pay the same without charge or deduction to the parties respectively entitled thereto. And, in making such distribution and payment, due regard shall be had to the value of the respective currencies in which the said awards are made payable, and the proportionate amount of any award of which by its terms the United States is entitled to retain a part shall be deducted from the payment to be made on such award, and shall be paid into the Treasury of the United States as part of the unappropriated money in the Treasury.

SEC. 7. *And be it further enacted*, That in the payment of money, in virtue of this act, to any corporation, company, or private individual, the Secretary of the Treasury shall first deduct and retain or make reservation of such sums of money, if any, as may be due to the United States from any corporation, company, or private individual in whose favor awards shall have been made under the said convention.

The SPEAKER. Is there objection to the present consideration of this bill? The Chair hears none.

Mr. SWANN. I would state in explanation of the bill that it is concurred in by the Secretary of State, carefully examined and concurred in by him, concurred in by the claimants under this Mexican treaty, and meets the approbation of the Committee on Foreign Affairs, who have directed me to present it to the House. All the parties interested unite in recommending this bill for the approbation of the House.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SWANN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF TESTIMONY.

Mr. BLACKBURN. I am directed by the select committee charged with investigating the recent election in Louisiana to present and ask the passage of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the special committee appointed to investigate the Louisiana election be authorized to have printed for the use of the committee and the House at a private printing-office the residue of the evidence taken by the committee and the subcommittee, at prices not to exceed the Government rates, to be paid out of the contingent fund of the House.

Mr. HALE. I make the point of order that the resolution should be referred to the Committee on Printing.

Mr. BLACKBURN. I desire before yielding the floor to have read a communication from the Public Printer showing that it is impossible to have this work done within the required time at the Public Printing Office.

The SPEAKER. The communication will be read.

Mr. HALE. Meanwhile I reserve points of order.

The SPEAKER. The point of order will be reserved.

Mr. HALE. All points of order.

The Clerk read as follows:

OFFICE OF THE PUBLIC PRINTER,
Washington, February 7, 1877.

SIR: In reply to your note of this date asking me to advise you what progress I have made in printing the testimony of subcommittees of MCMAHON, MEADE, and BLACKBURN, and more particularly when *you can rely* upon having printed the testimony taken by subcommittee of which you are chairman, (about fifteen hundred pages of print,) I would most respectfully state:

1. MEADE'S report of testimony is printed complete.
2. BLACKBURN'S is about half finished.
3. MCMAHON'S not yet commenced.
4. As to the testimony in case of your committee, I am informed by the foreman of printing in especial charge of this work that it lost its precedence on the calendar by being withdrawn from the office. The President's message and papers in charge of Mr. WOOD'S committee have been placed on the calendar in its place, with a promise from the foreman of printing in charge that it shall be continued until completed. Under these circumstances, unless Mr. WOOD can be induced to give way, it will not be possible to take the testimony of your committee in hand again before the early part of next week.

It is expedient perhaps that I shall inform you of the present condition of the office, that you may be aware of it. Unless provision is made to-day for an appropriation for printing and binding for Congress, the work will all be suspended (except the RECORD) to-morrow until such provision is made. I do not regard it safe to myself as a public officer, in view of section 3679 of the Revised Statutes, to contract for labor or material for this class of work after the office closes this evening. In view of these circumstances, it is not possible for me now to inform you when *you can rely* upon having the testimony taken by your subcommittee printed.

Very respectfully, &c.,

A. M. CLAPP, *Public Printer.*

Hon. W. R. MORRISON.

The SPEAKER. The gentleman from Maine will state his point of order.

Mr. HALE. I make this point of order first—there are several that seem to me to be good—that the subject of printing is in the control properly of the Committee on Printing, and that any proposition involving the printing of reports or testimony, must go to that committee, to be reported to the House. That is the first point of order.

The SPEAKER. The chair knows of no rule that requires that this resolution shall go to the Committee on Printing.

Mr. HALE. I think if the Chair will refer to the rule in regard to the functions and duties of the Committee on Printing, he will see that this resolution must have its first consideration by that committee.

The SPEAKER. The Chair overrules the point of order. There is no rule of the House which would compel the reference of this resolution to the Committee on Printing.

Mr. HALE. Then I must make the further point that the resolution involves an appropriation of money, and must go to the Committee of the Whole House.

Mr. BLACKBURN. I submit that the provision of the resolution directing payment to be made out of the contingent fund of this House saves it from that point of order.

The SPEAKER. The Chair overrules the point of order, on the ground that the resolution involves no appropriation, but directs, as is constantly done, an expenditure out of the contingent fund of the House, already appropriated.

Mr. WILSON of Iowa. I ask for the reading of the resolution.

The SPEAKER. The resolution will be again read.

Mr. HALE. Before that is done allow me to make the further point of order that the law is distinct and explicit that the printing shall be done by the Public Printer.

The SPEAKER. The Chair sustains the point of order.

Mr. BLACKBURN. Do I understand the Chair to rule that it is not within the power of this House to have any printing done except at the Public Printing Office, when the Public Printer informs the House that it cannot be done?

The SPEAKER. Section 3786 of the Revised Statutes provides as follows:

All printing, binding, and blank books for the Senate or House of Representatives and the Executive and Judicial Departments shall be done at the Government Printing Office, except in cases otherwise provided by law.

If the gentleman from Kentucky will show that this is a case "otherwise provided by law," then the Chair would review his decision. But the Chair knows no law directing the printing to be done otherwise.

Mr. JENKS. I submit that, as this printing is for the use of a committee, it does not come within the terms of the law. It cannot be alleged that a committee sent to some distant town should be required to remit their testimony or other proceedings to the Public

Printer at Washington, when they need the printing to be done for immediate use. As the law does not therefore apply to this case, the point of order is not well taken and should not be sustained.

The SPEAKER. The Chair will cause the resolution to be again read.

Mr. BLACKBURN. I desire to modify the resolution by striking out the words "and the House," so that the printing may be for the use of the committee only.

Mr. HALE. I do not see that that makes any difference as regards the law. The committee is simply an organ of the House. It is a part of the House. Its action is the action of the House through the committee. I do not think that helps the gentleman in the least.

Mr. BLACKBURN. Well, I rest it on that.

The SPEAKER. The gentleman from Kentucky has the right to modify his resolution. The Clerk will report the resolution as modified.

The Clerk read as follows:

Resolved, That the special committee appointed to investigate the Louisiana election be authorized to have printed for the use of the committee, at a private printing-office, the residue of the evidence taken by the committee and the subcommittee, at a price not to exceed the Government rates, to be paid out of the contingent fund of the House.

Mr. VANCE, of Ohio. I would suggest to the gentleman from Kentucky, [Mr. BLACKBURN,] the mover of this resolution, that the House and the Senate have appointed a committee of conference on a deficiency bill providing for a sufficient amount of money to carry on the public printing, and that that conference committee will probably meet at once.

Mr. BLACKBURN. I simply desire to say that it must be apparent to the House what the object of the resolution is. It is to have this testimony printed, and with all due respect to the Chair I submit that the resolution, as now reported by the Clerk, is not subject to the objection made. It proposes to print the work of the committee for the use of that committee, and I do not see that the law of the House prevents it in such a case. The committee cannot handle this testimony in manuscript; it is too bulky for them to use it unless it be printed, and all we ask is that it shall be printed for the use of the committee. It seems to me that it is a matter which may be legitimately paid for out of the contingent fund of the House.

The SPEAKER. The Chair does not understand that the point of order is made upon the resolution as modified.

Mr. HALE. O yes! I renew the point of order on the resolution as modified. I do not wish to discuss it at all. The committee is the organ of the House and a part of it, and I hope that the gentleman from Kentucky will not insist upon this resolution, especially after the statement made by the gentleman from Ohio, [Mr. VANCE.] We know that the subject of the force to be employed in the printing-office and the expenditures for it is now being considered, or will be very soon, by a conference committee, which will judge of what force is necessary.

Mr. BLACKBURN. If the gentleman does not object to the printing of this testimony, why does he object to its being printed in this way?

Mr. HALE. The objection is to its being printed by parties outside the Government Printing Office when the law requires it to be printed at the Government Printing Office.

The SPEAKER. The Chair thinks the law is very clear. The greater includes the less, and if the law controls the House it controls a committee of the House and prevents it from having any printing done except it is done at the Government Printing Office. The Chair therefore sustains the point of order.

Mr. CONGER. Allow me to read one clause of the Revised Statutes providing what shall be done when the printing at the Government Printing Office is delayed.

Mr. SPRINGER. Does the gentleman appeal from the decision of the Chair?

The SPEAKER. The Chair has decided the question, but he is desirous to hear anything that gentlemen desire to say upon the subject.

Mr. CONGER. I read then section 3757 of the Revised Statutes, which is as follows:

SEC. 3757. The Joint Committee on Public Printing shall have power to adopt such measures as may be deemed necessary to remedy any neglect or delay in the execution of the public printing, but no arrangement entered into by them shall take effect until it has been approved by that House of Congress to which the printing belongs, or by both Houses when the printing delayed relates to the business of both.

Mr. LANDERS, of Indiana. Will the gentleman from Kentucky allow me to ask him a question?

Mr. BLACKBURN. Certainly.

Mr. LANDERS, of Indiana. I desire to know what use the gentleman from Kentuckey wants to make of this evidence.

Mr. BLACKBURN. The gentleman can certainly understand that it is the purpose of the committee to furnish the testimony on which they were engaged six weeks in taking to the House before such time shall arrive as will render it useless to have it printed at all. If it was worth the time spent in taking it and was of any value we propose to give the House and the country the value of it. If done at all it must be done at once, and the delay in the printing on the part of the Public Printer would nullify the work of the subcommittee in Louisiana, which took six weeks.

Mr. LANDERS, of Indiana. I understand then that the purpose of the committee is to give this information to the country, and not to the House.

Mr. BLACKBURN. I did not understand that the committee was not a part of the country.

The SPEAKER. The Chair desires to suggest to the gentleman from Kentucky [Mr. BLACKBURN] that it is competent to move to refer this resolution to Committee on Printing.

Mr. BLACKBURN. With all deference to the Chair I do not see that such a reference would do any good.

Mr. KELLEY. I would suggest that the Public Printer be authorized to hire enough force to do this work.

Mr. TOWNSEND, of New York. I will state that four hundred printers in the Government Printing Office were furloughed yesterday.

Mr. VANCE, of Ohio. As I said a moment since, the two Houses concurred in passing a deficiency appropriation bill of $350,000 for the Public Printing Office, and they disagree upon an amendment to that bill put upon it by the House, and a conference committee has been appointed, which will probably meet to-day.

Mr. HALE. Is that committee of conference already appointed?

Mr. VANCE, of Ohio. Yes, sir; and in the exercise of his discretion the head of the Government Printing Office need not have removed or furloughed one solitary man from his office.

Mr. KELLEY. I desire to say a word in response to the gentleman from Ohio, [Mr. VANCE.]

The SPEAKER. The Chair desires to say that there is nothing before the House.

Subsequently,

Mr. JENKS said: I ask unanimous consent that the resolution submitted a few moments since by the gentleman from Kentucky may be referred to the Committee on Printing.

Mr. CONGER. I object.

ORDER OF BUSINESS.

Mr. BRIGHT. I move that the House now resolve itself into Committee of the Whole on the Private Calendar, and I ask unanimous consent that to-day's session shall be considered as a legislative day and as objection day.

Several members objected.

Mr. BANNING. I would like to amend the motion of the gentleman from Tennessee, so that the House shall go into Committee of the Whole on the Private Calendar for the consideration of pension bills only.

The SPEAKER. That would require unanimous consent.

Mr. BRIGHT. I object to that.

The SPEAKER. The rules of the House require that the Committee of the Whole on the Private Calendar shall proceed to consider the business on the Calendar in its order.

Mr. DOUGLAS. I desire to submit a report from the select committee on the Freedman's Bank, which I think is a privileged report.

The SPEAKER. The Chair thinks that is not of higher privilege than the motion of the gentleman from Tennessee [Mr. BRIGHT] to suspend the rules and go into Committee of the Whole on the Private Calendar.

Mr. CLYMER. Is that motion in order?

The SPEAKER. It is in order.

Mr. CLYMER. This, I understand, is the legislative day of Thursday the 1st day of February.

The SPEAKER. The motion of the gentleman from Tennessee is in order on any day for general business.

Mr. CLYMER. Does it not require unanimous consent to-day?

The SPEAKER. It does not.

Mr. WHITE. I call for the regular order of business.

The SPEAKER. The regular order is the motion of the gentleman from Tennessee [Mr. BRIGHT] that the rules be suspended and the House now resolve itself into Committee of the Whole on the Private Calendar.

Mr. COX. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. COX. Will the fact that this is the legislative day of Thursday the 1st of February prevent it from being objection day in Committee of the Whole on the Private Calendar? I know the gentleman from Tennessee can make his motion at this time; but will he have the advantage of this being objection day?

The SPEAKER. The Chair recognizes this as being still the legislative day of Thursday the 1st day of February. The Chair recognizes the gentleman from Tennessee [Mr. BRIGHT] to make his motion, because the rule authorizes it to be made this time.

Mr. COX. I understand that; but will the Chair rule that this is objection day?

The SPEAKER. The Chair cannot so rule.

Mr. CONGER. As I understand the rule, it is proper to go into Committee of the Whole on the Private Calendar on private-bill day, but not on any other day.

The SPEAKER. The Chair recollects very well that more than once during his experience in this House this very question has come up and been decided as the Chair now decides it; that is, that a motion to suspend the rules and go into Committee of the Whole on the Private Calendar is in order on other days than Friday.

Mr. WILSON, of Iowa. It has been so held by previous Speakers.

Mr. BRIGHT. If it be in order, I will amend my motion so as to include an order of the House that all debate upon any bill in Committee of the Whole be limited to one minute.

The SPEAKER. That would require unanimous consent.

Mr. WHITE. I object to that.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. GRANT, his Private Secretary.

PRIVATE CALENDAR.

The question was then taken upon the motion of Mr. BRIGHT; and upon a division there were—ayes 144, noes 4.

So the motion was agreed to.

Mr. BANNING. Before we go into Committee of the Whole I would like to ask for an order of the House that all debate upon any bill be limited to five minutes.

The SPEAKER. That requires unanimous consent.

Mr. TOWNSEND, of New York. I object.

The House accordingly resolved itself into Committee of the Whole for the purpose of considering the business upon the Private Calendar, (Mr. COX in the chair.)

The CHAIRMAN. The Clerk will report the title of the first bill on the Private Calendar in order at this time.

The Clerk read the following title:

A bill (H. R. No. 255) for the relief of William J. Alexander, of Bloomington, Monroe County, Indiana.

Mr. HEWITT, of New York. Upon what page of the Calendar is the title of that bill to be found?

The CHAIRMAN. In consequence of the failure to print new Calendars there is a limited supply of them, consequently old prints of the Calendar have been obtained, and the bill the title of which has been read will be found on page 9 of the Calendar.

Mr. HEWITT, of New York. If this is not objection day, and I understand that it is not, then it seems to me that the business on the Private Calendar must be taken up in its order, commencing on page 6 of the Calendar and not on page 9.

Mr. MONROE. We have been over that part of the Calendar before.

Mr. HEWITT, of New York. I beg pardon. If this is not objection day, then we must commence with the Calendar.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will report the title of the first bill on the Private Calendar.

Mr. BUCKNER. I desire to suggest that the first bill for consideration at this time is the bill which went over after consideration and will come up now as unfinished business: the bill to confirm certain private land claims in the Territory of New Mexico.

Mr. ELKINS. That is the unfinished business.

The CHAIRMAN. The first bill to be considered to-day in Committee of the Whole is the unfinished business coming over from the last day the Committee of the Whole had under consideration the Private Calendar, not being objection day. It is House bill No. 344, on the sixth page of the Calendar. To that bill there is an amendment pending, and the Clerk will report the bill and amendment.

PRIVATE LAND CLAIMS IN NEW MEXICO.

The Clerk then read the bill (H. R. No. 344) to confirm certain private land-claims in the Territory of New Mexico, reported from the Committee on Private Land Claims by Mr. JOYCE, on the 4th day of February, 1876.

The pending amendment was in section 2, line 4, to strike out the words "United States" and to insert in lieu thereof the words "parties respectively asserting claims to said lands;" so that the section will read:

That the Commissioner of the General Land Office is hereby authorized and directed, without unreasonable delay, to cause the lands embraced in said several claims to be surveyed and platted at the expense of the parties repectively asserting claims to said lands, &c.

Mr. HOLMAN. I think there is pending also a motion to strike out the enacting clause of this bill.

Mr. BUCKNER. The gentleman is mistaken about that.

Mr. HOLMAN. I certainly made such a motion sometime ago.

The CHAIRMAN. The Chair understands that the gentleman from Indiana [Mr. HOLMAN] has made a motion to strike out the enacting clause of this bill, and that motion takes precedence of the amendment which was pending.

Mr. ELKINS. I do not think the motion to strike out the enacting clause was made on this bill; I think it was on another. The gentleman from Indiana makes that motion on so many bills that he has probably forgotten.

The CHAIRMAN. The Chair has sent to the Clerk's office to ascertain the fact by the record.

Mr. HOLMAN. I shall have to depend on the remembrance of the Clerk.

Mr. ELKINS. My recollection is that the gentleman offered an amendment only.

Mr. BUCKNER. Yes, sir; I can state distinctly the amendment the gentleman made. It was that the cost of surveying these lands should be paid by the claimants, and not by the government. No other motion was made.

Mr. HOLMAN. That was the first motion that was made last session.

Mr. BUCKNER. O, no.

Mr. HOLMAN. O, yes.

The CHAIRMAN. The amendment read by the Clerk a moment ago is the amendment which was offered by the gentleman from Indiana.

Mr. HOLMAN. I wish to inquire when that amendment was offered; whether at the last session or at this.

The CHAIRMAN. At this session.

Mr. HOLMAN. I think it was offered last session.

Mr. BUCKNER. Yes, the gentleman is right about that.

Mr. HOLMAN. My recollection is that since that time I made the other motion.

Mr. BUCKNER. No, sir; it was to another bill.

The CHAIRMAN. The Clerk has gone to the Clerk's office to ascertain the fact from the record. The Committee of the Whole will therefore be patient until the Clerk returns.

Mr. HOLMAN. If the gentleman from Vermont [Mr. JOYCE] is desirous to be heard I will not press my motion.

The CHAIRMAN. The gentleman from Vermont is recognized and will proceed.

Mr. JOYCE. In accordance with the recommendation of the Commissioner of the General Land-Office I desire to offer some amendments, which I ask the Clerk to read.

The Clerk read as follows:

After the word "the," in line 1 of section 2, strike out the words "Commissioner of the General Land Office" and insert in lieu thereof the words "surveyor-general for the Territory of New Mexico."

Also, in line 3 in said section, after the word "delay," insert the words "under such instructions as may be prescribed by the Commissioner of the General Land Office."

Also, in line 4 of said section, after the word "be," insert the word "accurately."

Also strike out in said section all the words in lines 5 and 6.

Also amend by inserting as section 3 of said bill the following:

SEC. 3. That it shall be the duty of the said surveyor-general, when he shall have caused any of the aforesaid claims to be surveyed and a plat to be made thereof, to give notice in each case that the same has been done by a publication once a week for six consecutive weeks in two newspapers, one published in the city of Santa Fé and one published near the land surveyed; and shall retain in his office for public inspection the survey and plat until ninety days from the date of the first publication in Santa Fé shall have expired; and if no objections are made to said survey he shall approve the same and transmit a duplicate of the survey and plat thereof to the Commissioner of the General Land Office for his examination and approval; but if objections are made to said survey within the said ninety days by any party claiming to have an interest in the tract embraced in the survey or in any part thereof, such objections shall be reduced to writing, stating distinctly the interest of the objector, and signed by him or his attorney, and filed with the surveyor-general, together with such proofs as he may produce in support of the objections. At the expiration of said ninety days the surveyor-general shall transmit to the Commissioner of the General Land Office a duplicate of the survey and plat, with the objections and proofs filed with him in support of the objections and also of any proofs produced by the claimant, and filed with him in support of the survey together with his opinion thereon; and if the survey and plat are approved by the said Commissioner he shall indorse thereon his approval. If disapproved by him, or if in his opinion the ends of justice would be subserved thereby, he may require a further report from the surveyor-general of California touching the matters indicated by him or proofs to be taken thereon, or may direct a new survey and plat to be made. When the objections shall have been disposed of or the survey and plat are corrected or a new survey and plat are made in conformity with his directions, he shall indorse upon the survey and plat adopted his certificate of approval. After the survey and plat have been, as hereinbefore provided, approved by the Commissioner of the General Land Office, it shall be the duty of the said Commissioner to cause a patent to issue to the claimant as soon as practicable after such approval.

Also strike out the figure "3," in the first line of section 3, and insert the figure "4."

Mr. JOYCE. These amendments are offered in conformity with the recommendations of the Commissioner of the General Land Office, and with these amendments he recommends the passage of the bill.

Mr. Chairman, my sole and only purpose in taking the floor at this time is to place the matter now under consideration, and the committee which reported it, in a true and proper position before this House and the country, and at the same time do what I consider to be but a simple act of justice to a large class of poor but worthy citizens.

While I do not complain of the abuse which gentlemen have been pleased to pour out upon the committee, nor of the severe manner in which its conclusions have been criticised, yet I do desire to call the attention of the House to what I deem to be the very unusual manner in which the findings of the committee have been commented upon, and the line of argument pursued by the distinguished gentlemen, Messrs. HOLMAN and REAGAN, who have opposed this bill.

I only claim for the Committee on Private Land Claims what I am willing to concede to every committee of this House, common intelligence and honesty of purpose in the discharge of their duties.

I have the fullest confidence in all the committees, and the very highest admiration for the exalted integrity and eminent abilities of every gentleman composing this House, but, sir, if I have read the history of this country, for the past fifteen years, aright, I cannot conscientiously admit that the gentleman from Texas [Mr. REAGAN] embodies *all* the integrity, knowledge, patriotism, and honor there is in this House. I am willing he should wrap himself up in his share, but more than that we are not bound to admit. In his remarks upon this bill at the last session the gentleman said that "the committee have not examined these titles," that the gentleman who reported the bill "had not examined the records," and that it was clear to his mind "that the committee had not examined these titles or the records connected with them, and that they were unable to state the facts to the House."

This startling development of ignorance on the part of the committee and just reprimand for gross neglect of duty was followed by the cheering and somewhat egotistical announcement that the learned gentleman himself had given less than three hours' attention to the bill and documents connected with it, and that that little time had been sufficient to satisfy him that the friends of the bill were unable to state to the House the facts as they were then known to him from the little examination he had made.

Mr. Chairman, all I have to say in answer to these statements is that, if they are really true, the wisdom and powers of research of the distinguished member from Texas far surpass his modesty and good taste.

Now, sir, let us test the accuracy as well as the wisdom of the gentleman by the record.

On the 4th of February, 1876, this bill was reported to the House, and in the report the committee set forth the evidence before it, and the grounds and reasons of its decision, in the following clear and emphatic language:

The committee find, after a careful investigation, that each one of the claims or grants sought to be confirmed by this bill has been fully heard, examined, and passed upon by the surveyor-general of said Territory, in compliance with the provisions of the said act of Congress of 1854; and that he has reported in each case that said grants or claims are valid; that the claimants are either the heirs, personal representatives, or purchasers of the original grantees; that the proper and legal muniments of title have been filed, and are now in the proper office; and that, therefore, in his opinion, said private land claims are *bona fide*, and ought to be confirmed by Congress.

The committee have been influenced to a great extent by the findings and decisions of the surveyor-general, owing to the fact that in the hearing upon each case before him he had all the oral and documentary evidence of title and possession, which we have been unable to obtain, and which we do not now deem important in view of his findings.

Now, sir, I submit that this report not only put the House in possession of all the evidence and facts upon which the committee had acted, together with its decision upon the question, but also furnished sufficient data from which any intelligent man could for himself arrive at a correct and satisfactory conclusion.

Now, sir, on the 17th of March, this bill came up in Committee of the Whole for consideration, the report was read, and the whole matter pretty thoroughly discussed by gentlemen upon both sides. In the course of the discussion every fact, every piece of evidence, and every consideration which had been urged before the committee, or which had produced the least effect upon their minds in leading them to a favorable report, were fully stated and commented upon by the gentleman who reported the bill, and a vigorous but unsuccessful attempt made to refute them on the other side. In speaking upon this point, I then said:

We examined all the evidence presented before the surveror-general, in each one of these cases, to see whether, in each case, there was a full hearing and finding, and we based our report mainly upon the fact that these cases had all been adjudicated by that officer.

Now, Mr. Chairman, how can the gentleman from Texas, in the light of this record, stand up here and in a spirit of conceited egotism charge that the committee who had spent days in patient investigation of the subject and had made such a report and statement had not examined the titles or the records connected with these grants, and that they were unable to state the facts to the House, while he arrogates to himself a perfect knowledge of the whole question, gained by a casual inquiry of a few hours?

The gentleman also objects to this bill because too many claims are brought forward at one time, and that thereby members are denied the opportunity of looking into the facts and ascertaining the history of the claims, the legality of the rights, and the equities of the parties interested in them.

The House will readily observe the desperate straits to which the gentleman is driven for theories upon which to base his captious objections to this bill when it is remembered that each of the fifty-two claims sought to be confirmed by this bill is based upon the very same class of facts and principles of law, and that the bill now under consideration was introduced into the House on the 17th of December, 1875, and has been in the possession of every member since that time

The object of this bill is to confirm certain land claims in the Territory of New Mexico which were granted by Spain and Mexico previous to the treaty of Guadalupe Hidalgo, in 1848.

The country now comprising the Territory of New Mexico was held by Spain by right of discovery from an early period down to the time of the treaty of Cardovo in 1821, when Mexico declared her independence and severed her connection with the mother country. At that time this territory came under the jurisdiction of Mexico, and so remained until the treaty of Guadalupe Hidalgo between the United States and Mexico before referred to.

Thirty-seven of the claims set up in this bill were granted by the Spanish authorities while Spain held possession of the country, and the remaining fifteen were granted by Mexico after the establishment of her independence.

Under the government of Spain these grants of land were made to those who had rendered important and valuable services to the Crown in unlimited quantities, but in 1824, some three years after this territory came into the possession and under the jurisdiction of Mexico, a law was passed by the Mexican Congress, termed a colonization law, providing for the colonization of the territories embraced within the limits of the republic, and declaring that, after that date, no more than eleven square leagues of the vacant lands should be granted to any one person. Under the provisions of that act the fifteen claims sought to be confirmed by this bill, among a large number of others, were granted by the Mexican authorities, and possession taken under the said grants.

The war between the United States and Mexico was terminated by the treaty of Guadalupe Hidalgo in 1848, by the terms of which the Territory of New Mexico was ceded to the United States, an dfull possession given under the treaty.

With the acquisition of this Territory, not only its lands, but its people, were transferred to the jurisdiction of the United States, and brought under the control of our laws. It is a well-settled principle of the law of nations that the transfer of territory from one sovereign to another, including the lands of the people who inhabit them, is understood to pass the sovereignty only, and does not interfere with the rights of private property. The people change their allegiance, their relation to their ancient sovereign is dissolved, but their relations to each other and their rights of property remain undisturbed.

But the parties to this treaty were not, however, satisfied to let the rights of their citizens rest merely upon this well-known principle of public law, but inserted clauses recognizing these rights, and providing for their maintenance.

By the eighth article of that treaty it is provided that—

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside or to remove at any time to the Mexican Republic, retaining the property they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy, with respect to it, guarantees equally ample as if the same belonged to citizens of the United States.

Thus, as well by express treaty stipulation as by force of public law, the United States became bound to take care of and protect all grants of land which had been made under Spanish and Mexican authority, and to confirm the titles to such grants according to their terms and extent to the actual owners in such a manner as to make them safe and available.

In order, therefore, to give full effect to said treaty stipulations, and recognizing the spirit in which they had their origin, Congress, in July, 1854, passed a law providing for the appointment of a surveyor-general for New Mexico, and in section 8 of said act defined his duties in the following language:

That it shall be the duty of the surveyor-general, under such instructions as may be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico; and, for this purpose, may issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises. He shall make a full report on all such claims as originated before the cession of the Territory to the United States by the treaty of Guadalupe Hidalgo, of 1848, denoting the various grades of title with his decision as to the validity or invalidity of each of the same under the laws, usages, and customs of the country before its cession to the United States; and shall also make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos, respectively, and the nature of their titles to the land. Such report to be made according to the form which may be prescribed by the Secretary of the Interior; which report shall be laid before Congress for such action thereon as may be deemed just and proper, with a view to confirm *bona fide* grants, and give full effect to the treaty of 1848, between the United States and Mexico; and until the final action of Congress on such claims all lands covered thereby shall be reserved from sale or other disposal by the Government, and shall not be subject to the donations granted by the previous provisions of this act.

A surveyor-general for New Mexico having been duly appointed under the provisions of the aforesaid act, on the 21st of August, 1854, the Secretary of the Interior framed and issued to that officer a code of rules and regulations for his guidance in the discharge of his duties.

After reciting at length section 8 of the said act of 1854, the Secretary thus set forth what he considered was the duty of the surveyor-general under the law:

The duty which this enactment devolves upon the surveyor-general is highly important and responsible. He has it in charge to prepare a faithful report of all the land titles in New Mexico which had their origin before the United States succeeded to the sovereignty of the country, and the law contemplates such a report as will enable Congress to make a just and proper discrimination between such as are *bona fide* and should be confirmed, and such as are fraudulent or otherwise destitute of merit, and ought to be rejected.

He was also instructed upon his arrival at Santa Fé to at once possess himself of all papers and records relating to said land grants, to arrange and classify them and hold them in a place of security for reference and use.

He was further instructed to commence his sessions for the trial of said land claims "by giving proper public notice of the same in a newspaper of the largest circulation in the English and Spanish languages. He was to make known his readiness to receive notices and testimony in support of the land claims of individuals, derived before the change of government."

He was to "require claimants in every case, and give public notice to that effect, to file a written *notice* setting forth the name of 'present claimant;' name of the 'original claimant;' nature of claim, whether inchoate or perfect; its date; from what authority the original title was derived, with a reference to the evidence of the power and authority under which the granting officer may have acted; quantity claimed; locality, notice, and extent of conflicting claims, if any, with a reference to the documentary evidence and testimony relied upon to establish the claim, and to show a transfer of right from the 'original grantee' to present claimant."

He was also instructed to require of every claimant an authenticated plat of survey, if a survey had been executed, or other evidence, showing the precise locality and extent of the tract claimed.

This is indispensable in order to avoid any doubt hereafter in reserving from sale, as contemplated by law, the particular tract or parcel of land for which a claim may be duly filed, or in communicating the title to the same hereafter in the event of a final confirmation.

The effect of this will be not only to save claimants from embarrassments and difficulties inseparable from the presentation and adjudication of claims with indefinite limits, but will promote the welfare of the country generally by furnishing the surveyor-general with evidence of what is claimed as private property under treaty and the act of July 22, 1854, thus enabling him to ascertain what is undisputed public land, and to proceed with the public surveys accordingly, without awaiting the final action of Congress upon the subject.

He was also to take care to guard the public against fraudulent or antedated claims, and to bring the title-papers to the test of the genuine signatures, which he should collect of the granting officers, as well as to the test of the official registers or abstracts which may exist of the titles issued by the granting officers. In all cases, of course, the original title-papers are to be produced, or loss accounted for; and where copies are presented, they must be authenticated; and that his report should also state the precise character of the papers acted upon by him, whether originals or otherwise. Where the claim may be presented by a party as "present claimant" in right of another, he was to be satisfied that the deraignment of title is complete; otherwise, the entry and his decision were to be in favor of the "legal representatives" of the original grantee.

It was made his imperative duty to keep a correct journal of all his official acts, and to subject all papers under suspicion of fraud to the severest scrutiny and test, in order to settle correctly the question of their genuineness.

In closing his instructions to the surveyor-general the Secretary of the Interior thus set forth the duty and obligations of this Government with reference to these claims:

It is obligatory on the Government of the United States to deal with the private land titles and the pueblos precisely as Mexico would have done had the sovereignty not changed. We are bound to recognize all titles as she would have done; to go that far, and no further. This is the principle which you will bear in mind in acting upon these important concerns.

Since the passage of said act of 1854 and the appointment of the surveyor-general, a large number of the citizens of the Territory of New Mexico, claiming lands under Spanish or Mexican grants, have at various times filed their claims, and adduced evidence, oral and documentary, of their titles, in accordance with the provisions of said act, and the rules and instructions of the Secretary of the Interior and Commissioner of the General Land Office. Many of these claims have been duly heard, considered, and reported upon by the surveyor-general; and upon such reports Congress has confirmed them to the number of about seventy.

In 1860 claims designated by the surveyor-general as numbers 1, 3, 4, 6, 8, 9, 10, 12, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38, were by special act confirmed, with a proviso that claim No. 9 should not be confirmed for more than five square leagues and claim No. 17 for not more than eleven square leagues, to each of said claimants.

Claim No. 43 was confirmed in 1861; claims numbered 41, 42, 44, 46, and 47 in 1869; and claim designated as number 48 to the extent of eleven square leagues in 1870.

It is worthy of notice, Mr. Chairman, that all the claims thus confirmed by Congress were of precisely the same nature and in exactly the same condition as those embraced in this bill; had all been heard, considered, and reported upon favorably by the surveyor-general, and, with the exceptions I have stated, were all confirmed according to the bounds and extent designated in the grants, and without a previous survey.

By reference to the report of the surveyor-general we are enabled to see exactly how the hearings before him were conducted and how thoroughly each case was examined and tried. In the first place he issued his notice to all parties concerned to appear before him; then summoned the witness, and when all parties were present and everything was ready, the trial proceeded. The claimant first produced his petition to the surveyor-general for a hearing, which embraced all the facts material to his claim; then the original petition to the Spanish or Mexican governor, praying for the grant; next the decree of the governor, directing the proper officer to examine and report to him upon the location of the grant; the report of that officer; the grant of the land by the governor; the possession of the land given to the petitioner by the proper officer of the government; the distribution of the land among the petitioners, if more than one; decree of confirmation to each by the governor; the testimony of witnesses as to possession; and, finally, all the evidence of title, both oral and written, by any person interested in the claim.

Now, sir, with all this evidence before him, aided by a personal inspection of all the original papers, I know of no person in all the wide world that could possibly be better qualified to judge of the validity of these titles than the surveyor-general, unless it may be the distinguished gentleman from Texas.

Mr. Chairman, it seems to me, in the light of all the facts to which I have thus briefly alluded, that unless we assume that the surveyor-general was a fool or a knave, we must conclude that these land claims have been fully and fairly tried, and that there can be no danger in confirming them without further delay.

In accordance with the law of 1854, these cases have been from time to time laid before Congress by the Secretary of the Interior as they have been tried and reported upon by the surveyor-general, and although we are not bound by the opinions of the Interior Department, it may not be out of place or entirely unprofitable to refer to them. In his report for 1872 the Secretary says:

The Government in deciding upon the validity of these grants always appears to have been actuated by the most liberal principles, as evidenced both in the legislation of Congress and in the decisions of the Supreme Court concerning them. If the grants were incipient and inchoate at the date of the change of national sovereignty, under the treaty of Guadalupe Hidalgo, or if acquired in good faith, though imperfect in form, or defective in requisites not absolutely essential, they are recognized and confirmed. The claimant, therefore, under one of these old grants, though he hold in good faith but the color of title, may rely with confidence upon the Government for an equitable and generous consideration of his claim.

And again, in 1875, he calls the attention of Congress to this subject in the following urgent manner:

It is now more than twenty years since the surveyor-general of New Mexico commenced the examination of claims in that Territory, and he has since reported to Congress less than one hundred and fifty claims, though in 1856 he had more than one thousand upon his files, and of the number reported Congress has confirmed but seventy-one. From these data it will be seen that the probable date when the last of these thousand claims in New Mexico alone will be reported on and confirmed is in the far future.

In the mean time the claimants must wait without remedy, and their grants, which would be valuable if the title were completed by a United States confirmation or patent, must remain comparatively worthless, as is all property where the vendor offers for sale an incomplete title and prospective litigation. The settler dares not settle and improve land lest it be subsequently found to be within the limits of some unconfirmed and unsurveyed grant; and the United States, by such delay, not only loses the sale of its land, but, judging from past experience with private land claims in other localities, the development of the resources of that country will create additional incentives for the manufacture of fraudulent title papers, with the view of securing public land therewith. Each year's delay, with the consequent death of living witnesses and loss or destruction of ancient records relating to land, adds to the probabilities that such forged and otherwise fraudulent title papers will pass without detection the scrutiny of the officers whose duty it may become to determine their character.

The acting Commissioner of the General Land Office, in speaking of the claims embraced in this bill, under date of April 17, 1876, says:

The claims embraced in the proposed bill have been reported upon from time to time by the surveyor-general, from November 15, 1870, to December 24, 1874, and transmitted to Congress for action at various times from February 6, 1871, to January 7, 1875, thus running through a period of over five years, and, therefore, as a matter of right to the claimants, and to enable the surveyor-general to cause the surveys thereof to be made, and thus segregate the lands embraced in said claims from the public domain, I would recommend their early consideration by Congress.

It has also been claimed in this discussion that if these grants are confirmed the surveys ought to be at the expense of the claimants. In answer to the palpable injustice of such a proposition I desire to call the attention of the House to the statements of James K. Proudfit, late surveyor-general of New Mexico, upon this subject. In his report upon a number of these private land claims in 1873, he says:

These grants which are genuine and so admitted by our proper authorities are not public domain. They are simply and clearly private property, as much so as any man's farm in the older States. To force the owners to pay for separating them from the public domain is subjecting them to a "charge" which is prohibited by the treaty. The expense of all these surveys which have not been already executed will probably not cost to exceed $70,000; but be the cost more or less, the stipulations of the treaty ought to be carried out in good faith and the nation's honor maintained.

But setting aside the rights of grant-owners under the treaty, I have no doubt but that as a matter of business management it would be good and economical policy for the Government to make these segregations at its own expense. During over eleven years that the law has stood as now, but six of these grants have been surveyed. This is a pretty good indication of the feeling of the owners, and shows what the fact is, that they are waiting for the Government to return to its former practice, and what was, previous to 1862, admitted on all hands to be its duty under the treaty. From this it would seem to be unimportant to provide any means of adjusting the titles unless at the same time provision is made for the survey. A mere adjudication will not determine the *locus* of the land, or its shape and area. A survey is necessary for that purpose.

The Government is far more interested to know where its land lies and how much it has than the grant-owners. The latter usually know very nearly their position, and may sit still in their houses with their muniments of title protected by solemn treaty, and cannot legally be disturbed. At least that is their opinion, and they persistently act upon it. It seems to me that these grants or farms may be compared to lakes in the public domain. When we come to a lake in surveying, what do we do? Why, we meander its banks to ascertain how much land we have, or in other words we run its boundary or exterior lines, which is all that is required in the case of a grant. It is also an undoubted fact that if these grants be not surveyed, and the public surveys are prosecuted with due diligence, many lines will run over unascertained grants, all of which will be a useless expense, and may be saved by merely running the exterior lines of the grants. The people think, and it seems to me not without reason, that they ought not to be required to do anything different from what would have been required of them by the Mexican government had they remained under it, in order to enjoy the property which they held previous to the American acquisition, nor required to go to any expense or trouble to secure it, and such was doubtless the spirit and intent of the treaty. All the statements and arguments of your report of last year in regard to these surveys in California apply with equal force to the situation in this Territory.

It is not only for the benefit of the claimants that the land embraced in these grants should be surveyed and segregated from the common domain, but the Government is also deeply interested in having it done at the earliest practicable moment.

Under the provisions of the act of 1854, these lands are reserved and held from the market until confirmation by Congress and survey by the Interior Department, whereby and in consequence of the uncertain extent of these grants before they are surveyed vast quanti-

ties of the public lands are liable to be, and no doubt are, kept out of the market, and immigration greatly retarded by the refusal of this Government against its own interest to fulfill a solemn treaty obligation. This view of the subject was entertained by the last Congress, and resulted in the repeal of the act of 1862, which provided that the cost and expense of platting and surveying these private land claims should be paid by the claimants. As the law now stands, they are to be paid by the Government as provided by treaty stipulations.

The gentleman from Indiana in his remarks upon this bill spoke of these lands as belonging to the United States. This is a mistake. These lands do not now belong to the Government, and never did. At the time of the cession in 1848 these lands belonged to private individuals, and the claimants are as much entitled to them now, by virtue of the terms of that treaty and the force of public law, as they were while Mexico retained jurisdiction of the territory. It is not, therefore, a donation of land by the United States to these claimants, but the performance of a plain and sacred duty, under the solemn compact of Guadalupe Hidalgo, that is demanded by this bill.

If these grants were valid under the laws of Spain and Mexico they ought to be confirmed by this Government to their full extent, irrespective of any question as to their amount; it was a duty and a burden we assumed when we came in possession of that territory, and no factious objections or hair-splitting theories will justify us in denying equal rights and justice to this large class of our citizens.

It has been urged here that if these claims are valid and the titles good there is no need of this act of confirmation. In answer to this I would remind the gentleman that these grants were mere concessions on the part of Spain and Mexico to the grantors and ancestors of these claimants, that under our Government they have now a mere inchoate title, and can have no standing in court until they are armed with a United States patent, which cannot be granted until the grants or concessions are confirmed by Congress and surveyed under the authority of the Department of the Interior.

From data obtained from the General Land Office, the approximate number of acres of land covered by the claims and sought to be confirmed by this bill probably exceeds two and one-quarter millions, and as near as can be estimated, the number of present claimants will reach, as I am informed, 32,000, so that when the land is properly divided between them it will be a little less than eighty acres to each one.

The names of all these claimants could not be given in the bill, as in some instances, as I am informed, these grants embrace whole towns and villages, in which are many hundreds of people.

Another estimate which has been made by parties who claim to have knowledge upon the subject is that the claims sought to be confirmed by this bill cover an area of 1,409,599 acres—that the number of original grantees was 1080, and that the number of people who now claim an interest in these claims, and who now reside upon them, is nearly 39,000.

It is admitted on all hands that it is due to the Government and also to the claimants that these grants be speedily settled in some manner, and yet no one opposed to this confirmation brings forward any proposition by which it can be accomplished except under the law of 1854.

The gentlemen who oppose this bill claim that the surveyor-general is not a fit person to settle these land titles; that he is not a judicial officer; that there is no power nor efficacy in his decisions and that the whole matter should be tried and determined by a court.

Sir, the law under which that officer has conducted the examination of these land claims and reported them for confirmation has been in operation twenty-two years, thousands of dollars have been spent by the claimants in the preparation and hearing of cases before him, and over seventy of them have been confirmed by Congress without any serious opposition.

Now, sir, in view of all this, what evidence have we that the decision of a court would be any more satisfactory to these gentlemen than the opinion of the surveyor-general?

The legal presumption is that that officer is a competent person to discharge the duties of his office and that he has done so honestly and faithfully; and, as a matter of fact, in this case there is no evidence or suspicion even to the contrary. But, sir, it seems to me that these gentlemen are determined to be satisfied with nothing, that they are bound to object and find fault, and that therefore it makes very little difference with them what provokes it or what it is about.

It has been seriously argued by gentlemen opposed to this bill that there has been no possession under these grants, and that the land is now in the hands of sharpers and speculators.

The report of the surveyor-general, and the papers accompanying it, show conclusively that most of these lands are now claimed by the heirs and personal representatives of the original grantees, and that possession has come down to them in regular order from their ancestors; and instead of the grants being, as has been claimed, "vague and shadowy," they are founded in justice, and are the *bona fide* claims of poor but honest men.

It has been more than intimated, Mr. Chairman, during this debate that there is some fraud connected with this matter, and gentlemen have said that they were afraid there was some swindle in it. If there is, sir, the committee failed to discover it. Instead of presuming that the surveyor-general was a rogue and a knave, we assumed that he was an honest man, and that he had fairly and in good faith heard and reported upon these claims. We gave full faith and credit to his findings and based our decision mainly upon his report and copies of papers which he has sent up with it. We could not go to New Mexico to inspect all the original papers used before him, and so we accepted as true and correct the certified copies filed by him in the Department of the Interior. There they are, and gentlemen have the same opportunities which the committee had to examine them and decide for themselves; because I wish it distinctly understood that the committee reported this bill favorably because they believed that the report of the surveyor-general was a true and honest report, and that the copies of papers sent up by him were true copies. If there is fraud in this simple prayer for confirmation, you can detect it as well as we.

In 1854 you passed a law providing for the settlement of these claims, and informed the people of New Mexico in effect that if they obtained a favorable report upon their claims from the officer you had appointed you would confirm them and settle their titles. Relying upon your promise, trusting in the plighted honor of this great nation, they have in good faith and at great expense, in pursuance of your laws, prepared their cases, appeared before the surveyor-general with all their papers and witnesses, and after a patient investigation of the whole case have satisfied him that their claims are *bona fide* and ought to be confirmed.

They have fully and honestly performed their part of the contract, and after years of anxious waiting by them it only remains now for Congress to perform its part.

Something has been said here in reference to the character of the official acts of the surveyor-general in the settlement of these claims. Now, sir, for one I do not and never have claimed that his acts were judicial. On the contrary, I hold that he acts as the agent of the Government in carrying out the provisions of the law of 1854; he does what he is commanded to do by that act and sends a report of his doings to Congress. Congress is not legally bound, the Government is not concluded by his report or his decision, but may repudiate and set aside both and decide the other way. But, sir, I do claim that when he follows the requirements of the law and reports a claim here for confirmation, unless we know or can discover some fraud or irregularity in the proceedings, Congress is morally bound to indorse his report and confirm the claim; and if it cannot confirm them upon his report, it is its duty to provide some other means by which the solemn promise in this treaty can be fulfilled.

The bill provides that the confirmation of these claims shall merely operate as a relinquishment or quitclaim of all title or claim on the part of the United States to any of the lands embraced in said grants, and shall not in any manner affect the adverse rights of others; that the Government shall survey the lands at the expense of the United States in conformity with the law governing the public surveys, and issue patents therefor, no grant bearing date subsequent to August, 1824, to exceed eleven square leagues of land.

Now, Mr. Chairman, I have, I believe, called the attention of the House to every part and portion of the matter embraced in this bill, and attempted to answer every objection urged against its passage. The committee have no feeling or anxiety, and never have had, about this question, only such as is common to every member of the House, and that is, to arrive at a just conclusion and do exact justice between the Government of the United States and these claimants. For that purpose I have labored in committee and have now taken so much of the time of the House.

I urge no man, I ask no man to vote for this bill unless he is satisfied that it is all right. I have carefully examined the whole subject and shall vote for it because I can discover no fraud, no irregularities, and no wrong in it, and because it is in fulfillment of a solemn treaty obligation, an act of justice to the people of New Mexico, and because I believe it is right.

I yield the residue of my time to the gentleman from New Mexico, [Mr. ELKINS.]

Mr. ELKINS. I would like to inquire how much time I have.

The CHAIRMAN. The gentleman has ten minutes remaining of the hour to which he was entitled.

Mr. ELKINS. I understand that when this bill was last before the House debate was limited to one hour and a half. Am I correct?

The CHAIRMAN. The Chair can find no such record.

Mr. ELKINS. On my own motion, I am sure, that order was made when the bill was last up. It was twice postponed on account of absence of the gentleman from Vermont who has just spoken. I believe the gentleman from Missouri [Mr. BUCKNER] will remember that such an order was made.

Mr. BUCKNER. I think that is so.

Mr. ELKINS. The chairman of the Committee of Claims [Mr. BRIGHT] will also no doubt recollect it.

Mr. BRIGHT. My recollection does not serve me at all. I shall have to appeal to the record.

The CHAIRMAN. The Chair will state the history of the bill so far as the RECORD shows it. It was debated on the 17th of March nearly all afternoon. On the 31st of March it came up and by general consent retained its place on the Calendar. It was again debated on the 9th day of June, 1876. During one of these debates the gentleman from Indiana [Mr. HOLMAN] sought to obtain the floor to make a motion to strike out the enacting clause. The RECORD shows

he attempted to make that motion but failed to get the floor in order to have the motion properly made:

Mr. HOLMAN. In order to test the sense of the committee on this bill, I move to strike out the enacting clause.

Mr. HANCOCK. I believe I am recognized, and do not yield to the gentleman from Indiana for that purpose.

So the motion was not really entered regularly.

One hour and a half seemed to be assigned for the further consideration of this bill for debate. Of that time fifty minutes have been exhausted. The gentleman from Vermont [Mr. JOYCE] yields the remaining ten minutes of his hour to the gentleman from New Mexico.

Mr. ELKINS. I think, if I can have the attention of the House in the brief time allowed me, I can make this case plain; and in order to a proper understanding of the question, I ask the section of the law be read which I send to the Clerk's desk, under which the surveyor-general of New Mexico proceeded to adjudicate the claims now sought to be confirmed by this act.

The Clerk read as follows:

SEC. 8. *And be it further enacted*, That it shall be the duty of the surveyor-general, under such instructions as may be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico; and, for this purpose, may issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises. He shall make a full report on all such claims as originated before the cession of the territory to the United States by the treaty of Guadalupe Hidalgo of 1848, denoting the various grades of title, with his decision as to the validity or invalidity of each of the same under the laws, usages, and customs of the country before its cession to the United States; and shall also make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos respectively, and the nature of their titles to the land, such report to be made according to the forms which may be prescibed by the Secretary of the Interior; which report shall be laid before Congress for such action thereon as may be deemed just and proper with a view to confirm *bona fide* grants and give full effect to the treaty of 1848 between the United States and Mexico; and until the final action of Congress on such claims, all lands covered thereby shall be reserved from sale or other disposal by the Government and shall not be subject to the donations granted by the previous provisions of this act.

Mr. ELKINS. Now, Mr. Chairman, here is a positive act of Congress, authorizing the mode and manner by which these claims should be adjudicated, passed twenty-three years ago. Some of the claims before Congress have been adjudicated by the surveyor-general as long as eight or ten years ago. I wish to claim, on behalf of the people of New Mexico whose titles are involved, that in the passage of this law they had no voice; the Government, on its own motion, proceeded in its own way to provide means and prescribe rules which the people *nolens volens* had to obey as the law of the land, and the officers of the Government, in almost an *ex parte* manner, under this law, have adjudicated these claims, while the people themselves have only enjoyed the privilege of presenting them and their witnesses to prove occupation and possession.

The Government of the United States conferred upon the surveyor-general power to ascertain whether the grants were fraudulent and void or proper and valid under the laws of Spain and Mexico. The claims reported in this bill and asked to be confirmed are such, and only such, as had passed the examination of the surveyor-general and have been by him adjudicated in pursuance of law. The surveyor-general, for the purpose of carrying out the law, was invested with quasi-judicial functions. He summoned the claimants to come before him with their original grants and muniments of title made by Spain or Mexico and deposit them in the archives of his office. He then, in pursuance of instructions from the General Land Office, fixed a day for the hearing, summoned witnesses who were examined in each case. After examination he rejected or recommended for confirmation, as he saw fit. Of course the claims which have been rejected are not before Congress, but only such claims as he has approved, recommended for confirmation, and sent forward asking the favorable action of Congress; and the claims determined after investigation to be just and valid are those incorporated in this bill by their appropriate numbers.

I appeal to the House whether it is right or just to impose a law upon the people of New Mexico fixing a certain mode and manner of adjudicating their grants derived from Spain and Mexico, and then, when twenty-five years have passed, refuse to sanction the acts of its officers under that law. In California you conferred this power upon the courts, and the courts have been proceeding for twenty years to adjudicate and confirm these grants, and have adjusted and disposed of as many as four or five hundred. In New Mexico, Congress at its own instance, without consulting the wishes of the people, conferred the power of adjudication upon the surveyor-general; and I regret to say that, owing to its refusal to carry out the law, only forty-nine of these claims have been adjudicated and settled in twenty-three years. This course on the part of Congress has been, and is now, in plain violation of the treaty of Guadalupe Hidalgo, and shows a determined and persistent hostility to these property-holders, who have title from the governments of Spain and Mexico.

Now, gentlemen, what remedy do you propose? You are obliged by solemn treaty obligations to protect the people in their rights and property and do justice in the premises. You are obliged to recognize the titles of these people to these lands, and what do you propose? Some gentlemen say, "Why, have a court." Well, as far as a court is concerned, I brought a bill into this very House in the Forty-third Congress for that purpose, but the proposition met with no favor on account of the expense, as alleged by some. Some gentlemen propose a commission. That proposition I introduced here in the form of a bill, and it died after being reported by the committee. You refuse to carry out existing law by following the recommendations of the Surveyor-General, which would settle these Spanish and Mexican grants, and not only do this, but refuse to devise or permit any other means or method by which they may be adjudicated.

Now, gentlemen, what are we to do about these claims? What remedy are these people to have? The titles of New Mexico are in a state of perfect confusion. You do not know, nor can you tell, where the land-grants are or where the public domain is; and the object of this bill is to have the Government determine these questions. It is unjust for the Government to allow the lands to remain in this position; it not only discourages emigration to the Territory, but prevents the settlement of the public lands. It is unjust for the United States not to recognize the titles of these people.

Gentlemen make a mistake who think that this bill grants lands belonging to the Government of the United States. The title never was in the Government of the United States. It was in the governments of Spain and New Mexico, which granted the lands according to law to these claimants; and they have been in possession of these lands, some of them for two hundred and fifty years, and most of them for more than one hundred years. The object of this bill is to fix and determine the limits and boundaries of these grants.

Mr. Chairman, the people, as I have said before, have proceeded according to law and done everything you required of them. They have been put to great expense. They have employed lawyers and summoned witnesses, at their own expense, to prove up their claims. They have deposited with the officers of the Government their original titles, as made to them by Spain and Mexico, copies of which, duly certified, together with all the testimony taken in each case, have been before the Committee on Private Land Claims; and the committee unanimously say they should be confirmed. And why gainsay their action? Gentlemen will not take the trouble to look into these grants, nor will they trust the committees and the General Land Office. It is easy to object to anything brought into the House, but if you will take up these claims and the evidence, one by one, as your committee have done, and examine them, you cannot but come to the conclusion that they are proper, just, right, and valid, and ought to be confirmed and the title of the claimants put at rest.

No committee of Congress nor any officer of the Government who has examined them has ever questioned them.

Now, I want to say a word—and I have but a moment remaining—as to the extent of these claims. I have a compilation here which nearly corresponds to one made in the Land Office, in answer to a letter from the chairman of the committee. The number of these grants, I believe, sought to be confirmed, is fifty-four. There were ten hundred and eighty original grantees, and the age of the grants averages one hundred years. There are, by computation, now about thirty-nine thousand owners, descendants and purchasers from the original grantees, and there are fifteen towns on these grants, owned by people who hold under the original grantees or their heirs, successors, and assigns. These include some of the largest towns in New Mexico; and, except by the action of Congress, you cannot have the titles adjudicated. Unless there be action by Congress, everything is left in a state of hopeless confusion. Those fifteen towns contain a population of twenty-three thousand people, and there are fifteen thousand on other portions of these grants, all holding under the original grantees, in some form or shape. The Government refuses to say or permit its surveyor-general to say where the boundaries are. You need not be afraid about your public domain suffering by the passage of this bill. These lands never belonged to you; never. They belonged originally to the governments of Spain and Mexico, who granted them to the people who now ask Congress to simply recognize their rights.

[Here the hammer fell.]

Mr. ELKINS. I ask that I may be permitted to print, as part of my remarks, the abstract I have referred to.

There was no objection. The abstract is as follows:

Abstract of land grants situate in New Mexico, numbered from 49 to 104 inclusive, showing the number of original grantees, and approximately the number of acres in each grant, dates of grants, &c.

No. of grant.	Title.	Date of grant.	Original grantees.	Approximate area in acres.	Remarks.
49	Nuestra Señora de la Luz.	1753	12 and heirs.	30,996	
50	Cañada de los Apaches.	1769	1 and heirs.	106,272	
51	Ojo del Medio	1785	1 and heirs.	3,840	
52	Tract near Santa Fé	1785	1 and heirs.	5,980	
53	Cañada de los Animos.	1785	4 and heirs.	40,000	
54	Cuyamungo	1731	3 and heirs.	5,000	Town of 400 people now.
55	Encinas	1841	1 and heirs.	20,500	
56	Gotera	1830	7 and heirs.	600	
57	Maragua	1840	8 and heirs.	300	
58	Rancho del Rio Grande	{1795?} {1837}	10 and heirs.	500	
59	Serrillos	1788	1 and heirs.	600	

Abstract of land grants situate in New Mexico, &c.—Continued.

No. of grant.	Title.	Date of grant.	Original grantees.	Approximate area in acres.	Remarks.
60	Town of Galisteo	1798	250 and heirs.	800	Town of 600 people now.
61	Cebollas	1846	5 and heirs.	200	
62	Town of Cieneguilla	1795	20 and heirs.	40,320	Town of 400 people now.
63	Caja del Rio	1742	1 and heirs.	40,000	
64	Mesita de Juana Lopez.	1762	3 and heirs.	69,120	
65	Cañon del Rio Tesuque.	1752	1 and heirs.	61,440	Town of 400 people now.
66	San Juan del Nacimiento.	1769	36 and heirs.	40,000	
67	San Clemente	1716	1 and heirs.	41,000	Town of 3,000 people now.
68	Tract near Santa Fé.	1732	1 and heirs.	475	
69	Alamitos	1840	12 and heirs.	800	
70	Estancia	1845	1 and heirs.	49,500	Was originally 320,000 acres.
71	Cañon de Chama	1806	25 and heirs.	184,000	Town of 800 people now.
72	Apache Spring	1842	1 and heirs.	49,000	
73	Piedra Lumbre	1766	1 and heirs.	5,000	
74	Tract near Santa Fé	1742	2 and heirs.	1,300	
75	Sierra Mosca	1846	1 and heirs.	49,500	Was originally 115,200 acres.
77	Town of Ojo Caliente.	1793	53 and heirs.	92,160	Town of 1,200 people now.
78	Ojo San Miguel	1767	1 and heirs.	23,040	
79	Arroyo de San Lorenzo.	1825	1 and heirs.	9,600	
80	Tract in Santa Fé County.	1699	1 and heirs.	3,000	
82	Tract near Santa Fé	1742	1 and heirs.	240,000	
83	Town of Bernalillo	1701	1 and others for self.	18,000	Town of 1,500 people now.
84	Angostura	1745	1 and heirs.	6,400	Town of 300 people now.
85	Colony of Doña Ana Bend	1839	68 and heirs.	31,000	Town of 3,500 people now.
86	Colony of Mesilla	1853	300 and heirs.	21,000	Town of 4,000 people now.
87	Tract near Santa Fé	1806	4 and heirs.	2,000	
88	City of Santa Fé	(*)	200 and heirs.	8,000	City of 7,000 people now.
89	Talaya (prior to)	1731	1 and heirs.	34,560	
90	Colona of Refugio	1852	10 and heirs.	13,646	Town of 1,000 people now.
91	Town of Alameda	1710	1 and heirs.	10,000	Town of 1,500 people now.
92	Town of Jacama	1702	1 and heirs.	200	Town of 300 people now.
93	Cañon del Rio Grande.	1836	3 and heirs.	200	
94	Uña del Gato	1839	2 and heirs.	150	
95	Town of Cevilleto	1819	2 and heirs.	10,000	Town with 1,000 people now.
96	Slope of Navajo country.	1768	4 and heirs.	8,000	
97	Tract in Navajo country	1768	3 and heirs.	2,000	
98	Tract of Caballeta	1768	3 and heirs.	2,000	
99	Tract in Santa Ana County.	1767	3 and heirs.	11,000 7,000	
100	Tract in Santa Ana County.	1766	2 and heirs.	8,000	
101	Tract in Santa Ana County.	1762	1 and heirs	500	
102	San Marcos	1754	1 and heirs.		
103	Santa Ana County	1769	1 and heirs.	200	
104	Encinol	1768	3 and heirs.	700	
	Total		613 and heirs.	170,356	

*Time out of mind.

Schedule of towns situate on these grants.

Name of town.	No. of grant.	No. of inhabitants now residing in said towns.
Cuyamunge	54	400
Galisteo	60	600
Ceneguilla	62	400
Tesuque	65	400
Chuma	71	800
Ojo Caliente	77	1,200
Bernalillo	83	1,500
Angostura	84	300
Doña Ana	85	3,500
Mesilla	86	4,000
City of Santa Fé	88	7,000
Refugio	90	1,000
Alameda	91	1,500
Jacama	92	300
Cevolleta	95	1,000

A total of 15 towns and 23,900 people.

It is estimated that at least 15,000 people reside on the other grants included in the first statement herewith, not mentioned in the schedule of towns, who claim the right to the lands mentioned by descent or through purchase from the original grantees or their heirs.

RECAPITULATION.

	Original grantees.	Acres.
From folio No. 1	304 and heirs	215,588
From folio No. 2	165 and heirs	1,023,655
From folio No. 3	613 and heirs	170,365
Total	1,082 and heirs	1,409,599

Approximate number of heirs and descendants of original grantees, 15,500, (a low minimum,) and the total number of acres at 1,409,599, will show an average of 91 acres to each of said heirs.

This schedule shows in towns, 23,900 people.

Residing on grants and not in towns, 15,000 people.

Making about 38,900 people who are now living on these grants, and who are interested in the passage of this bill to forever quiet and set at rest their titles to lands granted to them or their ancestors or acquired through purchase from the original grantees.

One of said grants, town of Santa Fé, was made time whereof the memory of man runneth not to the contrary.

Five of said grants were made one hundred and seventy-five years ago.

Three of said grants were made one hundred and fifty years ago.

Six of said grants were made one hundred and twenty-five years ago.

Eleven of said grants were made one hundred years ago.

Thirteen of said grants were made from seventy-five one hundred years ago.

Fifteen of said grants were made from thirty-five to seventy-five years ago.

The time since the grants enumerated herein were made will average more than one century.

Mr. ELKINS. I now ask for a vote. I understand it appears from the RECORD that the debate is limited to an hour and a half.

The CHAIRMAN. The gentleman will read the RECORD.

Mr. ELKINS. I read from the RECORD of January 20, page 7:

MR. ELKINS. I move that all debate in Committee of the Whole on the bill (H. R. No. 344) to confirm certain private land-claims in the Territory of New Mexico be limited to one hour and a half.

The motion was agreed to.

I do not understand that an hour and a half has been occupied in debate.

The CHAIRMAN. Has there been any debate since that order was made until to-day.

Mr. ELKINS. There has been no debate. The consideration of the bill has been put off from time to time on account of the absence of the gentleman from Vermont, [Mr. JOYCE.]

Mr. REAGAN. I understand that there are thirty minutes yet remaining for debate?

The CHAIRMAN. Only one hour has been thus far occupied in debate. A half hour still remains.

Mr. REAGAN addressed the Chair.

Mr. ELKINS. I yield the gentleman from Texas five minutes.

Mr. REAGAN. I do not accept any time from the gentleman. I am on the floor in my own right.

Mr. ELKINS. I submit that I am on the floor; and I do not see how the gentleman from Texas and I can occupy the same place at the same time.

The CHAIRMAN. The gentleman from New Mexico was speaking in the time of the gentleman from Vermont, [Mr. JOYCE.]

Mr. ELKINS. The gentleman from Vermont yielded me the rest of his time.

The CHAIRMAN. The gentleman from Vermont had no more time than one hour altogether. The gentleman from Texas is entitled to the floor.

Mr. REAGAN. I do not propose to go into any elaborate argument. I called attention to some features in relation to this bill in its discussion during the last session. I have made no subsequent investigation, and indeed I did not know that the bill was coming up at this time.

I then called attention to the fact that the great body of the people of New Mexico were simple-minded and pastoral people. Perhaps, as the gentleman from New Mexico suggests, they do not know this matter is pending; they may not know that a measure is pending before this House which involves the right of thousands of citizens of New Mexico to their homes. Now, it is said that this bill merely allows a quit-claim title to those people whose titles are defective, and that it protects the adverse rights or claims of persons claiming the same land. I do not undertake to quote the language of the act, but that is the substance of it. If this bill passes, it gives these humble, poor, and pastoral people a title, which was guaranteed to them by the treaty of Guadalupe Hidalgo between the United States and Mexico. It is insisted this morning by the gentleman from Vermont [Mr. JOYCE] and by the gentleman from New Mexico that, under the treaty of Guadalupe, the rights of Mexicans were secured. I cannot now go into a history of the matter, but an article was inserted in the treaty which was intended to affect the rights of the claimants under Mexican and Spanish titles. The Senate left that article out, and left them to claim their rights as they existed when the treaty was made. Now, by this action, their legal rights were secured to them. If they had a title it was secure, and if they had no title, then it was an execution of the provisions of the treaty to give them a title.

It has been said by the gentleman from New Mexico, and was be-

fore said by the gentleman from Vermont, that these men claimed their lands by titles running back a hundred or two hundred years. When I spoke upon this subject last session I had to call attention to the testimony of some witnesses, and the gentleman from Vermont, in reviewing my remarks upon that occasion, did not comment upon that portion of my remarks in which I showed from the report that there were men before the commissioners who made this report, who testified to facts from one hundred and four years before this time. I wish the gentleman from Vermont had thought it fit to go back and inquire into the question of longevity and memory of these witnesses.

I devoted but a brief time to the examination of this question, but I find upon examining the record that it was full of contests over these claims. It is asserted that they have titles from one to two hundred years old and have held their property by possession. If they have titles under the law, no law of Congress can make them better. They are as good as the law can make them.

Mr. BUCKNER. Did not Congress pass a law settling these land titles in California?

Mr. REAGAN. I am not now going into that question.

Mr. BUCKNER. Did not the treaty of Guadalupe Hidalgo cede to the United States the whole territory of California, subject to the rights of private claimants?

Mr. REAGAN. It ceded to the United States the national sovereignty and the right of eminent domain under the treaty, but it did not cede the right of an individual. On the contrary, all the rights of the owners, heirs, and assigns of lands were preserved. Therefore I come back to the proposition, which nobody can deny or dispute, that if they had titles then they have titles to-day. If they had titles which could be maintained then, they can maintain them now against the United States and the whole world.

Mr ELKINS. If they had titles, and the statement of the gentleman from Texas is true, why did Congress pass the act of 1854?

Mr. BUCKNER. Judah P. Benjamin was the author of that act, and he knew all about these titles.

Mr. REAGAN. I have great respect for Mr. Benjamin's legal ability.

Mr. ELKINS. I would like the gentleman, who apparently understands this question, to answer mine.

Mr. REAGAN. I do not know the particular facts which gave rise to that legislation, but I do know that where there are millions of acres of land involved, there is power brought to bear upon the House sometimes to do very foolish things. It is not citizens of New Mexico who asked this act.

Mr. ELKINS. Who was it, then?

Mr. REAGAN. It was those whose titles are disputed and who would monopolize the lands of New Mexico. If they had a title under the treaty, their title is just as good as the law can make it; if not, it is but an effort to extend the treaty so as to give them a gratuity.

Mr. GUNTER. Why did Congress pass the law of 1854 appointing a commission to investigate these titles and report, and why does the Commissioner of the Land Office ask that these claims be confirmed by Congress?

Mr. REAGAN. I have already made an answer to that question, but I will repeat it for the benefit of the gentleman from Arkansas, [Mr. GUNTER.] There have been many occasions, unfortunately, in the history of this country when legislation has been procured from Congress for the benefit only of monopolies and land-grabbers.

Mr. GUNTER. I state to my friend from Texas [Mr. REAGAN] that the same course was pursued in regard to lands acquired from France and Spain.

Mr. REAGAN. The precedent in the case of land obtained from France and Spain can hardly be invoked, because by the terms of the treaties and by the action of the Government the recognition of the titles of citizens of the territory acquired had much more scope than that given to rights of the Mexicans under the treaty with Mexico.

Mr. GUNTER. Allow me to ask the gentleman one other question. How is it that these parties claiming, if their titles are good, can designate them until they are recognized by Congress and a survey made?

Mr. REAGAN. That was what I was coming to when the gentleman first interrupted me. If I can understand what force and effect is intended to be obtained by the passage of this law, it relates to the very question which the gentleman has propounded, that is, to the ascertainment of boundaries, to the investiture of titles not according to the due course of law. If these claimants had titles they held them either by prescription or by grant. If they were held by prescription the means of perpetuating the knowledge of the titles was as good in the courts of the country as it is in an *ex parte* proceeding before the House of Representatives.

If the object be, as I affirm my judgment to be, that it is a part of the object of this bill, upon *ex parte* proceedings before this House, to enlarge grants, to give enormous lots of land not legitimately embraced in the grants, then I call attention now to a matter to which I called attention last session of Congress, that is, that the policy of this Government has been to secure homesteads on the public lands to all her citizens, and not to encourage monopolies of vast amounts of the public domain. Why, if the Government's bounty is appealed to, should fifty thousand acres of land be given to a citizen of New Mexico, when to a citizen of any other Territory you give only one hundred and sixty acres of land which would constitute a convenient and reasonable homestead? If I am right in my supposition as to the object and intent of this proposed legislation, then it is an overturning of the settled policy of this Government in the disposition of the public domain. Either that is so, or else it is true that we are proposing here to do a vain thing, a useless thing—to confirm titles which in themselves are perfect according to the law.

Mr. GUNTER. If this commissioner was appointed under an act of Congress, with judicial power or authority to investigate these claims under the sanction of an oath, and if he did investigate them, and made first his findings and then his report, does not that finding and report stand in the attitude of a judgment, and is not the presumption of law in favor of that judgment?

Mr. REAGAN. I will not now attempt to go so far as to determine the question whether the action of the commissioner under that law has the force of a judgment. The law did not authorize him to pronounce such a judgment, but directed him to collect facts for the information of Congress.

Mr. GUNTER. The law authorized him to make a finding in the matter as to the justness of the claims, and to report them to the Commissioner of the General Land Office, which he did.

Mr. BUCKNER. I understand the gentleman from Texas [Mr. REAGAN] to say that this is a superfluous thing. I would like to have him tell the House what is the distinction between Congress legislating in regard to the rights of the people of New Mexico and legislating in regard to the rights of the original settlers of California.

Mr. REAGAN. My friend cannot expect me to go into that question now in the few minutes which are left me. There are many members in the House who understand the course of legislation upon these matters and the distinction to which I have referred. I will go back to the proposition with which I started, that if these claimants have titles, as it is affirmed they have, then by this bill you cannot make those titles any better. If they did not have titles at the time the treaty was made, then it is not any execution of the provisions of that treaty to give them titles now, but it is simply a donation of the public land in violation of the system which has been adopted and pursued by the Government of the United States.

Mr. BUCKNER. I want the gentleman to understand that as a legal proposition I undertake to say that the Congress of the United States has decided that no man, by virtue of the treaty alone, has any rights in these lands, but it is purely a political obligation on the part of the Government to confirm their just claims. In other words, no claimant can go into a court of justice and maintain an action of ejectment by virtue of this treaty alone.

Mr. REAGAN. The Constitution of the United States, the treaties made by the United States, and the acts of Congress, constitute the law of the land. The treaty of Guadalupe Hidalgo secured the rights of owners of property in the territory ceded to the United States.

Mr. BUCKNER. And the courts have held that that is only a political obligation.

Mr. REAGAN. With all respect to the legal knowledge and information of my friend, I must totally dissent from the accuracy of his proposition. Such is not the law; such is not affirmed by any law-writers, by any judicial decision, or by any public man in the country having knowledge of the subject.

Mr. ELKINS. I must repel the imputation that this is a bill in the interest of monopolists. There are thirty-nine thousand people interested in these grants, and evidence to this effect is before the House, supplied by the surveyor-general of New Mexico and the Land Office. That is a sufficient answer to that point.

I do not know which is worse, the confusion of the gentleman's [Mr. REAGAN'S] argument, or his absolute want of knowledge of the subject he attempts to discuss. The gentleman does not understand the proposition, neither as to the law nor the facts. I say that this bill is for the purpose of determining the limit and boundaries of these grants. Determined by whom? Not by the claimants, but by the Government through its officers. The bill provides that you shall send your own officers on the ground to fix and determine these limits, and to say that the United States for its part has no right or title in these lands. It does not ask you to grant any lands to anyone, but to define the limits of the grants made by Spain and Mexico.

This act does not make any new grant of law to the citizens of New Mexico for 50,000 acres or any other amount. The gentleman's *argumentum ad hominem* (for that is just what it is) is calculated to deceive the House by leaving the impression that the object of the bill is to give and grant to these people something that they do not already own.

Mr. REAGAN. O, no. My friend will remember that the bill itself provides that grants may be confirmed to the extent of eleven leagues of land; and that although it is not 50,000 acres is 49,600.

Mr. ELKINS. Does not the gentleman know the difference between confirming a grant already made, relinquishing any supposed right the Government may have, and an absolute grant made in pursuance of law to an individual even before this Government had an existence. These are grants made by the government of Spain or the government of Mexico that formerly owned the land. These grants have been occupied by the grantees or their descendants for periods running from one hundred to two hundred years. The owners now simply ask that the Government of the United States shall, in a formal manner, recognize their grants and fix their boundaries. They do not ask you to give them anything. That is the point which I

desire to emphasize. The surveyor-general declares them to be legal and valid grants. The act of Congress limited him in his jurisdiction and action to grants already made, and not to public land. In 1852, as I have already stated, this power was conferred upon the courts in California, and they adjusted these titles throughout that section of country acquired by the treaty of Guadalupe Hidalgo. But in New Mexico a different rule was devised. An act of Congress provided that the surveyor-general should examine these grants and report the testimony to Congress, so that Congress might act finally in the matter. There has been no proposition to give away one foot of the public lands, and never has been; this idea has only found place in the confused understanding of the gentleman from Texas. Each grant included in this bill was made by the government of Spain or of Mexico, regularly and with all the formality of law. These governments had full power over their public lands, and granted them in large quantities to any one who might settle them. It was by making large donations to individuals and colonies that Spain and Mexico continued to extend their jurisdiction and territory. Land was no object and was granted in what seems to us large quantities.

Mr. GUNTER. I ask the gentleman whether the Commissioner of the General Land Office has not recently made a report asking, in the interest of the Government as well as the interest of the claimants, that action be taken by Congress?

Mr. ELKINS. Yes, sir; in every annual report for the last ten or fifteen years the Commissioner of the General Land Office has begged the attention of Congress to these grants, has asked that they be confirmed, that some final action be taken on them. In the report for 1871, page 64, he says:

It is most important to the growth and prosperity of these Territories, to which settlement is being rapidly attracted by the extension of railroads, that a separation be made at the earliest possible period between the public lands and those claimed under foreign titles. In this way only can the settler know where to locate safely so as not to intrude on the premises of others. The want of such definitive adjustment of the lines of the public and private lands has already, in one instance brought to notice by the governor of New Mexico, led to armed hostilities between settlers and employés of the grant claimants.

In his report to Congress for 1875 he uses this language—

During the past four years this office has, by reports and otherwise, repeatedly called the attention of Congress to the defects in the present system of settling these claims; and to these I add my opinion that the present method prescribed for the determination of the validity of these grants is not sufficiently speedy to do justice either to the claimants or settlers or to the United States. Nor does it secure the requisite ability for a proper settlement of such grants; nor does it provide for the settlement of all such claims, the protection of which is guaranteed by treaty.

It is now more than twenty years since the surveyor-general of New Mexico commenced the examination of claims in that Territory, and he has since reported to Congress less than one hundred and fifty claims, though in 1856 he had more than one thousand upon his files, and, of the number reported, Congress has confirmed but seventy-one! From these data it will be seen that the probable date when the last of these thousand claims in New Mexico alone will be reported on and confirmed is in the far future.

In the mean time the claimants must wait without remedy, and their grants, which would be valuable if the title were completed by a United States confirmation or patent, must remain comparatively worthless, as is all property where the vendor offers for sale an incomplete title and prospective litigation. The settler dares not settle and improve land lest it be subsequently found to be within the limits of some unconfirmed and unsurveyed grant; and the United States by such delay not only loses the sale of its land, but, judging from past experience with private land claims in other localities, the development of the resources of that country will create additional incentives for the manufacture of fraudulent title papers, with the view of securing public land therewith. Each year's delay, with the consequent death of living witnesses and loss or destruction of ancient records relating to land, adds to the probabilities that such forged and otherwise fraudulent title papers will pass without detection the scrutiny of the officers whose duty it may become to determine their character.

This matter must receive attention. As I have already stated, the parties interested have gone to large expense; they have employed lawyers and summoned witnesses before the surveyor-general, who has acted upon them and, as the gentleman from Arkansas [Mr. GUNTER] has well said, this matter is in a measure *res adjudicata*. There is not a breath of suspicion against one of these grants; no one intimates or can intimate anything of the kind. The Legislature of New Mexico has memorialized Congress to confirm them because the people of the whole Territory are interested in them.

Mr. Chairman, I think that in the short time allotted to me I have made plain these facts: That the Congress of the United States has authorized certain proceedings; that in pursuance of those proceedings these grants have been found and adjudged valid, and forwarded here for the action of Congress; that they have been passed upon and determined in your own way and by your own officers; and now the people ask that you take final action, confirm these grants, and send your own surveyor, not the surveyor of the claimants, to fix their boundaries and segregate them from the public domain. This is in the interest of the Government as well as the claimants, because many of the grant-owners are claiming more land than they are entitled to; they undertake to extend their boundaries farther than they ought to be extended. These boundaries cannot be fixed until Congress comes in and settles the matter definitively. This bill was discussed during the last session of Congress. It has been discussed nearly every Friday during this session that it could come up. Now let us have some action on it.

If this bill be not passed, the people of New Mexico are without any remedy whatever to adjust their titles. To refuse to pass such a measure as this is an indirect confiscation of their rights. The treaty of Guadalupe Hidalgo provides that property of this kind shall be respected. But you do not respect it, because you leave the titles in confusion. It is true, they have their old Spanish and Mexican documents giving them title, but they deserve ampler evidence of title to enable them to protect their rights.

The Government of the United States, which has succeeded to the powers of the governments from which these titles are derived, is the only authority that can settle this question.

Gentlemen say "let these parties go into the courts." We want to go into the courts. The people of New Mexico for years have begged you to send these cases to the courts for adjudication. But you have refused to do so. Some gentlemen say they would not trust the courts out there. This I know is a gratuitous insult to worthy officers; but you must trust somebody. In the administration of human affairs you must employ human agents and trust them. Your distrust must stop somewhere. You cannot presume fraud against officers in the discharge of their duties and proceed to found an argument on that presumption, as the gentleman from Texas does.

The proposition I submit in this case is that you are bound by the action of the surveyor-general, unless it can be shown he has acted fraudulently or made a mistake. Every one of these grants has been made in conformity to law by Spain or Mexico. All that we ask is that you shall fix the extent and limits of the grants so that these people may know where their land is, and so that settlers on the public domain may know where their land is. As the case stands now, a man cannot pre-empt or homestead land in the neighborhood of these grants, because the grant-owners, when their lands have not been adjudicated and surveyed, often claim more than they are entitled to.

This bill is designed to settle this matter beyond any further controversy. I ask you to stand by the law passed twenty-three years ago. Do not insist that these people shall longer continue in confusion and chaos in regard to their titles. To do so is unjust; it is a refusal to carry out solemn obligations imposed upon this Government by the treaty of Guadalupe Hidalgo.

Now, Mr. Chairman, I deny that these grants are concentrated in a few hands. They are owned, as I have before stated, (and the statement is confirmed by the Land Office,) by about forty thousand people who have settled all over them.

One other question. This Congress has heretofore approved and confirmed forty grants reported on by the surveyor-general of New Mexico, the same kind of grants, in no wise different.

Mr. HOLMAN. I now make the motion, which I thought was already pending, to strike out the enacting clause of this bill.

The CHAIRMAN. That takes precedence of all other motions.

The committee divided; and there were—ayes 90, noes 79.

Mr. BUCKNER demanded tellers.

Tellers were ordered; and Mr. JOYCE and Mr. HOLMAN were appointed.

The committee again divided; and the tellers reported—ayes 70, noes 80.

So the motion was disagreed to.

The CHAIRMAN. The question recurs on the pending amendments, which will be reported and acted on in their order.

The question first recurred on the amendment in section 2, line 4, strike out "United States" and insert "parties respectively asserting claim to said land;" so it will read:

That the Commissioner of the General Land Office is hereby authorized and directed, without unreasonable delay, to cause the lands embraced in said several claims to be surveyed and platted at the expense of the parties respectively asserting claim to said land.

The committee divided; and there were—ayes 45, noes 69; no quorum voting.

Mr. REAGAN demanded tellers.

Tellers were ordered; and Mr. REAGAN and Mr. BUCKNER were appointed.

Mr. HOLMAN. I hope this question will be stated again. It is a proposition which, it seems to me, if understood, would meet with the approval of the committee.

Mr. BUCKNER. No debate is in order. I thought the gentleman would withdraw that proposition sometime ago.

The committee divided; and there were—ayes 80, noes 69.

So the motion was agreed to.

Mr. BUCKNER. I give notice that I shall demand the yeas and nays on this amendment in the House.

Mr. EDEN. I move the committee rise.

The committee divided; and there were—ayes 63, noes 115.

So the committee refused to rise.

The question next recurred on the pending amendment.

After the word "the," in line 1 of section 2, strike out the words "Commissioner of General Office" and insert in lieu thereof the words, "surveyor-general for the Territory of New Mexico;" so it will read, "that the surveyor-general for the Territory of New Mexico is hereby authorized and directed," &c.

The amendment was agreed to.

The next amendment was, in line 3 of section 2, after the word "delay," to insert "under such instructions as may be prescribed by the Commissioner of the General Land Office."

The amendment was agreed to.

The question next recurred on the amendment in line 4, section 2, after the word "be," to insert the word "accurately;" so it will read,

"be accurately surveyed and platted at the expense of the United States."

Mr. JOYCE. That is an amendment recommended by the General Land Office.

The amendment was agreed to.

The question next recurred on the amendment to strike out in the second section the words, "and upon the filing and approval of said surveys and plats in his office, patents shall issue for said lands."

The amendment was agreed to.

The question next recurred on the amendment to add the following as section 3:

SEC. 3. That it shall be the duty of the said surveyor-general, when he shall have caused any of the aforesaid claims to be surveyed and a plat to be made thereof, to give notice in each case that the same has been done by a publication once a week for six consecutive weeks in two newspapers, one published in the City of Santa Fé and one published near the land surveyed; and shall retain in his office for public inspection the survey and plat until ninety days from the date of the first publication in Santa Fé shall have expired; and if no objections are made to said survey, he shall approve the same and transmit a duplicate of the survey and plat thereof to the Commissioner of the General Land Office for his examination and approval; but if objections are made to said survey within the said ninety days by any party claiming to have an interest in the tract embraced in the survey or in any part thereof, such objections shall be reduced to writing, stating distinctly the interest of the objector, and signed by him or his attorney, and filed with the surveyor-general, together with such proofs as he may produce in support of the objections. At the expiration of said ninety days the surveyor-general shall transmit to the Commissioner of the General Land Office a duplicate of the survey and plat, with the objections and proofs filed with him in support of the objections, and also of any proofs produced by the claimant, and filed with him in support of the survey, together with his opinion thereon; and if the survey and plat are approved by the said Commissioner he shall indorse thereon his approval. If disapproved by him, or if in his opinion the ends of justice would be subserved thereby, he may require a further report from the surveyor-general of California touching the matters indicated by him on proofs to be taken thereon, or may direct a new survey and plat to be made. When the objections shall have been disposed of, or the survey and plat are corrected, or a new survey and plat are made in conformity with his directions, he shall indorse upon the survey and plat adopted his certificate of approval. After the survey and plat have been, as hereinbefore provided, approved by the Commissioner of the General Land Office, it shall be the duty of the said Commissioner to cause a patent to issue to the claimant as soon as practicable after such approval.

Mr. CONGER. I wish to inquire of the Chair whether debate is closed.

The CHAIRMAN. Debate is closed under the order of the House.

The question being taken on the amendment, the Chairman stated that in his opinion the "ayes" had it.

Mr. CONGER. Do I understand the Chair to say that the five-minute debate has been cut off? I do not think that has been done.

Mr. HOLMAN. I suppose the bill is open to the five-minute debate.

Mr. CONGER. I made the inquiry of the Chair, wishing to make a remark or two on the amendment before the question was taken on it.

The CHAIRMAN. The Chair is informed that these amendments were pending when the House ordered that debate be limited to one hour and a half.

Mr. CONGER. That meant general debate.

The CHAIRMAN. The order of the House was that "all debate" be limited to one hour and a half.

Mr. CONGER. Was that done by unanimous consent?

The CHAIRMAN. It was.

Mr. CONGER. I would like to know if that is the record, that the five-minute debate in Committee of the Whole was cut off. I do not think it is in the power of the House to make such an order.

Mr. ELKINS. It was done by order of the House. I have the RECORD here, showing it.

The CHAIRMAN. The Clerk informs the Chair that no order was made as to the five-minute debate on the amendments. The gentleman from Michigan can have his five minutes.

Mr. CONGER. I have not felt it my duty to make any further remarks to-day in opposition to this bill, being content to add nothing to the remarks which I made when the bill was under consideration before. But, sir, here is an amendment which gives to the surveyor-general of New Mexico the power to make surveys, and requires all the residents on these lands to know that a survey is made by finding the notice in a publication—these Mexicans, these illiterate people, these men that cannot read or write——

Mr. O'BRIEN. I rise to a point of order. The amendment to which the gentleman is now speaking has already been adopted.

The CHAIRMAN. The gentleman from Michigan rose in time to make the point of order that the five-minute debate had not been cut off; and the Chair, without announcing the result of the vote, recognized the gentleman from Michigan to debate the amendment. The Chair overrules the point of order.

Mr. CONGER. This bill may give to claimants thousands of acres in one body according to their claims, which may embrace twenty or thirty sections of land, upon each of which or some of which may be settlers who have purchased these surveyed lands, and paid for them to the United States, or who may have made them their homesteads and made improvements upon them. That is bad enough, in Heaven's name—to compel citizens of the United States to fight a patent granted by act of Congress against a patent issued some time ago by the Land Office under the regular provisions of law. But this amendment provides the notice that shall be given to these hundreds or thousands of citizens resident on those disputed lands. It shall be a publication in some newspaper in Santa Fé and in some newspaper nearest to the lands. It may be five hundred miles off. I do not know how many newspapers are published. They are probably not published in every school district in that country. Now the owners of these lands may not be able even to read the notice if it be in the English language.

Mr. REAGAN. A large portion of the people of New Mexico cannot read at all.

Mr. ELKINS. They can read just as well as the gentleman's own constituents in Texas.

Mr. CONGER. I have heard the voices of these gentlemen ringing in this Hall for half an hour at a time upon this bill, and I think they may now allow me to have my few minutes.

The provision of this amendment, after the direction that is given for the publication in these papers, is, that unless these owners of lands find out in some way about the survey, and whether it includes their lands or not, it will be considered that they have made no objection, and nothing is founded by objection upon which they can resist the patent covering their land by virtue of this act of Congress.

But who is the party provided for by this amendment to receive the objections to the survey, to its accuracy, to its correctness? The surveyor who makes the survey is the recipient of objections to the correctness of his own survey. I venture to say that, according to the ordinary mode of doing business, the surveyor will not run himself to death to find these objectors to contradict the accuracy of his own survey. He is to file these objections. He is to send them up. And more than that, no matter how strong the objections may be, they are made by men who know nothing about the mode of putting them in legal form; but this amendment provides that this surveyor shall send with these objections his opinion of them, giving him an opportunity to strangle them at their very birth. If the bill was not bad enough before, as, in all conscience, it seems to me it was, giving great tracts of land and planting town claims upon the homesteads of American citizens without their having the opportunity to have their rights determined except in courts of law, compelling them with their adverse titles to go through all the United States courts to save their homes—if it was not bad enough before, this amendment has made it, to the mind of any just man, I venture to say, absolutely insupportable.

[Here the hammer fell.]

Mr. CONGER. I simply desired those five minutes to express my objections to the amendment, as I have formerly expressed my objections to the bill.

Mr. EDEN. As this is a very important amendment I think the committee had better rise, that we may have an opportunity to read and consider it. I move that the committee rise.

The question being taken on the motion of Mr. EDEN that the committee rise, there were—ayes 79, noes 79.

The CHAIRMAN. The Chair votes "ay."

Mr. GUNTER. I call for tellers.

Tellers were ordered; and Mr. GUNTER and Mr. REAGAN were appointed.

The committee divided; and the tellers reported—ayes 78, noes 82.

So the committee refused to rise.

The question recurred upon agreeing to the amendment; and on a division there were—ayes 20, noes 36.

Mr. REAGAN. No quorum has voted.

Mr. KNOTT. I move that the committee do now rise.

The question was taken; and on a division there were—ayes 78, noes 95.

Mr. KNOTT. I call for tellers.

Tellers were ordered; and Mr. JOYCE and Mr. KNOTT were appointed.

The committee again divided; and the tellers reported—ayes 87, noes 78.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. COX reported that the Committee of the Whole on the Private Calendar had had under consideration the bill (H. R. No. 344) to confirm certain private land claims in the Territory of New Mexico, and had come to no resolution thereon.

CENTENNIAL EXHIBITION.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith the catalogues and report of the board on behalf of the executive departments at the international exhibition of 1876, with their accompanying illustrations.

The labors performed by the members of the board, as evinced by the voluminous mass of information found in the various papers from the officers charged with their preparation, have been in the highest degree commendable; and believing that the publication of these papers will form an interesting memorial of the greatest of international exhibitions, and of the centennial anniversary of the Independence of our country, I recommend that they be printed in a suitable form for distribution and preservation.

The letter of the chairman of the board will give to Congress the history of its organization, the laws and executive orders under which it has acted, and the steps which have been taken to preserve the large and instructive collections made, with a view to their forming a part of a national museum, should Congress make the necessary appropriations for such a desirable object.

U. S. GRANT.

EXECUTIVE MANSION, *February* 9, 1877.

Mr. CLYMER. I think that message should be referred to the

Committee on Public Buildings and Grounds, and I make that motion. But I now ask for the reading of the memorial accompanying the message.

Mr. FORT. I think it should be referred to the Select Committee on the Centennial.

Mr. CLYMER. I ask now for the reading of the memorial.

The Clerk read the memorial, as follows:

INTERNATIONAL EXHIBITION, 1876,
OFFICE OF THE BOARD ON BEHALF OF U. S. EXECUTIVE DEPARTMENTS,
No. 1735 F Street, N. W., Washington, D. C., February 6, 1877.

The PRESIDENT *of the United States.*

SIR: I am directed by the board on behalf of United States Executive Departments at the international exhibition of 1876 to submit the following report:

The participation of the Government in the exhibition was preliminarily undertaken by this board in pursuance of the following order, namely:

[Executive order.]

INTERNATIONAL EXHIBITION—1876.

By the President of the United States.

Whereas it has been brought to the notice of the President of the United States that, in the international exhibition of arts, manufactures, and products of the soil and mine, to be held in the city of Philadelphia in the year 1876 for the purpose of celebrating the one hundredth anniversary of the Independence of the United States, it is desirable that from the Executive Departments of the Government of the United States, in which there may be articles suitable for the purpose intended, there should appear such articles and materials as will, when presented in a collective exhibition, illustrate the functions and administrative faculties of the Government in time of peace and its resources as a war power, and thereby serve to demonstrate the nature of our institutions and their adaptations to the wants of the people:

Now, for the purpose of securing a complete and harmonious arrangement of the articles and materials designed to be exhibited from the Executive Departments of the Government, it is ordered that a board, to be composed of one person, to be named by the head of each of the Executive Departments which may have articles and materials to be exhibited, and also of one person to be named in behalf of the Smithsonian Institution, and one to be named in behalf of the Department of Agriculture, be charged with the preparation, arrangement, and safe-keeping of such articles and materials as the heads of the several Departments and the Commissioner of Agriculture and the director of the Smithsonian Institution may respectively deside shall be embraced in the collection; that one of the persons thus named, to be designated by the President, shall be chairman of such board, and that the board appoint from their own number such other officers as they may think necessary; and that the said board, when organized, be authorized, under the direction of the President, to confer with executive officers of the centennial exhibition in relation to such matters connected with the subject as may pertain to the respective Departments having articles and materials on exhibition; and that the names of the persons thus selected by the heads of the several Departments, the Commissioner of Agriculture, and the director of the Smithsonian Institution, shall be submitted to the President for designation.

By order of the President.

HAMILTON FISH,
Secretary of State.

WASHINGTON, *January* 23, 1874.

In accordance with this order the following persons were named by the heads of the several Departments, &c., mentioned in the order, having articles or materials to be exhibited, to compose the board, viz:

By the Secretary of the Treasury, Hon. R. W. Tayler.*
By the Secretary of War, Colonel S. C. Lyford, United States Army.
By the Secretary of the Navy, Admiral T. A. Jenkins, United States Navy.
By the Secretary of the Interior, John Eaton, esq.
By the Postmaster-General, Dr. Charles F. Macdonald.
By the Department of Agriculture, William Saunders, esq.
By the Smithsonian Institution, Professor S. F. Baird.

Colonel S. C. Lyford was designated by the President to be chairman of the board.

These appointments were not announced by the Department of State until March 25, 1874, and the first meeting of the board was held April 10, 1874, when it was concluded, after discussion, that each member should have full and exclusive control of the matters pertaining to his particular department, subject to the general advisement of the board, and that immediate steps should be taken to ascertain the amount of space required at the exhibition for the several Departments and the probable cost of the entire undertaking.

During the remainder of the year 1874 the several members of the board matured their plans, comprehending the nature and extent of effective participation, and prepared their estimates of cost. These estimates, which were submitted to Congress on January 8, 1875, aggregated the sum of $971,000, in which was included an item of $200,000 for a building at Philadelphia capable of removal to Washington after the close of the exhibition, to be used as a national museum. The wisdom of the board in forecasting at the time the probable demands of the public service after the close of the exhibition in respect to storage facilities for the collections made by it is now confirmed by the demands which it is reluctantly compelled to make on Congress for that which it ought in the first instance to provide for.

The appropriations for the purposes of the board were not made until March 3, 1875, and were, in the cases of the War, Navy, and Smithsonian Institutions, only two-thirds of the estimated amounts needed; while in the case of the Interior Department, the appropriation was but little more than half of what was asked for. The appropriations were as follows in the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, approved March 3, 1875, namely:

SEC. 5. To enable the Executive Departments of the Government and the Smithsonian Institution to participate in the international exhibition of 1876, the following sums are hereby appropriated, namely: For the Interior Department, $115,000; for the Treasury Department, $5,000; for the Post-Office Department, $5,000; for the Agricultural Department, $50,000; for the Smithsonian Institution, $67,000; for the United States commission of food-fishes, $5,000; for the War Department, $133,000; for the Navy Department, $100,000; for show-cases, shelving, stationery postage, telegrams, expressage, and other necessary incidental expenses, $25,000; in all $505,000; to be disbursed under the direction of the board on Executive Departments appointed in pursuance of the presidential order of January 23, 1874. And authority is hereby given to the heads of the several Executive Departments to display at the international exhibition of 1876, under such conditions as they may prescribe, subject to the provisions of section 7 of the act of June 1, 1872, all such articles, in store or under the control of said Departments as may be necessary or desirable to render such collection complete and exhaustive: *Provided*, That should it become necessary to erect any building or part of a building for said exhibition, on the part of the Government, the same shall be paid for, *pro rata*, out of the sums appropriated to the several Departments, the United States commission of food-fishes, and the Treasury and Post-Office Departments excepted, the cost of the building not to exceed $150,000; and at the close of the exhibition said building shall be sold and the proceeds covered into the Treasury as miscellaneous receipts: *And provided further*, That the sums hereby appropriated shall cover the entire expense to which the United States Government shall be subjected on account of said exhibition, except the sum appropriated in this act for printing the certificates of stock of said exhibition; and the board on Executive Departments is forbidden to expend any larger sum than is set down herein for each Department, or to enter into any contract or engagement that shall result in any such increased expenditure; and no money shall be taken by any Department for the purposes of this exhibition as aforesaid from any other appropriations except the one hereby made: *And further provided*, That of the sum hereby appropriated the sum of $200,000 shall be immediately available.

On March 9, 1875, the following executive order was issued, namely:

EXECUTIVE MANSION, March 9, 1875.

In order to carry out the provisions of the fifth section of the act of Congress entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes," approved March 3, 1875, the board heretofore appointed to take charge of the articles and materials to be exhibited by the several Executive Departments, the Smithsonian Institution, and the Agricultural Department, at the International Exhibition of 1876, is hereby continued under the following regulations and distribution of duties, viz:

The funds appropriated by the above-named section will be drawn from the Treasury upon the requisition of the chairman of the board, to be disbursed as are other public moneys under the existing laws relating to disbursing officers.

An officer of the Army will be detailed by the Secretary of War as disbursing officer of the board.

Each representative of an Executive Department, and the representative of the Smithsonian Institution, of the Agricultural Department, and the United States Commissioner of Food Fishes, will have charge of the matters pertaining to his respective Department, subject to the general advisement of the board; and all bills will be paid by the disbursing officer upon vouchers certified by such representative and countersigned by the chairman of the board.

The disbursing officer will render monthly accounts-current of all advances to and disbursements by him to the First Auditor of the Treasury for audit and settlement in the same manner as are other accounts of disbursing officers of the Government.

Each representative will be held responsible to the head of his respective Department for all public property of the United States furnished by the head of such Department or otherwise coming to his hands for the purposes of the exhibition, and will render proper accounts of the same to such head of Department until the property is returned.

U. S. GRANT,
President United States.

In pursuance of the foregoing order, the Secretary of War, by order dated March 10, 1875, detailed Captain Joseph S. Conrad, Second United States Infantry, brevet colonel United States Army, as disbursing officer of the board. This officer entered upon his duties immediately, and has disbursed the funds of the board in a manner that has given great satisfaction to the public creditors.

On March 12, 1875, the President, on the recommendation of the chairman, approved the designation of Mr. William A. De Caindry to act as secretary of the board. Mr. De Caindry, by his zeal and assiduous attention to the business of the board, has lightened its labors and enabled it to bring its work to its present satisfactory conclusion; and in thus expressing the views of the board, I must acknowledge my own personal indebtedness to him, from the inception of the undertaking, for the clear and able manner in which he has presented the action of the board in its various reports and correspondence, and for his always judicious advice so frequently used.

Immediately upon the passing of the appropriations in 1875, efforts were made by the board to induce the exhibition authorities to erect, out of their funds, a special building for the accommodation of the Government display, but without avail. On July 1, 1875, the board adopted a plan of building suitable for the United States collection, designed by James H. Windrim, architect, of Philadelphia, to be erected out of the funds appropriated by Congress. As originally brought before the board, the plan contemplated a floor-space of only 83,640 square feet, but it was subsequently enlarged so as to increase the floor-space to 102,840 square feet, and the contract for erecting the structure was awarded to A. Doan & Co., contractors and builders, of Philadelphia, by the building committee appointed by the board, composed of Colonel Lyford, Admiral Jenkins, and William Saunders, esq., competitive bids for the work having previously been obtained. Herewith accompanying are submitted detailed plans, specifications, and perspective drawings of the building as erected on the exhibition grounds.

The breaking of ground was commenced in Fairmount Park in July, 1875, immediately upon the assignment of space to the Government by the centennial authorities. The work of construction steadily progressed during the summer, fall, and winter of 1875, and the building was ready for the acceptance of the building committee, finished in all its parts, on March 1, 1876. The execution of the contract by the builders was in the highest degree satisfactory, and reflected great credit on them as thorough and efficient workmen and staunch business men. The total cost of the structure upon its acceptance on March 1, 1876, was $80,817.71, and no additional expense has been incurred since that date under that head. The amount authorized by Congress to be expended on the building was $150,000.

The construction of the building was supervised by First Lieutenant Henry Metcalfe, Ordnance Department, who was appointed by the chairman supervisor of construction, and who discharged the duties in connection with this appointment in a very competent and satisfactory manner. On January 1, 1876, he was appointed by the chairman executive officer at the building, in addition to his connection with the ordnance section of the War Department display, and, in virtue thereof, was charged with the permanent superintendence and charge, under the guidance and direction of the chairman, of all matters relating to police and guard, and with the care and preservation of the building and grounds. It is due to this officer to say, and I take great pleasure in doing so, that I consider the great success of the Government exhibition, and the favor and commendation with which it was received by the public, (as evinced by the many exceedingly complimentary notices in the public press,) to be due in the greatest degree to his efforts to administer the many duties assigned him in a manner that should secure the most harmonious working of the diverse interests involved, and to the exercise of his clear judgment in executing his many, and sometimes embarrassing, orders.

Arrangements were made early in December, 1875, by which Captain John F. Rodgers, Quartermaster's Department, was stationed at the Government building for the receipt of all articles sent on behalf of the Government, and for reshipping them to places of final deposit after the close of the exhibition. Captain Rodgers effected arrangements with the various railroad companies throughout the country, whereby the special freight rates of the exhibition conceded to the general public were extended to the Government materials, with the further concession that prepayment of charges should not be exacted, as in case of the public at large. The system of labeling adopted by the centennial commission was adopted by the Government, with such minor modifications as were deemed expedient. Each department was provided with its own distinctive labels; the bills of lading and invoices and the methods of transmission conformed as nearly as possible to the forms prescribed

* Hon. F. M. Sawyer, Assistant Secretary of the Treasury, was at first appointed to represent the Treasury Department in the board; upon his resignation, Hon. R. W. Taylor, First Comptroller, was appointed in the board in his stead.

by the Quartermaster's Department of the Army. By the system of marking adopted, each packing-box was easily stored and reclaimed for reshipping the identical goods at the close of the exhibition. The boxing belonging to all the departments was taken charge of by Captain Rodgers and stored at the Philadelphia depot of the Quartermaster's Department, permission for the use of available warehousing at the post having been kindly granted by the Secretary of War, upon the recommendation of the Quartermaster-General. All packages were unloaded directly from the cars into the building, a track having been especially laid for the purpose, and were placed in such positions as were most convenient to the persons in charge of installation in the several departments.

Each department was charged with the freight on its own materials, the freight-bills being made out by Captain Rodgers and forwarded through the several representatives in the board to the chairman for payment.

The receipt of articles began at the building about January 1, 1876, and continued until the day of opening. The entire management of the transportation of materials and delivery on the floor of the building was confided to Captain Rodgers, to whose entire efficiency is due the fact that not an accident or delay occurred in the delivery of material properly consigned to him, and to whom is due in great part the promptness with which the Government building was enabled to be formally opened on the great opening day. His efforts have been of the greatest benefit to the board; and the system so successfully introduced and carried out by him has resulted in great savings of the various appropriations.

It was found in the fall of 1875 that the amounts appropriated for the purposes of the exhibition were inadequate to the matter in hand, and the funds of the board were accordingly augmented by the following appropriations in the act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1876, and for prior years, and for other purposes, approved May 1, 1876, viz:

"For the purpose of paying the expenses of transportation, care, and custody, arranging and exhibiting, and safe return of articles belonging to the United States, to be presented and exhibited in the United States building at the Centennial Exhibition at Philadelphia during the year 1876, in pursuance of an act of Congress approved March 3, 1875, the following sums are hereby appropriated, namely: For the Interior Department, $15,000; for the War Department, $18,500; for the Smithsonian Institution, $21,000; for the United States Commission of Food Fishes, $5,000; for the Treasury Department, $14,000; the same to be disbursed by the board, on behalf of the United States Executive Departments, appointed in pursuance of the order of the President of January 23, 1874: *Provided*, That for contingent expenses any surplus arising from appropriations made to either of said departments by act of March 3, 1875, is hereby authorized to be used for the purposes herein mentioned."

The details of the participation of the several Executive Departments, (excepting the Interior Department,) the Department of Agriculture, the Smithsonian Institution, and the Commission of Food Fishes, are set forth in the various reports and catalogues herewith transmitted.

In pursuance of the recommendation of the chairman, the Secretary of War, in May, 1876, authorized the detail of a company of artillery for the protection of the public property of the Government at the exhibition, and Battery M, Third United States Artillery, consisting of forty-eight men, commanded by Captain E. R. Warner, was accordingly ordered to report to the chairman for duty in the exhibition grounds. The thanks of the board have been tendered to this command for the good and efficient services rendered in guarding the Government property at the exhibition, and in otherwise advancing the interests of the governmental participation.

Between the members and *attachés* of this board and the president and other officers and members of the United States Centennial Commission, the president and other officers and members of the centennial board of finance, and the director-general and his assistants, the utmost cordiality and harmony prevailed throughout the exhibition; and this opportunity is availed of for placing on record the acknowledgments of this board for the generous assistance and the many acts of personal kindness of which they were the recipients at the hands of the entire exhibition authorities.

The great exhibition was formally closed on November 10, 1876, and the work of removal of the Government articles was immediately begun. On the 17th of November, however, all packing and work of breaking up the collection in the building were stopped, and only such articles as were immediately needed by the Departments here and such as were liable to damage by remaining in the building were authorized to be removed. The reasons for this stoppage were communicated to Congress at the beginning of the present session, in the annual message of the President. As the expense of maintaining the articles at the Government building in Philadelphia until Congress could be able to act on the proposition of establishing a national museum in this city for their reception was found to be greater than the remnants of the appropriations of the board could bear they were, on 18th ultimo ordered to be transported to Washington and be there stored to await the action of Congress. They are now arriving, and are placed in such depositories as can be found available for the purpose.

All the buildings erected on the exhibition grounds by the Government have been sold as required by law. The main building will be delivered to the purchaser on March 1, 1877. The grounds assigned by the Centennial Commission to the uses of the Government will be surrendered as soon as the building has been removed, and all further connection with the exhibition at Philadelphia will then be at an end.

In conclusion, I beg to submit the conviction that the display made by our Government at the exhibition has had the most beneficial effect in vindicating our claims upon the respect of the nations of the world. Many objects that were shown in the Government display and much of the information that was disseminated would be of intense interest to the great body of people of other countries, whose means did not permit them to incur the expense of a journey to our shores. The great national advantages that will accrue from placing the practical exhibits, which demonstrate more particularly our national wealth and resources and the beneficence of our free institutions, under the observation of the people of Europe, who will assemble at the international exhibition at Paris in 1878, impels me to the recommendation that a suitable appropriation may be requested of Congress, with the view that the Governmental display may be so far reproduced at the Paris exhibition as the changed condition of circumstances and the exigencies of the case may require.

Very respectfully, your obedient servant,

S. C. LYFORD,
Chairman of Board.

During the reading of the memorial Mr. BRIGHT said: I move to suspend the further reading of that document.

Mr. CONGER. I object to dispensing with the further reading of it. I have become interested in it, and I want to hear the whole of it.

The SPEAKER. It is the right of the gentleman from Tennessee to move to dispense with the reading, and the House has the right to say whether they will have this paper read or not.

Mr. CONGER. An objection was made to reading a paper the other day, and the Chair decided that it must be read.

The SPEAKER. It is competent for the House to decide the question whether the paper shall be read or not.

Mr. CONGER. I think it must require unanimous consent.

The question was taken on the motion to dispense with the further reading of the memorial; and on a division there were—ayes 129, noes 14.

Mr. CONGER. No quorum has voted, and I insist upon a further count.

The SPEAKER. Then the Chair will order tellers.

Tellers were ordered; and Mr. CONGER and Mr. MILLIKEN were appointed.

The House again divided; and the tellers reported—ayes 138, noes 10.

So the motion was agreed to, and the further reading of the memorial was dispensed with.

The question was then taken on Mr. CLYMER'S motion; and it was agreed to; and the message of the President, with the accompanying memorial, was referred to the Committee on Public Buildings and Grounds.

LOUISIANA ELECTION.

Mr. MORRISON. I am instructed by the select committee to investigate the recent election in Louisiana to make the reports which I send to the Clerk's desk: the report of the committee and the report of the subcommittee, together with the testimony; and I ask unanimous consent that it be published in the RECORD. It is somewhat voluminous, and I will not ask that it be read.

Mr. TOWNSEND, of Pennsylvania. I desire to present the report of the minority of the committee and the reports of the minorities of the subcommittees, and I ask that they be printed with the majority report, so that they may go out to the country together.

The SPEAKER. Does the gentleman desire the minority reports printed in the RECORD as well?

Mr. TOWNSEND, of Pennsylvania. I do.

The SPEAKER. The Chair understands the gentleman from Illinois [Mr. MORRISON] to ask that the reports be printed in the RECORD without reading.

Mr. PAGE. I object to their being printed in the RECORD unless they are read.

Mr. SPRINGER. Then let them be read.

The Clerk began the reading of the report, but after a few sentences he was interrupted by—

Mr. PAGE, who said: I withdraw my call for the reading of the report.

The SPEAKER. The call for the reading having been withdrawn, the two reports will be printed in the RECORD, and also printed in the usual form for the use of the House, if there be no objection.

Mr. JOYCE. And the reports of the subcommittees.

The SPEAKER. The proposition of the gentleman from Pennsylvania [Mr. TOWNSEND] embraces the reports of subcommittees.

There was no objection, and it was ordered accordingly.

Mr. MORRISON. I move to reconsider the vote whereby the House has ordered to be printed in the RECORD and in the usual form for the use of the House the various reports of the select committee and the subcommittees of the same to investigate the election in Louisiana and I also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. JOYCE. I ask unanimous consent to have printed in the RECORD, as a portion of the debates of this House, some remarks I have prepared in connection with the report I made as a member of a subcommittee.

Mr. ROBBINS, of North Carolina, objected, but subsequently withdrew his objection.

No further objection was made, and leave was accordingly granted.

The reports are as follows:

MAJORITY REPORTS.

The special committee to investigate the recent election, and the action of the returning or canvassing board in the State of Louisiana in reference thereto, and to report all the facts essential to an honest return of the votes received by the electors of the said State for President and Vice-President of the United States, and to a fair understanding thereof by the people, respectfully submit the following report:

That at the late election in Louisiana the number of votes actually cast was 160,964, exceeding by 16,071 the number of votes cast at any previous election in said State, and, in proportion to population, exceeding the aggregate vote of all the States.

Of the votes actually cast for presidential electors, the Tilden electors (K. A. Cross, who had the highest number) had 83,817 votes; the Hayes electors (O. H. Brewster, who had the lowest number) had 76,178, being a democratic majority of 7,639 votes.

Of the votes cast at said election, *as shown upon the face of the returns made to and received by the board of returning officers*, the Tilden electors (W. A. Seay, who had the highest number) had 80,831 votes, and the Hayes electors (Lionel A. Sheldon, who had the lowest number) had 74,426 votes, being a democratic majority of 6,405.

It has not been, nor will it be, questioned that the eighty-three thousand and more of votes so actually cast for said K. A. Cross and other Tilden electors, being a majority, were cast by persons lawfully entitled to vote at said election.

The supervisors of registration and board of returning officers in said State have assumed, under various pretenses, to exclude from the returns and throw out from the count the votes cast at numerous polling-places, numbering, in the aggregate, 13,317 which were cast for the Tilden electors, and 2,412 for the Hayes electors.

So it is that a majority of 7,639, received by the democratic electors, has been fabricated and counted into a majority of 3,437 for their opponents, and thus it is attempted to reverse the decision of the people, as made when their ballots were deposited.

Are there any existing facts, tested by the Constitution and laws of the United States and of the State of Louisiana, by which the majority of nearly eight thou-

sand votes given to one party has been or can be counted into a majority of nearly four thousand for the other, or is this the result of conspiracy and fraud?

To this inquiry your committee has chiefly directed its investigation, has heard witnesses, and taken documentary evidence, herewith reported.

Your committee was divided into subcommittees, as contemplated by the order of its appointment. These subcommittees have inquired into the facts as to the recent election and returns thereof in the parishes and localities where irregularities, frauds, and violence are alleged to have occurred. They were thus enabled to obtain the testimony of witnesses informed as to the facts about which they testified and ascertain to what degree of credit the witnesses testifying were severally entitled.

The subcommittees have reported the facts ascertained and conclusions arrived at by them. These reports are respectfully submitted as part of this report.

At the inception of the investigation it was directed to make, five members of your committee felt themselves obliged to protest against and deny to the House of Representatives "any jurisdiction to inquire into the late election in Louisiana for the purposes set forth in the resolution appointing this committee." And further they say of the board of returning officers: "This board has performed the duty with which they were charged by the law, and that duty is not merely ministerial, it is in the nature of a judicial proceeding; they have heard testimony, examined evidence, and rendered judgment. That judgment, under the laws of Louisiana, is from the tribunal of last resort, and from it no appeal lies, nor is there anywhere provided either the power or the means of re-examination; it is final and conclusive."

To this your committee find sufficient answer in the report made to the House by Messrs. Hoar, Wheeler, and Frye upon the condition of the South, in which they say:

"This is an erroneous view, both of the rights and the duties of the people of the United States under the Constitution. They have an interest in the question whether Senators and Representatives for Louisiana, thrust into their seats by illegal means, shall sit in Congress to make laws for them, and whether electors, gaining their office in like manner, shall turn the scale in the choice of a President of the United States."

The board of returning officers of Louisiana is believed to have exceeded its powers, and exercised arbitrarily, without color of law or basis of fact, extraordinary powers, in such a manner as to change a majority of nearly eight thousand votes given at the polls for the electors of one party to a majority of nearly four thousand for the other. If that "judgment" "is final and conclusive," the assembling of the people at the polls and the deposit of their votes will be henceforth an idle and useless ceremony. The duty of appointing presidential electors can hereafter be performed for Louisiana by four of her citizens.

Your committee submit that no such power has been conferred upon the board of returning officers by the laws of Louisiana, nor could it be so conferred without destroying that republican form of government which it is the duty of the United States to assure to every State.

The constitution of Louisiana, article 73, vests judicial power in certain enumerated judicial tribunals, of which the board of returning officers is not one. Article 103 provides: "The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice." It is entirely competent, under this clause of the constitution, to provide redress for any injury to the "privilege of free suffrage" of one person, but this cannot be done by depriving another person of the same constitutional "privilege." The right to vote, ("the privilege of free suffrage,") to be supported by laws regulating elections, must provide for returning and counting, not for "excluding" and throwing out, the vote legally cast. This law would exclude and throw out "the poll," and with it both the legal and illegal vote.

This board of returning officers having disregarded the limitations of its power, and sought to change the result of the election without authority of law, its so-called judgment is not "final and conclusive," but may be disregarded and treated as a nullity by every department of the Government.

Your committee deemed it unnecessary to review the history of ill-fated Louisiana further than might be essential to a proper understanding of the matters pertaining to the recent election and the results thereof.

Access to reports of former committees of Congress, and well-ascertained facts, advise us that her chief executive for the last four years was the creature of Federal authority, inducted into office by the "illegal order of a judge." The entire State government or executive authority was indebted for its existence to the same Federal interference.

That it has been since then maintained and upheld by the military power of the United States is a fact known to all men. Illegally installed under simulated forms of law, and maintained by outside force, it now seeks to perpetuate itself by fraud, and has been covertly aided and sustained in this purpose by the same Federal power which brought it into existence, and by which it has been hitherto maintained

Having thus usurped power, it is but natural that it should abuse it, especially in the interests of those to whom it owes its existence. And so in turn we find the Louisiana State government striving to perpetuate Federal power in the party which has prostituted it and is again expected to prostitute it in the overthrow of popular government in that State.

To justify themselves in the exercise of usurped power, those who administer the State government claim their administration to have been better than its predecessor. The claim is based upon the alleged reduction of the public debt and taxation. The reduction of the public debt was accomplished by "scaling" off, counting out, 40 per cent. by legislative enactment. No distinction seems to have been made between that which was and that which was not justly owing in this process of payment by law; and what was professedly done in the interest of the State resulted in making good many bad claims, and greatly to the interest of favorites.

The reduction of taxes with which they credit themselves is the result not of any frugality of administration, but of the falling off of interest upon the 40 per cent. reduction of the debt, and by necessity following upon the wasted and exhausted resources of the people.

Depending wholly for its existence upon the National Government, the State government of Louisiana finds profit in disorders and the appearance of disorders, because in these the National Government finds its only justification for its unhallowed work in establishing and maintaining the Louisiana usurpation.

Hence we find the same condition of lawlessness, peculation, and insecurity for life and property existing as reported by other committees of Congress.

Finding no redress for wrongs in a government too imbecile and dishonest to enforce the law, redress is sought too often in its violation. Men naturally despair of legal remedies and the enforcement of law when those whose duty it is to administer and execute the law receive bribes to acquit or for pardon. As an illustration of this fact, your committee call attention to one of the numerous cases proven before it of official dereliction or corruption, or both. David Young, (colored,) State senator of Concordia Parish, whose presence was required at New Orleans at the meeting of the Packard legislature, had stolen or embezzled some $30,000 of school funds, and had been indicted for the offense. The people of the parish, not of his faction, but of both races, not trusting the district attorney, Austin, a creature of Governor Kellogg's, had employed counsel to prosecute Young. When the case was called the district attorney dismissed the prosecution. The counsel retained by the people protested against the action of the district attorney. He produced a dispatch from Governor Kellogg authorizing the dismissal. When Kellogg was interrogated as to the reason for his action, he produced the letter of Austin, the district attorney, as authority for his dispatch. Young escaped punishment, and voted for Kellogg for United States Senator.

It was shown by the testimony of many colored men that because of official acts such as this, and because their rights were violated without any effort on the part of their pretended friends to right their wrongs, they had, at the recent election, for the first time, voted against the republican party. They believed that whether the failure to execute the law and protect the weak resulted from want of power or of purpose on the part of the republican officials, the necessity for the change was alike urgent.

Long years of misgovernment, such as that which has existed in Louisiana, with the disorder growing out of and following upon the late war, left many reckless and evil-disposed persons in the State, who have little regard for the rights of white and still less for the rights of black men.

With exceptional cases, the better men of the democratic party had been driven away from political affairs, so long in the control of Louisiana republicans, as better men and great lawyers, with exceptional cases, are driven away from criminal courts—the suitors of the one and the participants of the other being, as a rule, of the same class.

Colored republicans being in the main excluded from any considerable power in the official control or direction of affairs, by reason of want of qualification, their allies, chiefly unscrupulous adventurers from the North, are left in the exclusive control and possession of the State and parish governments.

Such was the situation at the inauguration of the last campaign. The old cabal of republicans were nominated for office or left in control of the campaign. No amelioration of past misrule could be expected to result from its success; none was promised.

The better men of the democratic party, inspired by the hope of success which the misgovernment of their opponents afforded, by the high character for statesmanship of the nominees for President and Vice-President, and by that aspiration for good government which all may cherish, took control and direction of the State convention, and afterward the direction of the canvass.

A State ticket was nominated, composed of men of the highest character. In accepting the nomination, Governor Nicholls counseled and advised peace, order, respect for and obedience to law. He gave the most solemn assurances to all the people that all their rights under the Constitution and all its amendments would be sacredly upheld and maintained, and in this spirit the campaign was conducted.

These assurances were accepted as made in good faith from a man who commands the respect and confidence of the people in a degree which would enable him to enforce compliance. They were accepted as made in good faith, because, whatever else may have been said in crimination of the southern people, they have never been charged with the crime of falsehood. The representatives of those least inclined to accord to them any political virtues have been forced to accord them "the love and habit of truth, which becomes brave men." Colored men testified before your committee that in these assurances of Governor Nicholls was to be found the "first chance ever offered the colored people of Louisiana."

Assurances thus given by Governor Nicholls, and the guarantees to be afforded by his success, all implicitly relied upon by men of both races, caused colored men to vote, for the first time, the democratic ticket. The number thus voting is believed to be correctly estimated at not less than 17,000

The republican officials, estimating then umber of republican votes by the number of colored men entitled to vote, and proclaiming that as the rule by which their party strength must be determined, made up the census of 1875 partly excessive and fraudulent, showing large excess of black over white population.

A like excessive and fraudulent estimate of the blacks entitled to vote, aggregating about 20,025, was promulgated in the "official" paper as "compiled from official sources." (The census of 1875.)

Testimony taken by your committee establishes the fact that no such official compilation was ever made, and that the "compilation" and estimate of 20,025 excess of black over white voters was made by a man of bad repute named Jewett, who was employed and paid for that special service by the republican party to make up said estimate in its interest.

Evidence heard before your committee, supported by vital statistics, by statistics of increase and production, and by statistics of naturalization, show that the excess of colored over white voters in Louisiana is less than one thousand.

What unlawful and fraudulent use was to be made of this unreal census and estimate of colored over white voters may be inferred from the following circular-letter, privately addressed to all supervisors:

HEADQUARTERS REPUBLICAN PARTY OF LOUISIANA,
ROOMS JOINT COMMITTEE ON CANVASSING AND REGISTRATION,
Mechanics' Institute, September 25, 1876.

SUPERVISOR OF REGISTRATION, *parish of Assumption, Louisiana:*

DEAR SIR: It is well known to this committee that, from examination of the census of 1875, the republican vote in your parish is 2,200, and the republican majority is 900.

You are expected to register and vote the full strength of the republican party in your parish.

Your recognition by the next State administration will depend upon your doing your full duty in the premises, and you will not be held to have done your full duty unless the republican registration in your parish reaches 2,200, and the republican vote is at least 2,100.

All local candidates and committees are directed to aid you to the utmost in obtaining the result, and every facility is and will be afforded you; but you must obtain the results called for herein without fail. Once obtained, your recognition will be ample and generous.

Very respectfully, your obedient servant,

D. J. M. A. JEWETT,
Secretary.

Here the officers of the law, republicans in Louisiana, are advised, from the source to which they owe their positions, that the census shows number of votes (being, of course, number of colored voters) which must vote the republican ticket; that he, the officer, must see to it that the party gets the full vote and the required majority; that local candidates will help him (the officer) to get the votes and the majorities; that every facility will be afforded him, (the officer,) but he must obtain the result called for by the census without fail; that his (the officer's) recognition by next State administration (Packard's) depends upon his obtaining the demanded republican majorities; and that, "once obtained," his recognition will be "ample and generous."

The same fraudulent purpose disclosed in the claim of excessive colored population and voters, resulting from the fictitious census of 1875, was followed up in the registration. This will be made to appear by reference to the registration of a single parish. In the parish of Orleans, by the republican census of 1875, a white population of 140,973 in 1870 is made to produce 145,721 in 1875, a white increase in the five years of less than four per cent. For the same time, 50,456 colored population produces 57,647, an increase of fourteen per cent. With this 57,647 colored population, the republican officials were enabled to register 23,485 colored voters, one voter to every two persons in the city. Of the 23,485 registered, the republicans, with all the election machinery, which they did not scruple to use, could only vote 13,000, less by 10,000 than their colored registration, and thus it is shown that in this parish alone so much (10,000) of the fraudulent excess is

accounted for and established. An examination of the facts as to the country parishes discloses like fraudulent estimates and registration.

The entire control and conduct of the election is by the election law saved to the State administration. The governor appoints a supervisor of registration for each parish outside of Orleans and one for each ward of that parish. For the last election many of them were appointed from policemen, custom-house employés, and men of the most disreputable character—so disreputable that even Governor Kellogg disowned their appointments, and claimed that they were made by Lieu enant-Governor Antoine in Kellogg's absence. Officers of this character were sent from New Orleans to conduct and control the elections in the interior parishes, entering them for the first time as officers to conduct elections, with instructions to register and vote the full strength of the republican party, based upon a fraudulent estimate of that strength, and with a promise that when they have done this their reward should be "ample and generous."

These supervisors appoint the commissioners to hold the elections, and establish as many, and no more, polling-places than their party interests dictate.

The voter may deposit his ballot at any box in his parish on presentation of his certificate of registration not indorsed voted. All that is necessary to enable the enthusiastic republican in Louisiana to vote a number of times equal to the number of polls of his parish is that the supervisor sent from New Orleans, or, as in some cases, from Mississippi or Alabama, shall furnish an equal number of certificates of registration. There was much voting of this kind at the late election.

The United States marshal appointed and paid out of the United States Treasury eight hundred and forty deputy United States marshals for the parish of Orleans, (city of New Orleans.) They served from one to five days in keeping the peace and in the interest of a fair election, if the marshal is to be believed. The character of the men appointed and nature of the service rendered by them is aptly explained by one of them, (John McDonald,) who testified before the committee. He lived on the wharf, lodged nowhere, and had no particular employment; was appointed and sworn in on the 6th; got one hundred and fifty colored men in the club-room and kept them there all night of the 6th; supplied them with republican tickets at three or four o'clock on the morning of the 7th, and carried his poll for the republican party. Besides the eight hundred and forty deputy marshals for New Orleans, many hundreds were appointed for the country parishes, who served without compensation, some of them going from New Orleans to the country parishes as a mere patriotic duty, without compensation, if the testimony of the United States marshal is to be credited.

With all the election machinery in their control, to use which, in the republican interest, the officials, State and Federal, did not scruple, and after the employment of all means, honest and otherwise, at their command, in that interest, when the commissioners of election opened the ballot-boxes on the evening of November 7, they were found to contain a majority of 7,639 votes for the Tilden electors. Then the conspirators appealed to the returning board. This board was composed of four members. The evidence shows that J. Madison Wells, president of the board, has long been, and still is, a defaulter to the State; has been for thirty years past, and still is, utterly untrustworthy, and without character for integrity or for truth and veracity; his claim against the Government for more than $450,000 is in part fraudulent and fictitious; the property for which he claims payment, and had sworn to be his own, was in part the property of men who bore arms against the United States in the late war, and not entitled under the law to re-imbursement. He holds the lucrative office of surveyor of the port of New Orleans, and was interested in the canvass of votes for electors.

His colleague, Anderson, has no character for integrity; has defrauded the State while representing it in the senate. Having obtained control and ownership of a navigation company to which a large sum had been donated by his vote and influence as a legislator, to encourage an enterprise ostensibly in the public interest, he expended a nominal sum upon the work and appropriated the remainder to his own use.

Kenner, (colored,) another member of the returning board, was indicted for larceny, secured a dismissal of the prosecution after admission of his guilt, and was promptly made a member of the returning board.

Cassanave, (colored,) the fourth member of the board, is too ignorant to be well informed of the nature of the work he was required to do, but exhibited in his testimony such indifference to the obligations of an oath as warrants the conclusion that he would be a willing accomplice in any rascality by which he might profit.

The services of a board so composed was invoked to undo the will of the people of Louisiana as declared at the ballot-box. Other committees of Congress have advised us how this board has changed the results of previous elections.

Re-enforced by the presence of a military force greatly augmented for the occasion, and encouraged by the presence of many gentlemen of the North, summoned by the President from his partisans to witness a "fair count," this unfair tribunal entered upon its nefarious work.

The election law of Louisiana provides "that five persons, to be selected from all political parties, shall constitute the board of returning officers," and that vacancies in the board shall be filled by the residue of its members. One vacancy existed, the four members being all republicans. At the inception of the canvass of votes, counsel representing candidates of the democratic party asked that this vacancy might be filled with a member of that party; which lawful and reasonable request was refused.

The witnessing committee so selected by the President having refused to co-operate with a committee of their political opponents in an effort to have the vacancy in said board filled and in other efforts to see that the board of canvassers made a fair count of the vote actually cast, the United States marshal sent the following dispatch to the administration United States Senator of Louisiana:

NEW ORLEANS, *November* 17, 1876.

Hon. J. R. WEST, *Washington, D. C.:*

Louisiana is safe. Our northern friends stand firmly by us. The returning board will hold its own.

J. R. G. PITKIN.

With all the members, clerks, and employés of the board of the same political party, the refusal of the board to fill the vacancy, thereby denying to "all parties" a representation as the law provides, the conclusion is inevitable that the board of returning officers entered upon the canvass and compilation with a fraudulent purpose, which a political opponent on the board might detect.

The board entered upon its duty of canvassing and compiling the vote with a purpose to change the result of the election in Louisiana by throwing out a sufficient number of parishes and polls for that purpose. Previous to its first meeting, the following dispatch passed over the wires from the attorney of the board:

NEW ORLEANS, *November* 16, 1876.

Hon. J. R. WEST, *Washington, D. C.:*

Returns to date leave us majority, throwing out five parishes.

JOHN RAY.

During the session of the returning board witnesses exceeding the number of three hundred were summoned to New Orleans by the United States marshal, at a cost of $10,800 for witness fees, paid by the United States. Witnesses testifying were generally unknown to the officers by whom the oath was administered to them, nor was their identity proven to such officers. The affidavits and other testimony were prepared by United States soldiers and Government employés detailed for the purpose by the direction of Ex-United States Marshal Packard, and republican candidate for governor. Testimony of this character thus obtained was made the alleged basis of the action of the returning board.

The board made rulings and changed them from time to time, denying the democratic counsel a reasonable opportunity to present their case. It increased the vote of the Hayes electors in Natchitoches Parish on the return of the United States supervisor, and rejected the return of the United States supervisor of Grant Parish, which parish gave the Tilden electors a majority. It sent for the boxes and increased the Hayes vote in Concordia Parish. It refused to count the vote or send for boxes in New Orleans, where the Tilden electors had majorities, and where republican supervisors excluded polls from their compiled statements. It refused to allow proof offered that what purported to be the compiled statement and return from East Baton Rouge Parish was fabricated and fraudulent, and the president of the board reproved the counsel for making the offer of proof.

The rejection of the five parishes against which its judgment had been predetermined being insufficient to change the result in the State, it rendered judgment against parts of eighteen others with the same facility as against the five first determined upon for rejection. Of the parishes and polls rejected every one gave the Tilden electors a majority. Of the polls sent for and counted in against protests, all gave Hayes electors majorities.

The members of the returning board, on oath, severally declared before your committee that they did not know the result of the election for electors, as shown upon the face of the returns made to them, nor how the canvass and compilation made by them affected the result. And though they severally testified falsely to the contrary, the result of their pretended canvass and compilation was determined upon by them and made known to their political accomplices three days before their pretended compilation was completed.

On the 3d of December United States Marshal Pitkin sent the following dispatch in cipher, and, on oath, says he derived the information as to the result from J. Madison Wells:

NEW ORLEANS, *December* 3, 1876.

Hon. J. R. WEST, *Washington, D. C.:*

Democratic boast entire fallacy. Have northern friends on way North. Answer telegram of this morning; also, have Senate anticipate House on sending committee to investigate outrages. Have seen Wells, who says: "Board will return Hayes sure. Have no fear."

J. R. G. PITKIN.

Inspection of the records and returns of the election having been denied to your committee, it is not fully advised by what alteration or destruction of records and returns changes in the result of the election may have been effected. But it is shown, by the testimony of one of the clerks of the board that in Vernon Parish 178 votes were fraudulently given to the Hayes electors, when, in fact, two of them had none and the others but two votes each; that other fraudulent changes of the votes affecting the result in said parish were made; and that, by the direction of the president of said board, some of the papers pertaining to returns of said parish were destroyed, others defaced by erasures and changed, and still others fabricated.

This testimony is confirmed by the fact that 178 votes were, in fact, given by the board to the Hayes electors, which they did not receive; by the action of two persons, a member of the legislature and a district attorney, surrendering the offices to which the board had elected them, by fictitious and fraudulent compilation; by the absence from the copy of returns from said parish, furnished your committee by said board, of certain papers pertaining thereto; by testimony establishing the fact that no such persons as Sam'l (his x) Collins and Tom (his x) Brown, upon whose affidavits two polls of said parish are alleged to have been rejected, reside in said parish, as alleged in such affidavits; by the testimony of the officer before whom, in New Orleans, said affidavits purport to have been made, that the affiants were not known to him; and by the fact that outside of the secret session of the returning board there was no pretense that the result of the election in said parish, as shown by the returns made to the board, did not declare the legal result in said parish.

Taken altogether, the acts and doings of said board force upon your committee the conclusion that it entered upon the canvass and compilation of the votes cast at the recent election with a pre-arranged purpose to change the result, and fraudulently declare the result in favor of Hayes and Wheeler; that, in the accomplishment of this unlawful purpose, the members of the board did not hesitate to commit any act of official perfidy necessary to the end to be attained.

There is no pretense that any of the few democratic officers of election did any wrong in relation thereto; nor is it claimed that there were, upon the part of the democratic party or any of its members, any acts done at said election or during registration which should change the result thereof, as indicated by the ballots deposited, other than acts of alleged intimidation.

This is the allegation upon which the returning board assumed to throw out polls at which there were democratic majorities.

Intimidation is claimed to have been of two kinds: that which deterred colored men from appearing at the polls and asserting their right of suffrage, and that which forced them against their own free choice to vote the democratic ticket.

The first form of intimidation finds its refutation in the increased vote over previous elections, except in East Feliciana Parish. Here the falling-off in the vote is accounted for on other grounds, as established by the testimony. It was foreseen that the democratic ticket would prevail, by reason of dissatisfaction with local government and maladministration, for which republican officials were responsible. Instructions were sent to the local republican leaders to refrain from voting. No ticket was put forth and no republican vote was cast, it being the predetermined purpose to use this voluntary surrender of the right of voting as an argument to sustain the charge of intimidation and a pretext for throwing out the vote of the parish, which was done.

Your committee submit that such means cannot be employed to disfranchise a community, since, should such principle be admitted, it would be easy, by concert of action, for a minority, through the mere absence of voters from the polls, to defeat the will of the majority. This would defeat the very object of popular suffrage, merge the system of election into a mere negative abstinence, degrade suffrage, and offer a premium for chicanery and fraud.

If, in the case of East Feliciana, the action of the returning board is sanctioned in the rejecting of its vote in the interest of the party who dexterously used a minority not voting to do what they could not accomplish by voting, then, indeed, have we discovered a new mode of carrying elections and discovering the popular will.

In the consideration of this question of intimidation of voters in Louisiana your committee apply to this unfortunate State the same principles which would be recognized in any other State. If in any State which has been free from the evils with which Louisiana has been afflicted such a case was presented as that of East Feliciana, we would not for an instant entertain the assumption that the body of the voters therein should be deprived of their voice under any allegation of intimidation when it was clear that the party to be benefited by the suppression of the vote had by systematic organization, counsel to the intelligent, and instruction to the ignorant, kept the minority from the polls with fraudulent intent.

It is not denied that upon proper proof of the procurement of a majority by intimidation, the interests of society and the State, as well as the decisions of the courts, require that such election shall be set aside or that the party or person guilty of the act should not profit by the fraud. But no justly-constituted tribunal will admit of mere vague allegations in setting forth a charge of intimidation as the controlling cause in a voter's absence from the polls. Even the law in Louisiana requires that intimidation, to be ground for rejecting votes, shall be officially reported in due season, &c.

Where universal suffrage prevails, and is to prevail, the power to vote is coupled with the duty of voting. In the exercise of this high privilege each voter will guard his right jealously, assert it fearlessly, and not surrender it except when compelled by irresistible force.

But mere apprehension of danger, fear of personal safety, or timidity will not excuse a freeman from the duty of exercising his prerogative, nor furnish cause for setting aside an election to be carried by such default. The measure of force or intimidation, which, by the rules in the earlier cases, would justify absence from the polls as a ground for contest, was defined in the contested election between the delegates from Michigan Territory. The report of the House committee says: "The committee will not inquire whether persons have been prevented from voting by fear, nor will they examine into cases which have prevented a candidate from receiving the highest number of votes." (Biddle and Richards *vs.* Wing, Contested Elections from 1789 to 1834, page 504.) Again: "To invalidate an election for intimidation at the polls, there must be such a display of force as would intimidate men of ordinary firmness." (Harrison *vs.* Davis, 2 Congressional Election Cases, page 341; Bruce *vs.* Loan, ibid., 482.)

There is no pretense that there was in this parish of East Feliciana, or any other, any display of force at the polls. The fact that there was no riot or bloodshed in any locality, no force, intimidation, or violence in any parish in Louisiana where both parties voted, gives strong presumption that there was no valid excuse for the republican voters in absenting themselves from the polls, but that they were purposely kept away to subserve partisan ends. This act being their own, and the voters not being deterred from voting by actual apprehension, but by fraudulent collusion and failure on their own part to assert their right to vote, they should not profit by it. The vote of East Feliciana as polled should stand as a rebuke to the subterfuge by which a legitimate majority was sought to be overcome.

The other form of intimidation alleged to have been practiced in Louisiana, and by which the democratic majorities are charged to have been secured, is one by which the colored men, under threats of violence or persecution in various forms, were forced to vote a hated ticket.

The basis of this is the fact that a large number of colored men, who had heretofore voted with the republican party, at this election voted with the democrats. From the relations of the republican party to the enfranchisement of former slaves, and from having exercised a dominant control of the freedmen, the republican leaders had come to regard themselves as having proprietary right in the vote of the colored man. They regarded him as a mere political machine of their own invention, whose use by any one else was an infringement which their political agencies, State and Federal, would resent and punish.

When it was discovered in the result of the election that colored men had revolted from this vassalage, the verdict of the people was sought to be set aside upon the ground of intimidation, under color of laws enacted for such a contingency.

Your committee conceive that the means by which the large number of colored votes were secured for the democratic ticket at the late election were not such as can be rightfully or legally characterized as intimidation. They were, when stripped of the false presentation made of them by the knavery of those who are to profit by the success of their scheme, no more than such as are resorted to in all the cities and States of this Union at every election in which large public interest is elicited.

The very first element of the organization of voters into parties consists in the assertion of each that it will better promote the security and prosperity of the people than any other. Few men form their political alliances upon mere abstract theories, and these only among the more highly educated. The great body of the people, especially the more dependent, act with one party or the other as they think its principles or policy will best subserve their welfare. In the wealthiest and most law-abiding communities in the older States it is a well-known fact that capital has a preponderating influence in directing the political sentiment. Not that voters are bought outright, but that the employer is always more or less dictatorial toward the employed, and, when the issue of a pending election is vital to their interests, they leave untried no element of persuasion short of force which will secure the votes of employés.

Intimidations, from a gentle hint to a positive announcement that no one voting against the ticket favored by the employer will be retained in his service, are too often used to control votes. The local political influence of contractors for public works, mill-owners, mining proprietors, and all men employing large numbers of voters, is estimated by the number of men employed by them, extending even to the Government work-shops, navy-yards, &c.

With the alternative of a discharge from service, the laborer with a family to support finds it to his interest to cast his vote for the party sustained by his employer, and if this were regarded as such intimidation as would annul an election, but few would ever stand the test of regularity—not one the test of the Louisiana returning board, unless it gave a republican majority.

These are evils common to all the States, and in view of the character of the population and the circumstances which have tended of late to aggravate and intensify the social and political ills in Louisiana, the condition of affairs shown by the testimony presented with this report finds no explanation in the charge of intimidation.

The charge of intimidation is contradicted by the facts that in many parishes colored democratic clubs were formed. In others clubs were formed of both races. Colored men in their club organizations and otherwise in large numbers, sometimes numbering many hundreds, marched in democratic processions. They carried banners, wore badges, and were accompanied to democratic meetings and barbecues by their wives and children.

This conduct shows the absence of suspicion and fear, and establishes the fact of the voluntary character of their action. Certainly it will not be questioned that the colored race has sufficient of the better impulses out of which grow the family affections. Fear of violence and bodily harm might impel colored men to march in procession, carry badges and banners, and shout for the ticket with the democrats, but to credit the intimidation charged we are required to believe that they took with them upon these occasions their wives and children, knowing that they were going among men who disregarded their rights, and would beat and maim and murder them to enforce the surrender of these rights.

The parent stock of Louisiana's population was composed largely of the Spanish and French nationalities, both marked by a quickness of temper, recklessness of restraint, and promptness to resent a wrong. The colored element partook of these same characteristics. The accession of population beyond the natural increase has been from the older States, but so gradual that the new population readily assimilated with the old, with its marked characteristics, indicating its origin in love of culture and refinement, among the educated, with a hospitality limited only by the cruelties of varying fortune.

To a generous temper they unite the impulsiveness which springs from climate. Except when stung with a sense of great wrong, they are not violent. On the contrary, there is no people more inclined to the cultivation of good order and peaceful pursuits, their occupations being chiefly agricultural, requiring repose for success and for profit.

The increase of white population brought with it corresponding increase in the number of blacks, who, prior to the war, were either brought from the older slave States by those who held them to service, or were taken from the border States, where slave labor had become less profitable. Some of the blacks thus imported were criminals, who, in lieu of punishment for crimes less than murder, were sold in the far South. Hence it should create no surprise that there have been many crimes and excesses committed on the part of the blacks.

When the late war began the population of Louisiana was nearly equally divided between the races. The white race had absolute control of the black, and were in turn looked to for protection and support. The sudden emancipation of so large an element, long inured to slavery, and unprepared for rational freedom, operated with severity not only upon their impoverished former owners, to whom they had been both labor and capital, but with great hardship upon the blacks themselves. Accustomed to have their wants supplied by others, they were suddenly thrown upon their own resources, and, without education or capital, they became at once the prey of unscrupulous adventurers and the victims of all the ills incident to so great a revolution in their condition. Their former owner retained generally the landed estate; but without capital he was not prepared at the close of the war to plant profitably.

A calamity greater even than the ruin wrought by the war now befell the South. With the emancipation and enfranchisement of the colored man, and the disfranchisement of his former master, a field was presented for outrage under the form of law, which was soon occupied by men who sought the State only for the purpose of temporary plunder. These were aided in some instances by southern men of influence, who were tempted to dishonor by the greed of wealth. The blacks, by adroit arguments addressed to their passions or their fears, were led to confide in the sincerity of their new friends; were taught to avoid and sever relations with their former masters, and led to hope and believe that under the guidance of these disinterested counselors they would soon become landed proprietors without labor, receive educations without study, and be admitted into social as well as civil and political equality with the whites. For some years they blindly followed the dictation of their guides. They voted *en masse* as directed, but saw in the progress of time that while their leaders were amassing wealth and rioting in ill-gotten gains, they were keeping pace in poverty with their former masters. To these in all matters of real concern for their welfare they could alone look for counsel or assistance. Political advice and direction they received abundantly elsewhere, until the relations became in a measure reversed, and they found their best friends in the native whites, who, like themselves, had an interest in the prosperity of the State, and their enemies and task-masters in the adventurers, who were holding them in mental bondage but to plunder them. With a debt of many millions incurred for their own enrichment, and with taxes so high as to amount to confiscation, these adventurers threatened to involve in a common ruin both whites and blacks. No fraud was too bold to deter them from its execution, and no expedient too daring if promising security to their power. The people, broken in fortune, but inspired by love of self-government, sought through lawful methods of the ballot-box to escape the torture of the vampires who were draining their life-blood.

In 1872 they had so far succeeded as to defeat by the popular will the ticket of their oppressors. Resort was had to the Federal power, the edict of a judge, and the bayonet of the nation. These reversed the people's will and gave a new lease of power to corruption. At the November election last, the people of Louisiana, represented in their best elements, made another effort to free themselves through the forms of law from misrule and ruin, and from the vultures who had lighted on the carcass of their once prosperous Commonwealth but to plunder with impunity and to oppress without mercy. Knowing that without a change in the Federal administration they would be subject to a repetition of the same Federal interference which had overthrown their State government, they had an equal interest in the success of the national ticket.

It has been asserted that the political divisions there have been upon the color line, that the democratic party is seeking to infringe upon, while the republican party champions the rights secured by the constitutional amendments to colored men. The antagonisms of race are being merged in the common danger, and white and black begin to join hands in a struggle with organized villainy such as has not disgraced the annals of any State.

The majority given to the Tilden electors is the legitimate result of such a condition, social and political, as rarely presents itself in countries where suffrage exists. The opposing party had given abundant proof that it would spare nothing of fraud, violence, or corruption to maintain its foot-hold. When, in such a contest, men determine to abide the result of the ballot in vindication of their rights, it is reasonable to suppose that they will make use of all lawful means which the threats or evident purposes of their adversaries seem to require; and this was the extent of any organized action for which the democratic party in Louisiana can be held responsible.

Men accustomed to the regulations of a peaceful and well-ordered community must not apply here tests which would govern in their own locality; and, especially in weighing the alleged evidences of lawlessness as connected with the election, must bear in mind the lamentably unsettled condition of the State from long maladministration of its laws.

Such was the laxity of the law's administration that throughout the State judicial tribunals became a mockery. The violation of law incurred no penalty; the law gave no guarantee for the security of life or property. Murderers and thieves were in large numbers permitted to go unpunished. In many instances where the punishment was decreed the pardon of the executive turned loose the criminals.

No effort seems to have been made to suppress disorders. Upon these the men in power chiefly depended for their continuance in office. Testimony heard by the committee establishes the fact that prominent republicans considered the killing of a black man in Louisiana as equivalent to fifty thousand dollars of a campaign fund for the party; hence the absence of effort to secure peace and good government upon the part of a partisan judiciary and a foreign executive, whose induction into office was described as the embodiment of the most glaring political frauds. Every homicide in which a colored man chanced to be the victim was seized upon with avidity, telegraphed over the North, and reckoned a substantial addition to their party strength.

In such a condition of affairs the natural and inevitable result was that the citizens, especially property-holders, felt the necessity of organizing for mutual protection. Hence the vigilance committees, regulators, and other like organizations that have at different times existed in different portions of the State. That these organizations had ever any political complexion was due to the fact that whenever any criminal became the object of punishment by them he would naturally seek the protection of Louisiana republicans, and claim to be the victim of political persecution.

To these organizations alone could the citizen look for protection to person or property, or the suppression of crime. It is not to be denied that such organizations, springing from dire necessity and existing outside of law, too often aggravated the evils they were designed to correct. There are, doubtless, many instances in which their conduct cannot be defended; yet the testimony affords convincing proof of the patience, endurance, and heroism of this people. Denied, practically, all voice in the conduct of their own affairs; robbed of even the semblance of self-government; subjected for a time to the harsh usage of a military ruler, and that domination only exchanged for the more humiliating array of the wretched adventurer who came among them to feed upon their misfortune, they have borne the most oppressive rates of taxation and the most thorough practice of official peculation and plunder. They have been forced to witness the subordination of intelligence to ignorance, of virtue to vice, and of fair dealing to fraud. All this they have seen done under the forms and in the name of the law. Shall we wonder that a proud people, thus goaded and outraged, should become thoroughly aroused to the necessity of freeing themselves from the grasp of those who have been upheld in oppressing by their exactions and cursing by their presence the people of Louisiana.

It does not appear from the testimony that the armed organization was intended for any political purpose, or their membership confined to any political party.

Property-holders and good citizens generally furnished the members. Gen. J. R. Brooke, one of the principal republican witnesses, testified that the "regulators" included nearly the whole white population, and all of the most reputable. Not only were republicans often members of these bands, but in many instances the captains or chief officers. We have, for illustration, the case of Furnace Martin, member of the Packard legislature, a republican declared elected by the returning board against the returns showing the election of his opponent by a majority of several hundred. The testimony taken in the presence of this person, and not contradicted by him, established the fact that he was the chief officer of the regulators not only of his parish but of a district of country embracing three parishes. Nor were the acts of violence heralded to the country confined to any political organization, as shown in the case of Pierce C. Butler, a leading republican in the parish of East Feliciana, who is proven to have shot twenty-three men, some of them fatally.

Finally, we submit that if violence and intimidation are to be held to be grounds for excluding votes in Louisiana, the republican party should be held to an accountability for the instances without number, as developed by testimony, in which it was practiced by them against the inoffensive colored men, whose only crime was unwillingness to submit to the dictation of their leaders. Not only were democratic colored clubs broken up and forcibly dispersed, but social proscription was brought to bear, marital relations were sacrificed, the rights of baptism and communion denied, colored men corralled in cattle-pens by the hundred, marched to the polls by armed guards, and forced to vote the open republican ticket; churches burned because the pastors refused to preach Louisiana republicanism from their pulpits; personal chastisement inflicted until democracy was adjured by the unfortunate victims, and murders outright perpetrated for no other reason than the making of democratic speeches. That exceptional acts of violence may be found chargeable to the democratic organization we shall not undertake to deny; but on the face of this record it cannot be fairly held that the republican party is not at least equally guilty, while for that condition of society which rendered resort to such means possible we submit that that organization is wholly responsible.

In the late canvass the policies pursued by the two parties were essentially different. The republicans do not appear to have made any strenuous efforts to maintain order and secure a peaceful election. The democrats, not solely it is believed on the part of all of them because of their love of order, but for prudential reasons also, knowing that any violence or disturbance would be seized upon as a pretext for reversing the action of the people at the polls, did counsel the preservation of peace and the observance of law. Upon such a course could they only hope to succeed. The interests of the republican party lay in the direction of disturbance and violence, and the past history of that organization in Louisiana assures us of its readiness to consult its advantages without scruple as to the means to be employed.

The law in pursuance of which the board of returning officers assumed to change the result of the election for presidential electors, as shown by the returns made to and received by said board, is found in Laws of Louisiana, act No. 98 of 1872, sections 2, 3, 26, and 43, as follows:

"SEC 2. *Be it further enacted, &c.*, That five persons, to be elected by the Senate from all political parties, shall be the returning officers for all elections in the State, a majority of whom shall constitute a quorum, and have power to make the returns of all elections. In case of any vacancy by death, resignation, or otherwise, by either of the board, then the vacancy shall be filled by the residue of the board of returning officers. The returning officers shall, after each election, before entering upon their duties, take and subscribe to the following oath before a judge of the supreme or any district court:

"'I, A B, do solemnly swear (or affirm) that I will faithfully and diligently perform the duties of a returning officer as prescribed by law; that I will carefully and honestly canvass and compile the statements of the votes, and make a true and correct return of the election: So help me God.'

"Within ten days after the closing of the election, said returning officers shall meet in New Orleans to canvass and compile the statements of votes made by the commissioners of election, and make returns of the election to the secretary of state. They shall continue in session until such returns have been compiled. The presiding officer shall at such meeting open, in the presence of the said returning officers, the statement of the commissioners of election, and the said returning officers shall, from said statements, canvass and compile the returns of the election in duplicate. One copy of such returns they shall file in the office of the secretary of state, and of one copy they shall make public proclamation by printing in the official journal and such other newspapers as they may deem proper, declaring the names of all persons and officers voted for, the number of votes for each person, and the names of the persons who have been duly and lawfully elected. The returns of the 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, of the right of any person named therein to hold and exercise the office to which he shall by such return be declared elected. The governor shall, within thirty days thereafter, issue commissions to all officers thus declared elected who are required by law to be commissioned.

"SEC. 3. *Be it further enacted, &c.*, That in such canvass and compilation the returning officers shall observe the following order: They shall compile first the statements from all polls or voting places at which there shall have been a fair, free, and peaceable registration and election. Whenever, from any poll or voting place, there shall be received the statement of any supervisor of registration or commissioner of election, in form as required by section 26 of this act, an affidavit of three or more citizens of any riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences which prevented, or tended to prevent, a fair, free, and peaceable vote of all qualified electors entitled to vote at such poll or voting place, such returning officers shall not canvass, count, or compile the statements of votes from such poll or voting place until the statements from all other polls or voting places shall have been canvassed and compiled. The returning officers shall then proceed to investigate the statements of riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences at any such poll or voting place; and if from the evidence of such statement they shall be convinced that such riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influence did not materially interfere with the purity and freedom of the election at such poll or voting place, or did not prevent a sufficient number of qualified voters thereat from registering or voting to materially change the results of the election, then, and not otherwise, said returning officers shall canvass and compile the vote of such poll or voting place with those previously canvassed and compiled; but if said returning officers shall not be fully satisfied thereof, it shall be their duty to examine further testimony in regard thereto, and to this end they shall have power to send for persons and papers. If after such examination the said returning officers shall be convinced that said riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences did not materially interfere with the purity and freedom of the election at such poll or voting place, or did not prevent a sufficient number of the qualified electors thereat from registering and voting to materially change the result of the election, then the said returning officers shall not canvass or compile the statement of the votes of such poll or voting place, but shall exclude it from their returns: *Provided*, That any person interested in said election by reason of being a candidate for office shall be allowed a hearing before said returning officers upon making application within the time allowed for the forwarding of the returns of said election."

"SEC. 26. *Be it further enacted, &c.*, That in any parish, precinct, ward, city, or town, in which, during the time of registration or revision of registration, or on any day of election, there shall be any riot, tumult, acts of violence, intimidation and disturbance, bribery or corrupt influences, at any place within said parish, or at or near any poll or voting place, or place of registration or revision of registration, which riot, tumult, acts of violence, intimidation and disturbance, bribery or corrupt influences shall prevent, or tend to prevent, a fair, free, peaceable, and full vote of all the qualified electors of said parish, precinct, ward, city, or town, it shall be the duty of the commissioners of election, if such riot, tumult, acts of violence, intimidation and disturbance, bribery or corrupt influences, occur on the day of election, or of the supervision of registration of the parish, if they occur during the time of registration or revision of registration, to make in duplicate, and under oath, a clear and full statement of all the facts relating thereto, and of the effect produced by such riot, tumult, acts of violence, intimidation and disturbance, bribery or corrupt influences, in preventing a fair, free, peaceable, and full registration or election, and of the number of qualified electors deterred by such riots, tumult, acts of violence, intimidation and disturbance, bribery or corrupt influences, from registering or voting, which statement shall also be corroborated under oath by three respectable citizens, qualified electors of the parish. When such statement is made by a commissioner of election or a supervisor of registration, he shall forward it in duplicate to the supervisor of registration of the parish—if in the city of New Orleans—to the secretary of state, one copy of which, if made to the supervisor of registration, shall be forwarded by him to the returning officers provided for in section two of this act, when he makes the returns of election in his parish. His copy of said statement shall be so annexed to his returns of elections, by paste, wax, or some adhesive substance, that the same can be kept together, and the other copy the supervisor of registration shall deliver to the clerk of the court of his parish for the use of the district attorney."

"SEC. 43. *Be it further enacted, &c.*, That immediately upon the close of the polls on the day of election, the commissioners of the election at each poll or voting place shall proceed to count the votes, as provided in section thirteen of this act, and after they shall have so counted the votes and made a list of the names of all the persons voted for, and the offices for which they were voted for, and the number of votes received by each, the number of ballots contained in the box and the number rejected, and the reasons therefor, duplicates of such lists shall be made out, signed, and sworn to by the commissioners of election of each poll, and such duplicate lists shall be delivered, one to the supervisor of registration of the parish, and one to the clerk of the district court of the parish, and in the parish of Orleans to the secretary of state, by one or all of said commissioners in person, within twenty-four hours after the closing of the polls.

"It shall be the duty of the supervisors of registration, within twenty-four hours after the receipt of all the returns for the different polling-places, to consolidate such returns, to be certified as correct by the clerk of the district court, and forward the consolidated returns with the originals received by him to the returning officers provided for in section two of this act, the said report and returns to be inclosed in an envelope of strong paper or cloth, securely sealed, and forwarded by mail. He shall forward a copy of any statement as to violence or disturbance, bribery or corruption, or other offenses specified in section twenty-six of this act, if any there be, together with all memoranda and tally-lists used in making the count and statement of the votes."

The commissioners of election at each poll are directed within twenty-four hours after closing the poll to deliver a list showing the results of the election to the supervisor of registration, and a duplicate thereof to the clerk of the district court. And, with the list so delivered to the supervisor of registration, the commissioner of election must deliver in duplicate any statement relating to violence, intimidation, &c. The supervisor of registration must consolidate returns of results received from commissioner of election. He must annex to this consolidated return, as a part thereof, statements of violence, intimidation, &c., received from commissioner of election, or which he may himself make; these make up his return. This return he is directed to forward to the returning board by mail, "in an envelope of strong paper or cloth, securely sealed," within twenty-four hours after receipt of all the returns from the polls of his parish. This return of the supervisor of registration from the several parishes, the statements of commissioners of election, and supervisors of registration themselves, inclosed in envelopes by mail to the returning board, are to be opened by them at New Orleans, where the board meets, within ten days after the election. Only when returns thus made and in due form show that violence, intimidation, &c., did materially change the result at any poll, can said board, if at all, do any act in the nature of a judicial proceeding, "send for persons and papers," or "consider any facts not appearing upon the face of the returns." The law is imperative that they shall "compile the statements from all polls or voting places at which there shall have been a fair, free, and peaceable registration and election."

The statement of the supervisor of registration or commissioner of election is a jurisdictional fact, which must exist in the precise form required by the statute in order that the board should exercise, even with a pretense of right, any of the extraordinary power conferred upon it; and not only must this jurisdictional fact exist, but it is essential to the validity of the determination of the tribunal that it should affirmatively appear upon its records whenever these determinations are called in question, whether directly or collaterally.

It is a universally-recognized principle of law that when a proceeding is not according to the course of the common law, but under a statute giving a special authority, authorizing a summary remedy or mode of procedure, that it should appear by the record of the judgment that the case adjudicated comes within the provision of the statute, and that the requirements of the statutes have been complied with in every particular.

In the case of Harvey vs. Tyler, 2 Wallace, 342, Mr. Justice Miller, pronouncing the opinion of the Supreme Court, says: "Powers may be conferred on the court, and duties required of it to be exercised in a special and often summary manner, in which the order or judgment of the court can only be supported by a record which shows that it had jurisdiction of the case." In reference to such proceedings there are no intendments in favor of jurisdiction. Where its exercise depends upon the existence of certain facts, it is essential to the validity of any action it may take that its records should affirmatively show that those facts did exist.

In Roberts vs. Orr, 56 Penn. St., 180, Mr. Justice Strong, now on the bench of the Supreme Court of the United States, in speaking of a special authority conferred on the court by a statute of the Legislature of Pennsylvania, used the following language: "The procedure authorized by this act is entirely out of the course of the common law, and the judgment allowed is a departure from common right; for this reason it must always appear that the course prescribed has been strictly followed in order to justify the judgment."

The same principle has been repeatedly declared by the English courts, and is well established as one of the rules of the English law.

"However high the authority to whom a special statutory power is delegated, we must take care that in the exercise of it facts giving jurisdiction plainly appear, and that the terms of the statute are complied with." (3 Perry and Davis, 208.)

Conceding, then, for the returning board all the judicial dignity claimed for it by the admirers of its unparalleled iniquities, it cannot be denied that, in order to give validity and effect to its decisions where it has attempted to throw out and reject the returns from polls, the jurisdictional fact required by the statute must affirmatively appear; and unless that fact does so appear, its action in the case was without jurisdiction, and on its face null and void. It, therefore, becomes necessary to consider and determine the form of "the statement of the supervisor of registration or commissioner of election," as section 3 of the statute says that such statement shall be "in form as required by section 26 of this act."

By section 26 it is necessary that such "statement" should specify the time when the incident complained of in the statement transpired, whether on the day of election or on a day preceding the election, and if so, on what day; that it should be a clear and specific statement of "all the facts relating" to the acts complained of, and specify "the number of qualified electors deterred" by such transaction from registering or voting. It is also required that this statement should be "corroborated under oath by three respectable witnesses, qualified electors of the parish," and that a copy of said statement should be so annexed to the "returns of elections by paste, wax, or some adhesive substance, that the same can be kept together." If any one of the required specifications is omitted from the statements, it is the omission of a material fact upon which jurisdiction depends, and without which jurisdiction cannot be exercised; and any order, judgment, mandate, or counting out made under such circumstances would be a nullity. In such case it is not necessary to go behind the record and impeach it by outside facts. The record impeaches itself on its face and proclaims its own invalidity. Neither would we in such a case undertake to examine into the facts upon which judgment had been founded to determine whether that judgment was correct or erroneous, because we would be arrested at the first step of our progress by the evidence furnished on the face of the record, showing that it was no record under the law, and that the judgment was no judgment, because rendered without jurisdiction in the premises.

In the case of the board of returning officers there were no statements or protests at all, as required by said sections 3, 26, and 43 of said act, sent up to the returning board from the various parishes and polls. The board therefore had no right under the laws of Louisiana to throw out or count out the polls and votes they have thrown out and counted out, and their action in that behalf is without authority of law, and null and void.

Your committee further state that, if there is any law in the State of Louisiana providing for the election of electors of President and Vice-President, the canvass and compilation of the vote for electors must be made under the special acts of the State upon that subject, and by a board composed of other persons or officers than those constituting the returning board.

O. H. Brewster, one of the candidates for elector on the Hayes ticket, held, on and after the 7th day of November last, the office of surveyor general for the State of Louisiana, and could not therefore be, and was not, chosen or appointed elector.

A. B. Levissee, another candidate for elector on same ticket, was United States commissioner, and was not chosen or appointed elector. Subsequent to November 7, and before December 6 last past, the said Brewster and the said Levissee pretend to have resigned their respective offices of surveyor general and United States commissioner.

When the other electors pretending to be elected on same ticket met to cast their votes for President and Vice President, Brewster and Levissee did not meet with them, and the places of said Brewster and Levissee were declared or treated as vacant because of their absence. The other electors then filled the places of Brewster and Levissee, vacant because of their absence, with the same Brewster and Levissee, then being present; all of which doings were fraudulent devices to avoid the constitutional provision, which rendered the same void and of no effect in law, even had any of the electors on said ticket been elected by the people, as they were not.

The filling of such vacancies was without authority of law, and conferred no right upon Brewster or Levissee to vote for President and Vice President of the United States.

Your committee made only such investigation or inquiry into the election and canvass of votes for State officers in Louisiana as was incidental to the inquiry as to the general fairness of the election in said State and the result thereof.

The testimony taken discloses the fact that, by both the votes actually cast and the votes as forwarded to and received by the board of returning officers, Nicholls was elected governor of Louisiana by a majority approximating majorities received by the Tilden electors; and, freed from the conditions growing out of the presidential contest, he would be accepted as the duly-elected governor of Louisiana by the almost universal acclaim of her people.

Your committee therefore report the following resolution, and recommend its adoption:

Resolved, That the democratic electors received a majority of the votes actually and legally cast at the recent election in Louisiana; that the pretended canvass and compilation of the vote for electors by the board of returning officers was without authority of law, fraudulent, and void; and that the vote of that State cannot be counted for Messrs. Hayes and Wheeler without the confirmation and approval of the illegal and fraudulent action of said returning board.

WM. R. MORRISON, *Chairman.*
G. A. JENKS.
JOHN A. McMAHON.
JO. C. S. BLACKBURN.
J. D. NEW.
E. R. MEADE.
JNO. F. HOUSE.
J. PHELPS.
MILES ROSS.
GEORGE M. BEEBE.

MAJORITY REPORTS OF SUBCOMMITTEES.

To the Hon. WILLIAM R. MORRISON,

Chairman of the Special Committee appointed under a resolution of the House of Representatives to investigate the questions connected with the recent election in the State of Louisiana:

The undersigned, a subcommittee to whom was referred the consideration of the parishes of Iberia, La Fayette, La Fourche, Livingston, Plaquemines, Saint Landry, and Tangipahoa, submit the following report, together with the accompanying testimony applicable to the same, being all the testimony taken with reference to said parishes.

JO. C. S. BLACKBURN,
Chairman of the Subcommittee.
J. PHELPS.

WASHINGTON, *January* 23, 1877.

PARISH OF IBERIA.

In this parish, poll 4 was excluded by the returning board without protest, and upon a mere memorandum by the supervisor, a republican, made upon his returns to the board that at this poll the commissioners of election did not indorse on the registration certificate of each man as he voted the words and figures "Voted November 7, 1876." The memorandum was not sworn to by him, nor corroborated by the oath of any citizen. This is much the strongest democratic poll in the parish, and the only one excluded, and at the late election 333 votes were cast at it, of which only 11 were by republicans. The misconduct or neglect of the commissioners was noticed and complained of between nine and ten o'clock in the morning, at which time more than 100 persons had probably voted, and they then commenced and afterward continued to make the proper indorsement on the certificates, but all the votes were excluded. The colored republicans living in the vicinity of that poll were instructed before the election to vote at other polls, and nearly all complied. No question was made but that the voting was fair and the count accurate, and no claim that the ballots found in the box did not truly represent and honestly express the free opinions and choice of the electors.

The provision requiring the commissioners of election at each poll to indorse, in the manner above mentioned, the certificate of each person voting, is merely directory, and designed as one of several checks prescribed by law upon fraudulent voting. Another, and equally effectual, check is the taking and preserving a list of the names of all the persons who vote, the aggregate of which should correspond in number with the ballots in the box. It is presumed the law in this respect was complied with, and it will hardly be contended that, under the circumstances, the returning board could properly deprive a large number of electors of their votes for no neglect or fault of their own, and for a cause arising entirely from the wrongful act or omission of commissioners appointed by the supervisor.

There was no violence or intimidation practiced by democrats during the canvass, registration, or election, but there was whipping and other violence committed on colored democrats by colored republicans. Some colored men voted the democratic ticket, and many others who would have freely done so were prevented. About two years since a colored man was murdered for making democratic speeches, and about eighteen months since a colored minister's church was burned because he refused to preach republicanism.

The registration in this parish was greatly swollen by the addition of fraudulent names, and the vote at the late election was considerably in excess of the total registration of 1874. The parish has been heretofore generally democratic by a small majority, and if poll 4 had been counted the republican majority, as promulgated by the returning board, would still have been nearly 200; a result which cannot be satisfactorily accounted for upon existing facts, except upon the theory that a considerable number of votes was improperly cast under an illegal registration.

PARISH OF LA FAYETTE.

In this parish, polls 1 and 2 were not included by the supervisor in his statement to the returning board. Poll 3 was returned by him, but excluded by the board, on the alleged ground of intimidation. But seven republicans voted at those three polls, and the democratic majority cast at them was 511. The small number of republican votes is explained by the fact that the republican voters who usually attended those polls are nearly all colored, and were, for some unexplained reason, advised by their party managers to go to other polls.

The supervisor of the parish is J. A. Veazey, a republican. He is a creole, and understands the English language imperfectly. The commissioners of election whom he appointed at those polls were all democrats, because he could find no republicans in the wards in which they were located competent to discharge the duties. He was himself unable to properly compile and make up his returns, and procured a very intelligent and respectable gentleman, by the name of Clegg, an attorney and democrat, to do it for him. In this compilation he ordered all the polls in the parish to be included, and stated to Mr. Clegg at the time that he knew of no fraud, intimidation, or violence in the parish, and that he believed the registration and election had been free, fair, full, and peaceable. He then intended to deliver that compilation to the returning board without protest or objection, but was subsequently advised and induced, by leading men in his party, to suppress it and make another, omitting polls 1 and 2, and to protest against their allowance on the ground of intimidation. Another compilation was prepared for him by the supervisor of a neighboring parish, which did not contain those polls, and which, with his protest and several accompanying *ex parte* affidavits, were delivered by him to the board. That protest and those affidavits are found on pages 524 to 535, inclusive, of the document accompanying the report of Senator SHERMAN and his associates to the President.

Veazey appeared before the committee and testified that he made no personal assertion of fraud, intimidation, or violence; that he had no knowledge of any, and had never declared that he had; that his statement was materially misrepresented as written out in his protest and affidavit; that those polls should not have been excluded; that he believed the registration and election in the parish were free, full, fair, and peaceable; and that his protest and the accompanying affidavits were written in the offices of the collector and United States commissioner, in the New Orleans custom-house, by republican officials and clerks. Some of the parties who made the affidavits were proved to have made contrary statements at other times, some were shown to be utterly unworthy of belief, and the material statements of all were substantially disproved.

La Fayette is a strong and reliable democratic parish, and has long and uniformly been so, but the exclusion of the three democratic polls named absorbed the majority and effected the return of the republican candidate for the Legislature. There is scarcely a white republican voter in the parish, and a considerable number of colored men vote the democratic ticket.

There was formerly an organization of the White League in the parish, but it has had no existence for two years. A vigilance committee exists there, as in nearly every parish in the State, and, from the lax and imperfect administration of justice by the courts, is a necessity to protect the property of the citizens, and its chief officer is the leading republican in the parish and the returned member of the Legislature.

The registration and election throughout the parish were, in fact, free, full, fair, and peaceable, and there was no intimidation, violence, or fraud of a political character that could be justly made a pretext for the exclusion of those polls, or any of them.

PARISH OF LA FOURCHE.

In this parish, polls 2 and 10 were not compiled by the supervisor, and are not included in his statement to the returning board, and consequently were not counted. No box for poll 1 was furnished by the sheriff, and therefore the vote at poll 2 was largely increased. Two of the three commissioners were colored republicans, the other a democrat. The democratic commissioner was unfamiliar with the English language, and one of the republicans could neither read nor write, consequently all the writing required to carry on the election at that poll devolved on one commissioner. He worked faithfully, with such assistance as the others could render, but was unable to count the votes, make up the returns, and deliver them to the supervisor at the parish seat, twenty-five miles distant, within twenty-four hours after the closing of the poll. The commissioners arrived at the court-house about nine o'clock in the evening, but could not find the supervisor until the next morning, when they gave him the returns at an early hour. He received them under protest, and refused to include them in his statement to the returning board because the commissioners had not delivered them in season.

The law, in its requirement that the commissioners of election for each poll shall deliver the returns to the parish supervisor within twenty-four hours after the closing of the poll at 6 o'clock in the evening of the day of the election, is simply declaratory. This is sometimes a physical impossibility, because, in some instances, the polling places are nearly fifty miles distant from the parish seat, to which there is no public conveyance. In many other cases the returns were not delivered in time, and the returning board, with knowledge of the fact, allowed the votes. A supervisor has no right, under the law, to omit in his compilation any polls returned to him, and if he does so his conduct is arbitrary and unlawful. The number of votes cast at this poll was 242, and the majority for the democratic ticket was 38.

At poll 10 the commissioners were all republicans, but were unaccustomed to clerical work, and allowed one O'Sullivan, a democratic United States supervisor, to conduct the election. The irregularities at the poll were so many and great as to vitiate the election. No return of the poll was made to the supervisor, and he did right in omitting it in his compilation. The democratic majority was 127. The loss of the poll is chargeable to the inefficiency and incompetency of the commissioners, and the supervisor is justly censurable for appointing such palpably unqualified officials to discharge an important public duty.

The supervisor of the parish was M. A. Ledet, a republican, who was appointed to succeed A. Pavella, also a republican, who was requested by the republican parish committee to resign after he had partially completed the registration, for the alleged reason that they suspected he would be untrue to the interests of the party.

After his appointment Ledet declared he would so register the parish as to carry it for the republicans, regardless of what the real vote should be, and that the consideration of his doing it was the expectation of the appointment of parish tax collector. He first located fifteen of the twenty-two polls at negro quarters, off the public road, so as to give an advantage to the colored voters, and changed them subsequently only at the urgent remonstrance of the democratic committee, and one poll casting 86 votes, all by colored republicans, was not, in fact, changed. At two-thirds of the polls in the parish the commissioners were all republicans, and many of them members of the republican parish and campaign committees; all active partisans and some of them candidates. In two instances, prominent democrats, who employed a large number of colored laborers, were appointed commissioners at polls fifteen and twenty-five miles from their residences, though other polls were located near where they resided; and, although he nominally appointed one democratic commissioner out of three at each poll, he did it in most instances in such a manner as to insure their declination to serve, and the substitution of republicans in their places.

In making up the registration many names of persons who had become non-residents, others of those who had died, and still others of minors and convicts, were retained or placed upon the list, by which it was fraudulently enlarged. The supervisor was requested by the democratic committee to erase those names, and refused, and 74 republican votes were illegally cast on them, and twenty-two other republicans voted twice under such fraudulent registration. His character for truth was impeached, and he was shown to be especially vicious in political matters.

Two colored democratic clubs were organized in the parish, and a considerable number of colored men who had previously voted the republican ticket joined them; but they were intimidated by colored republicans, and nearly all abandoned the clubs and voted the republican ticket.

PARISH OF LIVINGSTON.

In this parish polls 2, 3, 4, and 8, all unanimously democratic on the national and State tickets, and giving in the aggregate 378 votes, were excluded by the returning board, with no protest from the supervisor, who is a republican, and solely on testimony, alleging fraud and intimidation, taken by the procurement of James M. Davidson some time after the supervisor had made his return. Davidson made the principal affidavit, which was filled with false and perjured statements, and his reputation for veracity was thoroughly impeached. Those who were induced to become witnesses were summoned to New Orleans, and *ex parte* affidavits were first given in the office of the collector and a United States commissioner, in the custom-house building, which were written out by the clerks and employés in those offices. Some of them were re-examined several days afterward at the same rooms, upon direct and cross interrogatories, and their answers written down by the same person or class of persons who wrote their affidavits, which appear on pages 483 to 510, inclusive, in the document accompanying the report to the President by Senator SHERMAN and others. Messrs. Simms, Rogers, Bailey, and McIntyre, who, next to Davidson, were the persons who made the principal affidavits, were examined by the committee, and stated that their affidavits and testimony, as published in that document, were materially different from what was read, or pretended to be read, to them, and was a material misrepresentation of the facts and of their testimony as they gave it; and the declaration of Hoover, another affiant, was proved to the same effect. In addition to this, the specific material statements contained in all the affidavits were generally distinctly disproved or substantially explained away, and many of them by the testimony of the supervisor himself.

There had been considerable violence and disturbance in the parish for several months preceding the election, but it was wholly disconnected from politics, and indiscriminately directed against both white and colored men, democrats and republicans. An organized band of men, not large in numbers, and known by different names, existed in the parish, whose object was to drive therefrom thieves and other depredators, who were occasionally indicted, but rarely punished by the courts. Their method of procedure, after notice to leave and refusal, was summary and severe, and consisted in whipping, and sometimes in house-burning, and sometimes even in hanging, though such extreme cases were few and exceptional, unless for very flagrant cause.

There were also sundry other acts of unjustifiable mischief by young men and boys, which could be traced to no particular cause; one instance of which was firing several shots in the evening against a colored church while a prayer-meeting was being held, one of which shots passed through the wall of the building and seriously disturbed the congregation.

While this violence does not seem to have had any political origin or object, it tended to and did produce a feeling of uneasiness and alarm in the minds of some of the colored people, who were apprehensive of trouble, with no intelligent understanding how or why it was to happen, and it doubtless deterred some of them from voting. There was, in fact, during the canvass, with the exception of a few anonymous notices to republicans not to hold political meetings, no fraud, violence, or intimidation of a political character; and the registration and election were substantially free, fair, full, and peaceable; and the votes cast at those polls were excluded by means of perjured and perverted-testimony used before the returning board.

The votes at all the excluded polls were properly counted, voting lists, tally-sheets, and duplicates properly made, registration certificates properly indorsed at time of voting, commissioners duly appointed and sworn, returns duly attested, boxes legally sealed and delivered in time to the clerk of the court, with the exception that at poll 8, which was held in the open air, the box was removed at the close of the voting, on account of the cold and wind, and the difficulty of keeping a light burning, to the nearest comfortable and convenient shelter, which was some two hundred and fifty yards distant, where the votes were accurately counted. The supervisor had no office at the parish seat, as the law requires, and was not there in person, and had no clerk there to receive the returns; and the commissioners from all the polls in the parish were for that reason unable to deliver the returns until the evening of the second day after the election; but the supervisor then received them without protest or objection, and they were not excluded by the returning board for any informality.

At some of the polls a considerable number of colored men freely voted the democratic ticket.

PARISH OF PLAQUEMINES.

The supervisor of this parish was R. P. Edgeworth, a republican. He was not a resident of the parish, and was therefore illegally appointed. O'Donnell, one of his clerks, was also a non-resident, and the republican candidate for parish clerk, and declared elected, but is ineligible for the same reason. Edgeworth is a man of very bad character, and has been indicted for forgery, and was, at a former election, charged with fraudulent practices. By his revision of the parish registration the colored voters number 2,416, an addition to the colored registration of the year 1874 of nearly 600. There has been some increase of the colored laboring population by the enlarged development of the sugar-planting interest, but nothing to justify so large an increase in the registration, admitting that of 1874 to have been correct, which was not the case. In the revision of 1872 and the new registration of 1874 the number of colored voters enrolled was greatly in excess of the true number, and several hundred fraudulent certificates were issued and voted on in the interest of the republican party, a large part of which were outstanding and in the possession of a republican candidate for a parish office in the late election, and many of these fraudulent names were retained by Edgeworth on the register. The parish is one hundred miles in length, and during the period of registration the supervisor spent most of his time in the north part, where the colored voters mostly reside, and gave the white voters, who reside mainly in the south part, unequal and insufficient facilities to ascertain whether they were enrolled, and to obtain new certificates if necessary, and many were in that way deprived of the opportunity to vote.

The location of some polling places was changed without notice, after being established by him, and of the establishment and location of the Rockville and Oakville polls no notice was given.

At a poll in ward 3 all the commissioners were republicans and negroes, and at the close of the polls the box was removed on account of the cold, and from the fact that no fire could be made where it was held, to a building owned by the father of the republican candidate for clerk of the court, and the votes were there counted. Three hundred and ninety-eight votes were found in the box, of which 377 were for the republican ticket. From 100 to 130 of the republican tickets lay in the bottom of the box, clean and smooth, and neatly folded, all of which had been fraudulently deposited, and the number of votes counted was many more than that marked upon the printed parish list. No voting list was kept, and there was nothing by which the accuracy of the count could be verified. The return was written by D. A. Thibaut, republican candidate for clerk of the court, and not by the commissioners.

At the Rockville poll all the commissioners were republicans and negroes, and no voting list was kept. One hundred and fourteen votes were counted from the box, of which 108 were for the republican ticket. There were not more than 30 votes legally cast at that poll.

At a poll in ward 9 no voting list was made and kept, and the box was removed before counting of the votes. Two hundred and twenty-seven votes were cast, of which 180 were for the republican ticket and 47 for the democratic. Seven republican votes were illegally counted, which had been cast by persons whose names were not on the register.

There were several other polls at which the commissioners were all republicans, and some of the commissioners in the parish were candidates.

The supervisor, with knowledge of the foregoing informalities, included the returns from all the before-mentioned polls in his statement to the returning board, without protest and without communicating to the board notice of such informalities.

A protest by other persons was subsequently, and within legal time, as interpreted by the returning board in other cases favorable to the republican party, duly filed with the board, specifying the foregoing and other frauds, irregularities, and intimidation, which were substantiated by the sworn statements of eighteen respectable citizens of the parish, several of whom are republicans. The board disregarded the protest and evidence, and allowed all the votes returned by the supervisor. In many cases in other parishes they rejected democratic polls for similar, and sometimes for much less essential, informalities.

Some colored men in the parish voted the democratic ticket, and many others wished and intended to do so, but were deterred by fear. There were several colored republican constables and deputy United States marshals wearing the badges of official authority at every polling place in the parish, and particularly at those where the most of the colored votes were cast.

PARISH OF SAINT LANDRY.

In this parish, poll 9 was excluded by the returning board upon two *ex parte* affidavits charging intimidation. There was a democratic majority of 82 votes at that poll, which is about the majority declared by the returning board for Nash, the republican candidate for Congress in the district of which the parish of Saint Landry forms a part. The evidence is uncontradicted and conclusive that there was no intimidation or violence practiced by democrats upon republicans in that parish at or before the election. The registration and election were entirely free, full, fair, and peaceable, and the affidavits upon which the poll was excluded were absolutely unwarranted and false.

There was intimidation and violence practiced at the Opelousas poll, the residence of Thomas C. Anderson, a member of the returning board, during the canvass, by colored republicans, upon a democratic colored canvasser, who was assaulted, his life threatened, and he was driven from the parish for addressing democratic meetings. At that poll, on the day of election, over one hundred colored men were brought into town in a body by republican partisans and candidates, shut up in a cattle-pen belonging to one of those candidates, and marched to the poll in squads by a guard of white republicans, and made to vote the full republican ticket. Many of them, if left to their free choice and action, would have voted a part of the local democratic ticket, and a few of them the democratic national and State tickets.

There were decided irregularities and informalities at these strong republican polls in the parish. At poll No. 10 no list of voters was taken; at No. 11 the commissioners of election were not sworn until after the voting was finished; and at No. 22 the commissioners were arrested without cause, and the voting for several hours suspended. It also appeared that the boxes from none of the polls in the parish were returned by the commissioners to the clerk of the court within the time prescribed by law.

The supervisor, a republican, communicated none of these facts to the returning board; and the democrats, believing the election to have been generally fair at those three polls, and desiring to make no technical objections, did not protest against any of those polls, and they were all allowed by the returning board.

PARISH OF TANGIPAHOA.

In this parish, poll 3 was excluded by the returning board, and poll 10 was not compiled by the supervisor. At poll 3, 76 votes were cast, all for the democratic ticket; and at poll 10, 59 votes were cast, of which 43 were for the democratic and 16 for the republican ticket. These polls appear to have been excluded upon three affidavits, alleging intimidation, accompanying a protest by the supervisor, who is a republican. Two of the affidavits are entirely *ex parte*, and the other substantially so.

None of the witnesses made answer to the material cross-interrogatories which were filed, or if they did, their answers were not written down and made part of their testimony; or if they were, they are suppressed or omitted in the document accompanying the report of Senator SHERMAN and his associates to the President, in which, on pages 551 to 554, inclusive, the testimony before the returning board with reference to this parish is found. Conrad Simpson, one of the witnesses, is thoroughly discredited before this committee. Sandy Banks, another, is strongly contradicted; and Oran M. Kincher, the other, was summoned before the committee, and did not obey the summons; and he was also substantially contradicted.

Some cases of whipping and other violence had occurred in the parish prior to the election, and it is possible some of it may have been for political intimidation; but those acts were generally, if not always, committed by a vigilance association organized for the purpose of ridding the parish of criminals and outlaws, and with no political object.

The canvass, registration, and election were substantially free, fair, full, and peaceable, with no intimidation or violence which essentially interfered with the freedom or safety of the electors, or that would reasonably justify the exclusion of any poll.

RECAPITULATION.

In no case in which a protest was filed by the supervisor in any of the several parishes included in this report was the law with reference to the filing of protests complied with, and none of them were regularly and legally before the board under the provisions of section 26 of the election law of the State of Louisiana regulating that subject.

The member of the subcommittee representing the minority summoned —— witnesses to rebut the testimony offered by the majority, but introduced only ——.

Of those introduced by him who had given affidavits used before the returning board, every one positively testified that their affidavits, as published in the Sherman report, alleging intimidation, materially misstated their actual testimony.

Parish of Iberia:		
Poll 4 excluded by returning board; democratic majority		322
Parish of La Fayette:		
Polls 1 and 2 not compiled by the supervisor; poll 3 compiled, but excluded by returning board; democratic majority at those polls		511
Parish of La Fourche:		
Poll 2 not compiled by supervisor; democratic majority	38	
Poll 10 not returned by commissioners; democratic majority	127	
Fraudulent republican votes	96	
		261
Parish of Livingston:		
Polls 2, 3, 4, and 8 excluded by returning board; democratic majority in all.		378
Parish of Plaquemines:		
Rockville poll; fraudulent republican votes	78	
Poll in ward 3; fraudulent republican votes	115	
Poll in ward 9; fraudulent republican votes	7	
		200
Parish of Saint Landry:		
Poll 9 excluded by returning board; democratic majority		82
Parish of Tangipahoa:		
Poll 10 not compiled by supervisor; democratic majority	27	
Poll 3 excluded by returning board; democratic majority	76	
		103
Total		1,857
Democratic votes withheld by supervisors and excluded by returning board	1,561	
Fraudulent republican votes	296	
Total		1,857

I do not concur in the above report, either as to matters of fact alleged to have been proven, or as to conclusions. A proper and fair report cannot be made without careful examination of the testimony, which is now in the hands of the printer and not accessible. I shall, therefore, reserve the right to embody my views of the law and the testimony in the general report to be filed by the committee.

S. A. HURLBUT.

Report to the whole committee by the subcommittee to which was referred the investigation of the Louisiana election in the fifth congressional district of that State, comprising, among others, the parishes of Ouachita, Morehouse, Richland.

To Hon. WILLIAM R. MORRISON,
Chairman Louisiana Committee:

Your subcommittee, charged with the conduct of the investigation of the election of electors of President and Vice-President of the United States in the fifth congressional district of Louisiana, comprising the parishes of Ouachita, Morehouse, Richland, Claiborne, Caldwell, Franklin, Concordia, Tensas, Madison, Carroll, Union, Catahoula, Lincoln, and Jackson, beg leave, respectfully, to report as follows:

The investigation was commenced on the 22d day of December. About 157 witnesses were examined, a correct report of whose testimony is herewith returned. The examination of witnesses was confined to the following parishes: Ouachita, Morehouse, Richland, Caldwell, and Claiborne, because of the inability of your subcommittee to procure the attendance of witnesses during the short session held at Monroe. The parish of Concordia was withdrawn from their jurisdiction by subsequent order from the Hon. WM. R. MORRISON, chairman of the committee.

Your subcommittee found that in no instance had the supervisor of registration failed to count, in his consolidated statement, the returns sent him by the commissioners of election, and whatever losses either party may have sustained in the final canvass and compilation of the vote for electors are due solely to the action of the returning board. The following polls were rejected and not counted in that compilation by the returning board in the parishes of Ouachita, Morehouse, Richland, Claiborne, Caldwell, Franklin, and Catahoula:

Ouachita: Polls 1, 3, 8, 9, 10, 11, and 12, being all the boxes excepting four established at Monroe, the county seat. Morehouse: Polls 1, 2, 3, 5, 6, 7, and 8. Richland: Polls 1, 3, 4, and 5. Claiborne: Poll 3. Caldwell: Poll 1. Franklin: Poll 2. Catahoula: Polls 5 and 15. The vote for electors at these various polls thus rejected—solely upon the ground of intimidation of the voters, except in Catahoula—was as follows:

Polls.	Parishes.	Presidential electors.															
		W. P. Kellogg.	J. H. Burch.	Peter Joseph.	L. A. Sheldon.	Morris Marks.	A. B. Levissee.	O. H. Brewster.	Oscar Jeffrion.	John McEnery.	R. C. Wickliffe.	L. St. Martin.	F. Pochè.	A. De Blanc.	W. A. Seay.	R. G. Cobb.	K. A. Goss.
1	Caldwell	74	74	74	74	74	74	74	74	141	141	141	137	141	141	141	141
1	Morehouse	101	101	100	100	100	100	99	99	174	174	174	174	174	174	174	174
2	do	4	4	4	4	4	4	4	4	69	69	69	69	69	69	69	69
3	do	4	4	4	4	4	4	4	4	25	25	25	25	25	25	25	25
5	do	140	140	140	140	140	140	140	140	269	269	269	269	269	269	269	269
6	do	39	39	39	39	39	39	39	39	203	203	203	203	203	203	203	203
7	do	34	36	37	36	37	37	37	37	97	97	96	96	96	96	96	96
8	do	33	3	33	33	33	33	33	33	148	149	149	149	149	149	149	146
1	Ouachita	11	11	11	11	11	11	11	11	340	340	340	340	340	340	340	349
3	do	2	2	2	2	2	2	2	2	345	345	345	345	345	345	345	340
8	do	31	31	31	31	31	31	31	31	206	207	207	207	207	207	207	205
9	do	2	2	2	2	2	2	2	2	96	96	96	96	96	96	96	97
10	do	...	...	...	...	...	...	...	...	70	70	70	70	70	70	70	70
11	do	...	...	...	...	...	...	...	...	159	159	159	159	159	159	159	159
12	do	2	2	2	2	2	2	2	2	301	303	301	302	302	302	302	302
1	Richland	...	...	...	...	...	...	...	...	202	208	208	208	208	208	208	208
3	do	75	75	75	75	75	75	75	75	151	151	151	151	151	151	151	151
4	do	67	66	67	67	67	67	67	67	245	245	245	245	245	245	245	245
5	do	15	15	15	15	15	15	15	15	172	172	172	172	172	172	172	172
5	Catahoula	8	8	8	8	8	8	8	8	36	36	36	36	36	36	35	36
15	do	12	12	12	12	12	12	12	12	61	61	61	61	61	61	57	61

2. Franklin—Hayes electors, 28, Tilden electors, 74.
3. Claiborne—Hayes electors, nothing; Tilden electors, 184.

LOSSES BY RETURNING BOARD.

The votes lost by the respective parties were as follows:

Parishes.	Hayes electors.	Tilden electors.	Net loss.
Ouachita	48	1,517	1,469
Morehouse	355	985	630
Richland	157	770	613
Claiborne	000	184	184
Catahoula	20	97	77
Franklin	28	74	46
Caldwell	74	141	67
	682	3,771	3,089

It will thus be seen that the Hayes electors lost in this congressional district but 682 votes by the action of the returning board, while the Tilden electors were deprived of 3,771, being a net loss to them of 3,089 votes.

Your subcommittee, by the order of the whole committee to submit its report in advance of the printing of the testimony, and within the period of several days, cannot furnish an abstract of the testimony of each person, or perform its duty as satisfactorily as it would desire. This by way of explanation, and not of complaint.

CLAIBORNE PARISH.

We will first consider the parish of Claiborne. In this parish the returning board threw out poll No. 3 on the supervisor's consolidated statement, which gave the Tilden electors 184 votes and none for the Hayes electors, on the ground of intimidation.

We have certified copies of the consolidated statement of the supervisor of registration, and the statement of votes sent up to him by the commissioners of election for that poll, furnished us by the returning board.

The supervisor of registration, J. E. Scott, did not make or forward, in connection with his return to the returning board, any statement whatever in regard to registration or election under section 26 of the laws of Louisiana pertaining to elections, nor did the commissioners of election at poll 3 make or forward any such statement to him.

The consolidated statement of Claiborne Parish was received by mail at New Orleans by the clerk of the returning board on the 14th day of November, 1876, (see printed testimony taken by the whole committee at New Orleans, volume 1, pages 24, 25;) and in the meeting of the board November 18, 1876, it was announced by the clerk, publicly, that Claiborne was one of the parishes from which the returns had been received. (See memorial of McDonald and others, Senate Miscellaneous Document No. 14, page 13.)

Among the papers furnished your subcommittee by the returning board, upon the call of the committee, we find a paper entitled "Report of the State register of voters for the parish of Claiborne, State of Louisiana," which is signed and sworn to by "Capt. J. E. Scott" before United States Commissioner Woolfley, in the city of New Orleans, on the 24th day of November.

In this report he speaks of intimidation during the period of registration and during the election, and annexes thereto an *ex parte* affidavit signed by Larkin Bryant, Jack Charles, and four others, (see Sherman memorial, Senate Executive Document No. 2, page 536,) to the effect that 250 colored men were prevented from voting at the Haynesville box (poll 3) by threats, &c., on election day. This *ex parte* affidavit, sworn to on the 18th day of November, and filed with his subsequent report, of the date of November 24, is all of the so-called testimony submitted to the returning board that in any way concerned the Haynesville box, poll 3; and upon this affidavit, or paper purporting to be an affidavit, the parties to which could neither read nor write, the Tilden electors were deprived of 184 votes.

We think this was clearly wrong. The board had no jurisdiction over Claiborne Parish, the return of the supervisor having been made several weeks before, without any protest by himself or any other person. And it is a singular fact, as illustrating the fairness and good faith of the members of the returning board, or the want of it, that its president, Governor Wells, when the parish of Claiborne was duly called in its order on the 20th day of November, 1876, required it to be passed, because "there was a contest." The following colloquy took place between Governor Wells and Governor Palmer, of the visiting committee, in open session, on the second day of the meeting of the board, (November 20, 1876,) as found in the stenographic report taken on behalf of Senator SHERMAN and others: (See Sherman memorial, Senate Executive Document No. 2, page 46.)

"General ANDERSON. Let us take up Catahoula. Is there any contest in that parish?

"The CLERK. No, sir.

"President WELLS. Bring it in. In Claiborne, I understand, there is a contest.

"Judge PALMER. How do you determine whether there is a contest or not in a parish?

"President WELLS. It is filed and sent with the returns in some instances. They come in two packages sometimes.

"Governor PALMER. Can you tell in every instance?

"Governor WELLS. Not unless the returns are accompanied by a protest."

How any fair officer could have ordered Claiborne Parish to be passed because of a contest, or what right in law there was to pass it, when no paper whatever contesting was then filed, and when no paper contesting the returns was filed until four days after, and no paper or protest had in any way accompanied the returns, we are at a loss to understand.

In this connection, before considering the proof submitted to the returning board, we desire to call attention to the law of Louisiana in regard to the rejection of boxes or polling places.

Section 26 of the election laws defines the duties of the parish supervisor of registration and the commissioners of election.

Section 3 defines the duties and powers of the returning board. It reads as follows:

"SEC. 3. They [the returning officers] shall compile first the statements from all polls or voting places at which there shall have been a fair, free, and peaceable election. Whenever, from any poll or voting place, there shall be received the statement of any supervisor of registration or commissioner of election in form as required by section 26 of this act, on affidavit of three or more citizens, of any riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences, which prevented or tended to prevent a fair, free, and peaceable vote of all the qualified electors entitled to vote at such poll or voting place, such returning officers shall not canvass, count, or compile the statements of votes from such polls or voting places until the statements from all other polls or voting places shall have been canvassed and compiled.

"The returning officers shall then proceed to investigate the statements of riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences at any such poll or voting place; and if, from the evidence of such statement, they shall be convinced that such riot, tumult, acts of violence, intimidation armed disturbance, bribery, or corrupt influences did not materially interfere with the purity and freedom of the election at such poll or voting place, or did not prevent a sufficient number of qualified voters thereat from registering or voting to materially change the results of the election, then, and not otherwise, said return-

ing officers shall canvass and compile the vote of such poll or voting place with those previously canvassed and compiled; but if said returning officers shall not be fully satisfied thereof, it shall be their duty to examine further testimony in regard thereto, and to this end they shall have power to send for persons and papers.

"If, after such examination, the said returning officers shall be convinced that said riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences did materially interfere with the purity and freedom of the election at such poll or voting place, or did prevent a sufficient number of the qualified electors thereat from registering and voting to materially change the result of the election, then the said returning officers shall not canvass or compile the statement of the votes of such poll or voting place: *Provided*, That any person interested in said election by reason of being a candidate for office shall be allowed a hearing before said returning officers, upon making application within the time allowed for the forwarding of the returns of said election.

"SEC. 26. That in any parish, precinct, ward, city, or town in which, during the time of registration or revision of registration, or on any day of election, there shall be any riot, tumult, acts of violence, intimidation and disturbance, bribery, or corrupt influences at any place within said parish, or at or near any poll or voting place, or place of registration or revision of registration, which riot, tumult, acts of violence, intimidation and disturbance, bribery, or corrupt influences shall prevent or tend to prevent a fair, free, peaceable, and full vote of all the qualified electors of said parish, precinct, ward, city, or town, it shall be the duty of the commissioners of election, if such riot, tumult, acts of violence, intimidation and disturbance, bribery, or corrupt influences occur on the day of election, or of the supervisor of registration of the parish if they occur during the time of registration or revision of registration, to make in duplicate, and under oath, a clear and full statement of all the facts relating thereto, and of the effect produced by such riot, tumult, acts of violence, intimidation and disturbance, bribery, or corrupt influences in preventing a fair, free, peaceable, and full registration or election, and of the number of qualified electors deterred by such riots, tumult, acts of violence, intimidation and disturbance, bribery, or corrupt influences from registering or voting, which statement shall also be corroborated under oath by three respectable citizens, qualified electors of the parish.

"When such statement is made by a commissioner of election or a supervisor of registration, he shall forward it in duplicate to the supervisor of registration of the parish; if in the city of New Orleans, to the secretary of state; one copy of which, if made to the supervisor of registration, shall be forwarded by him to the returning officers provided for in section 2 of this act when he makes the returns of election in his parish. His copy of said statement shall be so annexed to his returns of elections, by paste, wax, or some adhesive substance, that the same can be kept together, and the other copy the supervisor of registration shall deliver to the clerk of the court of his parish, for the use of the district attorney."

Without discussing the constitutionality of this law, your subcommittee present the following points upon its construction:

1. It should be construed strictly. Its whole purpose is not to purge the polls of illegal ballots, but to reject the legal ballots of some citizens because others fail or are not permitted to vote. If legal ballots can be rejected in any case, it should only be upon rigid compliance with law.

2. Acts of violence, tumult, &c., occurring on election day, can only be certified to by the commissioners of election. The supervisor of registration can only forward such statements. He cannot originate them.

3. The supervisor of registration can only certify to acts of violence, tumult, &c., occurring during registration or revision of registration, and his statement must contain the number of persons, qualified electors, deterred by such tumult, violence, &c., as well as a statement of the facts constituting such riot, tumult, &c., and the effect produced thereby.

4. Such riot, tumult, &c., whether stated by the commissioners of election or the supervisor of registration, must have occurred either on election day or during registration or the revision of registration.

5. Whatever statement is made by either the commissioners or the supervisor must accompany the consolidated return of the supervisor.

6. The statements must be corroborated under oath of three qualified electors of the parish, and the qualification should appear of record.

7. Unless the foregoing matters occur, and occur in manner and form as stated in section 26 of the election law, the returning board acquire no judicial jurisdiction over the returns of a parish, but are confined to the ministerial duties of counting the returns.

8. The statements of the commissioners of election and of the supervisor of registration, with all affidavits accompanying them, are not evidence, but caveats, as it were, against the returns, without which the board cannot hear testimony.

Applying these rules to the proceedings of the board as to Claiborne Parish, we find:

1. That the alleged acts of violence at the Haynesville box (the only one rejected) on election day were not stated or certified to by any commissioners of election.

2. That the supervisor of registration included this poll in his consolidated statement, and forwarded and delivered his returns to the returning board on the 14th day of November, 1876, without any protest by himself or any commissioners of election against this poll or any other poll.

3. That when Claiborne Parish was called for canvass and compilation on the meeting of the board on the 20th day of November, 1876, and when it should have been compiled, there being no contest or protest whatever, the board refused to compile, but permitted the returns to remain unopened until the supervisor of registration arrived in New Orleans, and on the 24th day of November filed a so-called protest with *ex parte* affidavits.

4. That the board acted unfairly, illegally, and without jurisdiction in rejecting the 184 votes for the Tilden electors.

Your subcommittee did not procure the testimony from Haynesville which it desired, having left the district before it could be procured, the place being remote from Monroe, and difficult of access; but from the testimony of three prominent citizens of Claiborne Parish—H. C. Mitchell, N. F. Alcock, and John Young—taken when they passed through Monroe on their way to New Orleans, your subcommittee is disposed to believe that the so-called affidavits of Larkin Bryant, Jack Charles, and others (all of whom sign their names with a +) is untrue in fact, and possibly a manufactured paper.

The total vote at that box has rarely exceeded 200; it is a white settlement; the republican vote there has generally been about 25, if that, and the colored vote has uniformly concentrated itself at Homer. There were 11 boxes at the late election in Claiborne Parish, and the consolidated return shows that no votes were cast for the Hayes electors except at polls 8 and 9, which were at Homer, the county seat.

There was little interest in the election; the republicans nominating no parish ticket, the leading white republicans deserting their State ticket, and the republican organ and the chairman of the republican committee agreeing in their denunciation of the republican State leaders.

In impeachment of the supervisor of registration, we would add: he was not a citizen of Claiborne Parish, had never resided there, had no property or interests there, but was an employé in the post-office at New Orleans, drawing his salary regularly from the United States authority, and prepared to do the behests of the leaders at New Orleans.

CALDWELL PARISH.

We pass to Caldwell Parish. Poll 1 was rejected by the returning board on the ground of intimidation.

Upon the call of the committee for all papers concerning this parish, your subcommittee has been furnished with the following:

1. The consolidated statement.
2. The returns by the commissioners of election.
3. The statement of Philip Robinson as to intimidation.

This is all that was before the board, as the Sherman memorial will show.

Upon the testimony of Philip Robinson alone the board rejected poll 1, which gave—

Hayes electors	74
Tilden electors	141
Net loss	67

There was no protest or statement whatever upon the consolidated returns by the supervisor of registration, or by him at any time, in regard to registration or election at any poll in this parish, nor did any of the commissioners of election at any poll, at any time, forward or make any statement whatever against the election.

The board acted solely on the testimony of Philip Robinson, taken upon interrogatories on the 1st day of December, 1876.

In doing so, they acted contrary to law and without jurisdiction. Their conduct is so extraordinary in this instance as to justify any imputation upon their honesty, and to deprive their findings of any presumption of fairness in cases where more doubt might arise.

But your subcommittee was not satisfied with the legal objections to their action. They summoned before them seven witnesses—Horace Farrand, Simon Kedley, Gabe Marble, Tony Harris, Moses Bates, Emile Girod, and Cyrus Field—who utterly disprove all the statements made by Philip Robinson. They show, further, that he was a worthless negro politician, seeking office habitually, and then under indictment for stealing a hog—the hog having been found in his possession. He had been twice tried by a jury, escaping conviction by a hanging of the jury by one or more of his colored friends who were on the jury.

The Tilden electors laid before the returning board for consideration the affidavits of forty-four colored men who voted at poll 1 for them, and who testified that they voted freely, without intimidation, and that no violence or intimidation was used.

We are of the opinion that the board acted without law, without jurisdiction, and in bad faith in rejecting this poll.

FRANKLIN PARISH.

In this parish the returning board rejected the votes cast at poll 2. The votes cast were—

Hayes electors	28
Tilden electors	74
Net loss	46

We have been furnished with all the papers submitted to the returning board. They are—

1. Consolidated statement of supervisor.
2. Statements of commissioners of election.
3. Testimony of five or six witnesses.

Your subcommittee took no testimony. The vote was so small that your subcommittee did not feel justified in the expense that would have been incurred by the delay, &c., that would have been necessary.

But the board acted contrary to law and without jurisdiction in rejecting this parish, because—

1. The supervisor of registration at no time made any statement against the fairness of the registration or of the election.

2. None of the commissioners made or forwarded to any person any statement against the election held in the parish.

We conclude that the vote should have been counted, and was rejected without right.

CATAHOULA PARISH.

In this parish the returning board struck from the consolidated statement of the supervisor of the parish polls C 5 and 15, voting as follows:

	Hayes.	Tilden.
Poll C 5	8	36
Poll 15	12	61
Total	20	97
Net loss		77

The reasons assigned will be found in the memorandum of General Anderson, one of the board, submitted to the whole committee at New Orleans, (see testimony, volume 1, page 46,) and are as follows:

Poll C 5. Reject; no poll-list; no list of voters; no tally-sheets; and the returns of the commissioners of election signed by only one commissioner.

Poll 15. Count out Harrisonburgh; no poll-list, tally-sheets, or list of voters.

In the papers furnished us by the returning board there are none whatever bearing upon these two polls, except the returns of the commissioners of elections. The copy of the return for poll C 5 appears to be signed by only one commissioner. We have been refused inspection of the original papers. The board took no testimony whatever, and acted upon papers as forwarded, so far as these polls were concerned. As the supervisor of registration included these two polls in his consolidated statement, it seems to us that the returning board did not act fairly in rejecting them without calling for proof. The voice of the people should not be lost from the mere inadvertences or refusals of officers in the performance of their duty, especially when all the machinery is in the hands of one party. Your committee took no testimony, the parish being remote and not easily reached, the stage of water in the Ouachita River being very low.

RICHLAND PARISH.

In this parish the returning board rejected from the count polls 1, 3, 4, and 5, voting for the electors about as follows:

	Hayes.	Tilden.
Poll 1	00	202
Poll 3	75	151
Poll 4	67	245
Poll 5	15	172
	157	770
Net loss to Tilden		613

The supervisor of registration, J. F. Kelly, took to New Orleans, in person, the statements of votes and his consolidated return, and delivered them, without protest or statement against the registration or election by himself or any commissioner of election, to the returning board on the 13th day of November, 1876. (See volume 1, printed testimony, page 24.)

After he had delivered his returns and papers without protest, he met F. A. Woolfley, United States supervisor, who gave him $150 in money to use, on his return home, in sending down reliable republicans to the returning board as witnesses against the election. On his return home he was twice sent for by subpœna to appear in New Orleans. Upon the second subpœna he went down. On this second visit he filed his report, or statement, November 30, 1876, as the record shows, (see Executive Document No. 2, Senate, page 460,) alleging intimidation during registration and acts of violence on election day at poll 3 and poll 5.

His protest was expressly made on report to him, and not of personal knowledge.

No commissioner of election made any statement against any poll in connection with his return to the supervisor. But on the 22d day of November Gabriel Roberts, a commissioner of election, made an affidavit, supported by the three affidavits required by law, against poll 5.

The above facts as to Kelly's action appear from his own testimony taken before your subcommittee at Monroe and from the copies in our possession furnished by the returning board.

The testimony upon which the returning board acted, as proof of intimidation, will be found in Senate Executive Document No. 2, from page 459 to page 481.

This testimony alleges, in general terms, that armed and organized men rode the parish, intimidating colored people. But few acts of a specific nature are alleged therein. The chief specific acts alleged are:

First. That Wash McGee, a leading colored republican, was driven from home.

Second. That there was an armed body of democrats at poll 5, who deterred about seventy or one hundred colored men from voting; among them one Cyrus Landrum.

Third. That a book was kept at some polls in which the names of men voting the republican ticket were entered.

Fourth. That some men were threatened with discharge if they voted the republican ticket.

The testimony produced before the returning board was given (on behalf of the republican party) chiefly by candidates for office.

The testimony produced before the returning board on behalf of the Tilden electors will be found in Senate Miscellaneous Document No. 14, from page 927 to page 973.

Among the papers thus submitted will be found a certified copy of an indictment against James F. Kelly, (supervisor of registration,) Josiah H. Nettles, and James M. Calloway, and others, (Kelly, Nettles, and Calloway being witnesses for the Hayes electors,) charging them with being accessory before the fact to the murder of P. B. Stern by one Henry Eddins. (See Miscellaneous Document 14, page 931.)

The testimony produced before the board on behalf of the Tilden electors contains the affidavits of several hundred colored men, who swear that they voted the democratic ticket freely, without compulsion, and of their own choice. The testimony on behalf of the Hayes electors does not contain the affidavit of a single person who voted the democratic ticket upon compulsion, or was prevented from voting the republican ticket by intimidation.

The testimony of Jeff. Perkins, on behalf of the Hayes electors, (Senate Executive Document No. 2, pages 463, 464,) is overthrown by his subsequent statement, upon examination into the facts by himself, to be found in Senate Miscellaneous Document No. 14, page 936.

Your subcommittee took the testimony of a large number of witnesses, residents of Richland Parish, most of them respectable citizens, and many of them colored men. Their names are as follows:

C. H. Moore, A. Dyson, Fortune Moulton, Wesley Ellison, Benjamin Holland, H. F. Vickars, Andrew Bracey, Jesse Jones, Friday McIntosh, Abraham Jenkins, Woodson Watley, Lewis Morris, B. P. Freeman, H. P. Wells, John Bishop, Edwin Ervin, Leopold Rosenfeld, Gabriel Roberts, F. Hatch, Henry Hosgood, Samuel Harper, J. A. Hunter, B. O. Edwards, J. A. Yarborough, O. T. Smith, A. B. Cooper, J. F. Kelly, Pleasant Bowsman, William N. Potts, and Wash McGee.

All these witnesses appeared before us, and were subjected to cross-examination on behalf of both political parties. Their testimony was unanimous, so far as their knowledge extended; and they all concurred in the declaration that Richland Parish had been peaceable and quiet for more than six months before the election; that there had not been a single case of homicide or assault and battery growing out of politics; that there were no armed organized bands of white men or democrats; that there were no disturbances or intimidation during registration or on election day, except what occurred on election day at poll five, (Redmouth precinct,) which will be alluded to in detail hereafter; that the election was fair, peaceable, quiet, and a proper expression of the will of the people. And many of those testifying were colored men, who gave their reasons for voting the democratic ticket, and the reasons of their friends and their people (of whom large numbers voted the democratic ticket) for deserting the republican party.

1. The testimony of Wash McGee developed the fact that he knew the men who visited his house after night, firing under it; they were of both parties and both races of people, and his own testimony was that a rival republican office-holder and leader had organized the raid upon him. There was some testimony tending to confirm his opinion.

2. The proceedings at poll 5 (Redmouth) on election day were as follows: Early in the day a body of thirty armed negroes, claiming to be republicans, came within a mile of the polls, stacked their arms, stated that they had been interfered with the night before, and that they were afraid to vote. There was no proof before your committee that such was the fact. On the contrary, proof was abundant that deputations of citizens waited on them that day, giving them every assurance that they could vote without hinderance or molestation. Some accepted the invitation and voted, returning to the main body with the statement that they could vote without trouble. Some of the remainder did vote later in the day. Your subcommittee made a full examination into this matter, and say distinctly that all disturbance that occurred was of a character to injure the Tilden electors, and not the Hayes, as above stated. After the band refused to vote, and remained under arms near the polls, the commissioners of election (as by law required) ordered their arrest. Then, and not till then, did any white men appear in arms. But when the armed men proceeded down the road to arrest the colored men, the latter had dispersed, and nothing further occurred.

Gabriel Roberts, an intelligent colored man, was before your subcommittee. He was one of the commissioners of election at this poll, and gave a full statement of the above facts. He was then and is now a republican. He denounced as untrue the report of his testimony as published in Senate Executive Document No. 2, page 480. In this connection your subcommittee calls attention to the fact that the action of the returning board, in permitting to be used affidavits or testimony upon interrogatories before secret tribunals instead of compelling the personal attendance and examination and cross-examination of witnesses, has led to gross misrepresentation of the facts and the suppression of truth, possibly in many instances to the forgery of testimony, as the officer in no instance certifies that the party testifying is known to him to be the person he represents himself to be.

Your subcommittee calls attention to the fact that at poll 1 (Delhi) the proof shows clearly and conclusively that the colored people have been voting the democratic ticket for some years past; that the republican vote there on the State ticket has never exceeded seven in times gone by, and that there was no intimidation or proof of intimidation.

3. The proof as to the discharge of voters was not sufficiently distinct, as presented to the returning board, nor of a character, in the opinion of your subcommittee, to call for contradictory testimony. No witnesses were offered on behalf of the Hayes electors on this point. And your subcommittee are of opinion that if individual cases of that kind existed, the remedy was rather in the prosecution of the parties, if the law so permits, than the rejection of the legal votes of a parish or polling place.

Your subcommittee, upon a review of the law and the facts, has come to this conclusion:

1. That the returning board had no jurisdiction of a judicial character over Richland to canvass and reject the polls rejected.

2. That its duties were only ministerial.

3. That there was no intimidation, no armed disturbance, no riot, tumult, &c., at any time during registration, revision of registration, or the election.

4. That the whole vote of Richland Parish should have been counted as cast for the Hayes and Tilden electors.

5. And that the testimony in regard to the Redmouth poll, already alluded to, demonstrated that the facts had been grossly perverted before the returning board, the testimony having been fabricated by some persons to suit the necessities of the occasion.

MOREHOUSE PARISH.

We now come to Morehouse Parish, a parish having an excess of colored over white voters, and known to the public at large before the election as one of the "bull-dozed parishes." Upon the allegation of "general intimidation" the following polls were rejected by the returning board:

Polls.	Hayes.	Tilden.
Poll 1	100	174
Poll 2	4	69
Poll 3	4	25
Poll 5	140	269
Poll 6	39	203
Poll 7	37	96
Poll 8	33	149
Total	357	985
		357
Net loss Tilden		628

The results in this parish were protested by the supervisor of registration, F. M. Grant, by affidavit made in New Orleans on the 18th day of November, 1876. (See Executive Document, Senate, No. 2, page 441.)

But no statements or protests by any commissioners of election were forwarded to him, or by him forwarded to the returning board.

The following are the reasons assigned in his statement or protest:

1st. That W. L. Richmond, republican candidate for sheriff, was waited upon about 2d day of November, 1876, and advised to leave a democratic meeting at Oak Ridge, as he was informed.

2d. That many colored voters had told him they had been warned by the democratic party not to vote the republican ticket.

3d. That it was frequently reported to him that numerous bands of armed men were patrolling the parish and bull-dozing.

4th. That it was reported to him that at poll 8, in said parish, on election day, one of the commissioners of election took a ticket from a republican colored man, with remarks which deterred other colored men at such poll from voting.

5th. That at a republican meeting at Bastrop, at which he was present, "an effort was made to break down the republican speaking by constant and ill-natured interruptions."

This comprises everything in his protest.

The testimony in support of the Hayes electors will be found in Senate Executive Document No. 2, pages 422 to 458.

Your subcommittee has carefully read this testimony several times. The bulk of it consists of affidavits, in which the witnesses recite at second hand things they neither saw nor heard; and your subcommittee is of the opinion that even without the rebutting testimony submitted to the returning board on behalf of the Tilden electors there was not sufficient testimony to justify the rejection of the parish in the wholesale manner of the board.

The testimony of Dow Hundley, William Archer, Randolphus Randall, Andrew Ross, William L. Richmond, who give testimony as to specific acts of bull-dozing upon Hundley, Archer, and Kennedy, before the returning board, all show that these acts took place in ward 10; that the democrats held a meeting and denounced the same, promising protection to the colored people; that bull-dozing ceased; and that the election in ward 10 was free, fair, and peaceable.

There is a marked want of definite proof of specific acts, but numerous witnesses testify to numerous things told them by other persons.

There is proof that the meeting at Bastrop was interrupted, as stated by Supervisor Grant; but such interruptions are not unusual in Louisiana, even in the rough language proved, and did not break up or scatter the meetings. The testimony before the returning board, of Thomas Mason and Edward Butler, was gross and wanton perversion of the truth, as the Ouachita testimony will show. If they were present on the occasion they refer to, they were part of a mob of armed colored men, who were marching, without provocation or authority of law, from Morehouse Parish into Ouachita Parish, to burn Monroe, upon an invitation of the colored leaders of Ouachita, the original of which, addressed to Gus. Winfield, (another witness,) your subcommittee procured and attached to the Ouachita testimony. It ordered them to come to Monroe, "for the war had begun." This mob fired upon four gentlemen of Morehouse Parish, (who appeared before your subcommittee as witnesses,) without provocation or justification. The fire was returned, and one Andrew McCloud, the leader, was wounded.

This part of the Morehouse case will be better understood when taken in connection with the history of the "island riot," as it is called, as it will appear in the Ouachita case.

But three affidavits were presented to the returning board of colored men who claimed to have been compelled to vote the democratic ticket or prevented from voting the republican ticket.

The testimony of harsh expressions used by democrats, proved by the testimony of republicans in a few instances, was almost uniformly against white republicans, expressly excluding colored men.

And Randolphus Randall, a colored man, while speaking of intimidation of his people, &c., almost in the same breath says he was offered $50 by several citizens to work for the democratic ticket. Certainly a high price if intimidation was prevailing!

Only one republican is shown to have been killed, and by a person entirely unknown. It will be observed that the supervisor of registration does not refer to this murder as a political one, or as producing intimidation.

This republican leader, Law, was a desperado of very bad character, morally and otherwise, and had previously killed his man.

In the brief time allowed for the making of this report, it is impossible to go into details at greater length.

The Tilden electors presented before the returning board a mass of testimony to rebut the case of the Hayes electors.

It will be found in Senate Miscellaneous Document No. 14, pages 705 to 757. This testimony is perfectly overwhelming. Much of it is *ex parte*, but in this it resembles the testimony of the other side. Indeed, the record of the proceedings of the returning board will show that the board examined not a dozen witnesses orally during its whole session, and these were chiefly confined to Ouachita Parish.

But your subcommittee, sitting in Monroe, called before it, for oral examination and cross-examination, the following persons, residents of Morehouse Parish: R. A. Folke, Robert Eckles, C. C. Davenport, Julian Polk, J. G. Sandidge, Frank Vaughan, B. F. Furniss, Robert H. Ward, James Williams, Mack Chappell, Smith Gray, Henry Ratcliffe, Lasker Bass, C. Newton, E. N. Conner, B. V. McDonald, Stephen Reese, Harry Wells, Nicholas Bailey, David Todd, Lewis B. Stark, Frank Brigham, A. Heffner, George Speaker, John Stegg, J. T. Dorsey, William Daniels, Henry A. Scates, Robert Duncan, J. C. Cooper, Garrett Richards, Howard Burrell, Fred. McNeal, and Anderson Scott—thirty-four in all; most of them, as appeared to your subcommittee, persons of standing in the community, and many of them colored.

Their testimony is unanimous to the point that there was no armed organization, no bull-dozing, no intimidation, no violence, no disturbance during registration or on election-day, and the result in Morehouse was a fair, full, and free expression of the will of the people. No witnesses were examined or presented for examination to your subcommittee to testify to the contrary.

These witnesses not only denied all statements of violence, intimidation, &c., as to the colored people, but gave the reasons that influenced the colored people in making a change. They were the same reasons given by the other colored men of Northern Louisiana:

1. In the first place, the republican State ticket was exceedingly unpopular and distasteful to the republican leaders.

2. There was very great dissatisfaction with the republican parish ticket among the better classes. The candidate for sheriff—Richmond, one of the chief witnesses before the returning board—did not stand well. He had been removed from office, as sheriff, but a short time before, by a judge of the court, of his own political party, for incompetency, and two indictments for extortion in office were pending against him at the time of his renomination by the republican convention.

3. The candidate for clerk of the court was a mulatto, by the name of Hunter, who was under indictment, at the time of the election, for carrying concealed weapons; and under indictment, also, for stealing the rope or cord belonging to the room of the grangers. (See testimony of B. V. McDonald.)

4. There was very great scandal in connection with the school fund. The public schools had been closed for a long time. The colored people were deprived of education for their children. And about all the funds had been lost by deposit with a failing house in New Orleans. The character of the teachers was not good under republican parish rule. They had been selected more for partisan purposes than for the benefit of the children. This was the reason why, in several instances, teachers were interfered with. One colored man, Lusker Bass, heretofore a republican, gives us some interesting details. He says, in substance, as follows:

"I wanted a school in my settlement; had been promised one for more than a year; finally spent seventy dollars myself in getting a house for it; they sent me a little teacher about April 1, 1876; I would have whipped him myself but for the law; he staid about two months, and then vanished; the school funds were out, and we couldn't get a school any longer."

Lusker Bass did not vote. Said that he would have voted the democratic State and national ticket, and as he pleased for parish officers; that a change was needed.

His testimony was corroborated in the main by other colored witnesses.

5. The affairs of the parish had been very badly administered. Parish paper was down to twenty-five and thirty cents on the dollar. This paper is issued to jurors and witnesses at its face value. Colored men constitute the large majority of the juries, and are concerned in most of the litigation. They were compelled to take this paper at its face.

6. The white people, all of whom except the office-holders were democrats, took very great interest in the election. The planters took unusual interest on account of the high rate of taxation, which has been enormous under republican rule. They represented to the colored men that republican rule was ruining them; that the interests of white and black were identical; that what influenced the fortunes of the planter affected the laborer on the plantation. The planter, by reason of his superior intelligence and his position, undoubtedly had very great influence in producing the result.

7. The times in Northern Louisiana have been undoubtedly very hard, and money very scarce. There are very few white republicans in any of the northern parishes. The white men have used the hard times, and very successfully, as an argument against the party in power.

8. All these things and many more were urged upon the colored men with a promise by the white men to produce better times, to have longer schools, higher wages, lower taxes, and better feeling, if the colored people would vote with them just this time. If affairs did not go better in the future they could drop the party.

Your subcommittee would refer to extracts from the testimony, if it was conflicting. The witnesses being unanimous in their opinions, we refer to all the testimony that has been given by them. The testimony of Julian Polk, J. G. Sandidge, Harry Brigham, and David Todd—all planters or professional men—is especially referred to in connection with the Ouachita testimony as explanatory of the shooting of Andrew McLeod, who certainly had no right to complain of his fate. They also explain the only occasion on which armed men were out in the parish.

They and other white men were following down into Ouachita Parish a large band of colored men who were moving into it, under arms, with the avowed purpose of burning Monroe, as has been heretofore stated, because of orders received from that point. None but the guilty few were intimidated by this appearance in arms, and none but the leaders fled. They call it, "Driven away."

Attention is called to the fact that in Morehouse Parish United States soldiers were stationed at three different points on election-day and in the immediate vicinity of the polls. One detachment was at Bastrop, one at Oak Ridge, and one at another point. Reference is made to this fact, not for the purpose of here condemning it, but in connection with the charges of intimidation. These troops had been in the parish for some time. They were there, as was generally understood, in the interest of the republican party.

Attention is called to the fact that at poll 1 the republican vote was 100 and the democratic vote 174. This was rejected. At poll 5 the republicans polled 140 and the democrats 269 votes. This was rejected. It is difficult to understand or to measure the extent and the nature of the intimidation that permits so many colored men to vote at a poll and debars others. We are inclined to the opinion that it does not exist in any formidable degree. We further believe that it is the creation of the professional office-seeker, who is disappointed in his hold upon place.

After a survey of all the testimony taken before your subcommittee, we are compelled to come to the conclusion that the returning board, in rejecting Morehouse Parish, only carried out the pre-arranged plan of a political party, which had announced the parish as a "bull-dozed parish" prior to the election. The testimony before it did not justify its action. It was overwhelmingly in favor of the Tilden electors, *ex parte* as it was. But an examination of leading citizens, white and colored, openly, and subject to cross-examination by representatives of both political parties, convinces us that Morehouse should have been counted for the Tilden electors.

OUACHITA PARISH.

We come next to the consideration of Ouachita Parish, in canvassing which the returning board threw out all the polls in the parish except four boxes, all located in the town of Monroe, being polls 4, 5, 6, and 7. There was no election at poll 2, the box not having arrived there. The following polls were rejected by the returning board:

	Hayes.	Tilden.
Poll 1	11	340
Poll 3	2	345
Poll 8	31	206
Poll 9	2	96
Poll 10	.....	70
Poll 11	.....	159
Poll 12	2	301
Total	48	1,517
		48
Net loss to Tilden	.....	1,469

The supervisor, M. J. Grady, filed his duplicate copy of returns, as consolidated by him, on the 11th day of November, 1876, with Julius Ennemoser, clerk of the district court of Ouachita Parish; on which day, as will appear by a certified copy of his consolidated return furnished your subcommittee by the returning board, he made oath to the accuracy of his consolidated return. On the same day, the clerk of said court certified, upon comparison, to their correctness as compared with the statement of votes returned by the commissioners of election.

On the same copy of his consolidated return we find the following:

STATE OF LOUISIANA,
Parish of Ouachita:

I, George W. Pierce, United States supervisor of election for the parish of Ouachita, in the fifth congressional district, duly commissioned by the Hon. R. A. Hill, in the circuit court of the United States for the fifth circuit and the district of Louisiana, do hereby certify that this consolidated statement of the votes polled in the parish of Ouachita at the general election held November 7, 1876, for presidential electors and Representative in Congress, and for State, parish, and other officers, is correct and true; and I do further certify and declare that the said election and the canvass of said votes was truthful, fair, free, and peaceable.

G. W. PIERCE,
United States Supervisor.

Just below the above is the following statement:

The above certificate of G. W. Pierce, United States democratic supervisor of election for Ouachita Parish, was indorsed thereon after this consolidated statement was completed and sworn to by me, and after the same was certified to by the clerk of the district court as correct.

M. J. GRADY,
Supervisor of Registration, Parish of Ouachita.

The only other indorsement on said copy so furnished your subcommittee is as follows, in the column of remarks:

"N. B.—In the foregoing consolidated statement poll No. 2 is left blank from the fact that the ballot-box, poll-book, and necessary stationery did not reach the foregoing place, and hence there are no returns from said poll. See copy of statement and return of the commissioners of election appointed for polling-place No. 2, hereto annexed."

There are no other indorsements on said consolidated statement, nor any references to any other statements, protests, &c.

We refer to these matters because a protest by M. J. Grady, supervisor, was filed or made out in the city of New Orleans some days afterward—on the 21st day of November, 1876. (See Senate Executive Document No. 2, page 365.)

No copy of this had been filed in the Ouachita Parish court or the clerk's office up to November 20, 1876. (See Ennemoser's certificate, Senate Miscellaneous Document No. 14, page 792.)

Under section 43 of the election law of Louisiana it is made the duty of the supervisor within twenty-four hours to consolidate the returns and to forward them, &c., immediately after receipt of the statements.

The returns from Ouachita appear to have been received by the board on the 24th day of November, 1876, many days after the returning board had commenced its sessions, thus depriving the Tilden electors of any definite information as to the charges made against the various polling places, and preventing them from early preparation to meet the same. The returns were not opened in the session of the board until the 25th day of November. On the 29th day of November, 1876, the court adjourned the hearing of testimony; and, except for consultation in private, closed its session on the 2d day of December.

Monroe is distant three hundred miles from New Orleans, and not less than three days would be requisite for the Tilden electors or their agents to reach Monroe and return to New Orleans. No time whatever was given for preparation; no notice, by filing in the clerk's office the copy of the statement of the supervisor of the particular acts of violence, tumult, outrages, &c., complained of. Under the circumstances, counsel representing the democratic electors could only surmise the case they had to meet, and to a degree were at the mercy of the supervisor and his office-holding friends.

In illustration of the partisan feeling of Governor Wells, the leading and controlling spirit of the returning board, we quote from the stenographic report of the proceedings of the board at the close of the cross-examination of Eliza Pinkston on Tuesday, the 28th day of November:

"Mr. GAUTHREAUX. On the part of our committee (democratic) I am requested to ask that the board hold night sessions.

"Governor WELLS. We will not do it positively; we cannot hold night sessions; we will have to do less talking.

"Mr. MCGLOIN. You have given the whole day to the republican party.

"Governor WELLS. We will give you a whole day if you have as good a case on your part." (See Senate Miscellaneous Document No. 14, page 113.)

The next day the board heard the testimony of Charles Tidwell and J. T. Swan, and would permit the oral examination of no other witnesses, many of whom were present to testify in regard to Ouachita Parish. To intimidate some of the witnesses who were in New Orleans, and prevent the attendance of others, the republican managers caused the arrest of some of them upon pretense of being fugitives from justice.

The protest of the supervisor, filed November 24, 1876, contains the following points:

1. That acts of tumult, violence, &c., during registration and revision of registration, prevented a fair, free, and full vote.

2. That Harmon Bell, going to poll 1, was stopped, and prevented from acting as one of the commissioners of election.

3. That poll 2 had no election, because the constable carrying the box, &c., was shot on the road.
4. He alluded to the affidavits of Ray, McCloe, Bell, Hill, Hamlet, "and others," filed with the returns.
5. He alludes to armed organizations, called "rifle-clubs," formed to compel the colored people to vote the democratic ticket.
6. He gives the figures of former elections:

In 1874—	
Republican vote	1,763
Democratic vote	787
Republican majority	976

In 1876 the registration was as follows, which we give, remarking that registration in Louisiana, under republican management, is rather peculiar:

Registration in 1876—	
Colored	2,352
White	1,023
Colored majority	1,329

7. That about six hundred were deterred from voting.

The affidavit of Hamlet, sheriff of the county, (*ex parte,*) alludes to the following matters as evidence of intimidation, &c.:

1. The murder of Dr. Dinkgrave, and the assembly of armed men in Monroe on the 2d day of September, 1876.
2. That he, Hamlet, was advised to leave the parish, as he was in danger.
3. That armed men rode around at night shooting off guns, &c.
4. The killing of Primus Johnson and shooting of Eaton Logwood, both occurring on the same day and by the same parties.
5. The killing of Henry Pinkston and Merriman Rhodes, which occurred on the same night and in the same neighborhood.
6. The shooting of George Shelton.
7. The shooting of Ben James.
8. The killing of Fred. Bynum.
9. The shooting of Andrew McLeod.
10. The capturing of Henry Burrell, Elisha Moore, Charles Williams, and the burning of republican tickets in their possession.
11. The picketing of the roads leading to the town of Monroe by armed men during the two days preceding the election.

Other parties allude to the shooting of the following persons as evidence of intimidation:

12. James Jackson, on his wagon of wood.
13. Henry Burrell, Spencer Dickerson, William Lewis, and Hawkins Jones, all of whom were shot or shot at by one Hathaway.

Other persons allude to the disturbance of the republican meeting at Grady's school-house, at which point insulting language was used by a colored democrat to a colored republican orator.

Your subcommittee has been careful to select everything charged of consequence to the case, in order to state the testimony taken in regard to it, in so far as they were able to go into detail.

The Tilden electors presented a great mass of testimony to the returning board, which is embodied in the memorial of Senator McDONALD and others; and in this were included 473 affidavits by colored men that they had freely, voluntarily, and without intimidation voted the democratic ticket. These affidavits although *ex parte*, were received by the board, Ouachita being made an exceptional parish as to *ex parte* testimony, even after the board for the second or third time had changed its rule on this subject; and the statements of these colored witnesses were corroborated by very many white men.

Your subcommittee, in making this report, can take into consideration only such testimony as was taken before them at Monroe; not having convenient access to whatever testimony may have been taken by the general committee or any other subcommittee in New Orleans.

No witnesses were tendered at Monroe on behalf of the Hayes electors, the reason assigned being that they were in New Orleans attending upon the Senate committee upon the same question.

Your subcommittee is of opinion that if any such general intimidation existed in Ouachita Parish as was alleged and claimed by the Hayes electors, there might have been found other persons of character and standing to testify—white and colored—than the few who went to the city of New Orleans. The claim that witnesses could not be had to testify at Monroe because of apprehension of violence is utterly unfounded in fact in the judgment of your subcommittee. Seven hundred and ninety-three persons voted the republican ticket in Ouachita Parish at the late election, of whom not more than thirty were white persons. None of these persons have been interfered with or molested since the election. And your subcommittee believes that among the seven hundred and sixty colored people who voted the republican ticket in November last, in spite of the alleged intimidation, &c., many could have been found who would have freely testified to intimidation, violence, &c., if in fact it had produced any material effect upon the election. And your subcommittee, in coming to its conclusions upon this parish, lays great stress upon the fact that the testimony before it was almost unanimous, and that no witnesses were produced before it at Monroe on behalf of the Hayes electors. And in this connection they refer to the minutes of the subcommittee printed herewith.

Before investigating the acts of violence and intimidation, the following points deserve notice:

1st. The supervisor of registration does not aver that the registration was not full. The total population of the parish, by the partisan census of 1875, was as follows:

White persons	4,042
Colored persons	9,354
	13,396

On which basis the total registration was, according to Grady's protest, 3,375 voters, or about one voter to every four persons. It is very evident from this, if Mr. Grady's registration was honest, that all the alleged intimidation did not deter any single person from registering. It rather, if anything, increased it beyond the usual proportions.

2d. It is equally clear, because it was conclusively proved by overwhelming testimony, that on the day of the election there was no disturbance, no violence, no tumult, no intimidation. And among the papers are no protests or statements against any box or polling place by any of the commissioners of election. The supervisor himself makes no statement against any polling place upon that ground.

We will now determine, as far as we can, whether political matters entered into any of the outrages or disturbances hereinbefore recited, and to what extent.

1. The killing of James Jackson, found dead on his load of wood, had no connection with politics. Family disturbances alone seemed to have caused his assassination. We found no witness who had any other opinion. Jackson was a quiet person, whose politics, if he had any, were unknown; and was an obscure person, whose death could be of no service or significance in a political way.

2. The shooting of George Shelton had no political significance, and none was attached to it. The testimony taken by us was not very full upon this case. But an examination of his own affidavit, filed before the returning board, is conclusive upon this point. In it he speaks of various acts of intimidation practiced, but nowhere even mentions the fact that he was shot. His shooting cuts a conspicuous figure in other people's affidavits, but not in his own. (See Senate Executive Document No. 2, page 402.)

3. Your subcommittee heard no testimony about the killing of Fred. Bynum, as alluded to. The witnesses did not seem to know him. We have no report to make as to this case, and no one seemed to have heard of him as a leading politician.

4. Ben. James was wounded by some persons unknown to the committee on the night preceding the election, probably by those mentioned in his testimony. He was on his way to Logtown, as special constable, with the boxes, &c., for the election at poll 2. Instead of going south—the direction of the Logtown poll—he took an easterly route, to avoid the picket line that was then about Monroe, (for purposes that will be detailed hereafter,) and met the persons or person who shot him. Your committee found the character of Ben. James to be exceedingly bad. He was regarded, generally, as one of the roughs of the town. No witnesses were found who could give the history of his difficulty. From his own testimony, he appears to have been shot when attempting to run away. His shooting could not have produced much effect upon the election, if regarded as a political outrage, for the reason that the vote had been generally polled before the fact was generally known. Another explanation is needed in this connection—the failure of the box to reach Logtown. It will be observed that no election was held at Logtown, poll 2, but the testimony is very satisfactory and conclusive, being unanimous, that neither party lost anything by the failure—most of the voters going to the Cuba poll, which was three miles distant only, and others to another poll; and all the witnesses said that the failure was more injurious to the democrats than the republicans, as the democratic party expected a large majority. This is undoubtedly true. The republican vote was not expected to be polled except at Monroe. Four boxes were provided there expressly to accommodate the republicans of the whole parish. They were instructed to come to Monroe for that purpose.

For these reasons, we believe that while it is possible that Ben. James was shot because he was an offensive man and politician, he was not shot because he had charge of the box, or to prevent his reaching the place of the election, or to prevent republican votes. He had been stopped by members of a rifle club at a time of high excitement, and was shot when attempting to run away. This occurred when Monroe was picketed, as will be seen hereafter.

5. The shooting of Henry Burrell, Spencer Dickerson, William Lewis, and Hawkins Jones figures extensively in the proof of intimidation before the returning board. This is a singular illustration of the perversion of truth. One Hathaway, an escaped or fugitive desperado from Texas, and but two weeks in the parish, being drunk, shot at and wounded some or all of the persons named while he was driving along the highway. No expressions were used showing any political animus. It was wanton outrage, and it was so regarded by people of all classes. Several of the democratic rifle clubs—in all comprising about thirty men—pursued Hathaway immediately; traced him to a large cypress-swamp toward evening; placed pickets around the swamp all night; in the morning renewed the pursuit, and about two o'clock in the day captured him, carrying him in triumph to Monroe, and lodging him in jail, where he now remains awaiting his trial. This was the second or third occasion upon which the rifle clubs were out with their guns. The testimony informs us that their prompt action upon this occasion was of great service to the democratic party. When the rifle clubs were taking Hathaway to Monroe, large crowds of colored men gathered by the road-side, cheering them loudly and cheering the party, saying that their action was worth five hundred votes to the democratic party.

The shooting of Burrell, Dickerson, &c., did benefit the democratic party; but it was because it gave the rifle clubs an opportunity of proving what they had promised—that they would afford protection to all, preserve peace and good order, and do justice to the colored man. The persons injured were all colored, although Hathaway had fired at a white man also who was stirring up the dust in the road. One or more of the colored men were democrats, and voted the ticket.

6. The killing of Primus Johnson and the shooting of Eaton Logwood, his brother-in-law, occurred in the day-time, at Logwood's house, on Bayou Desaird. Logwood charged the crime upon Robert Logan when taken to New Orleans. Logan, however, established by reasonably satisfactory proof an *alibi*. He was himself a witness before your subcommittee, and most explicitly denied the charge. He is a young man of high standing in the community, and your subcommittee is of opinion that Logwood is not entitled to credit in this matter. After he was shot he was visited by various persons—among others, by the deputy sheriff, Vincent, and Captain Phillips, one of the oldest and most respectable citizens of Northern Louisiana. Both these gentlemen were witnesses before your subcommittee. Logwood said to both, at different times, immediately after the shooting occurred, that he had no idea who had shot him; that the men were black men, or had their faces blacked. The deputy sheriff and others examined the tracks in the sand or mud across the bayou where the witnesses to the shooting stated the murderers had fled, and there were tracks in the mud where the parties had got off the log, which were measured, and showed a foot that wore a shoe between numbers 10 and 11 in size. In that community this is regarded as almost conclusive proof of the color of the wearer.

Logwood was a republican of some standing in his circle. His brother-in-law, Johnson, who was killed, was a man of no political importance.

Your subcommittee has presented you the substance of the testimony before it. The shoes worn by the murderers would indicate that the men were really black men. The testimony bearing upon Logan's *alibi* and this case generally is contained in the examination of John Vincent, Captain Phillips, Robert Logan, Amanda Burrell, and Reuben Basterfield.

Logwood, having taken an active part in arousing the negroes to arm themselves and march upon Monroe after the death of Dr. Dinkgrave, and being engaged personally in the march to Monroe to burn the town, as was reported and believed by the whites, may have been shot for his participation in these uprisings, the nature of which will be more fully shown hereafter. But, in the absence of testimony as to the persons who shot him, we are without real information as to their motives; and your committee cannot say that Logwood was shot on account of his politics.

7. Andrew McLeod was another colored man who was a leader in the march upon Monroe, already alluded to, instigated by the worst class of radical leaders, after the death of Dr. Dinkgrave. Andrew McLeod was wounded while in command of thirty or more armed colored men, who had wantonly, and without provocation, fired upon Colonel Sandidge, Frank Brigham, Julian Polk, and David Todd, esq.

After Dr. Dinkgrave was killed, certain leaders sent word to the colored people to come to Monroe, the war had begun. Many from Morehouse Parish were made to believe that they must go. Some of the white men of Morehouse followed into Ouachita Parish, to see that no harm came from the invasion. The four gentlemen above named were of the party. Arriving in Ouachita Parish, they found that peace had been accomplished without the discharge of a gun; and they were on their way home, each person taking his own road. These four white persons, on their return, were fired into from the road-side by about twenty or thirty negroes, armed with double-barreled guns, who were fired into in return. McLeod was wounded. Your subcommittee have only to state the facts in this case as proved by every witness before them to warrant the common verdict that he was served according to his merit. The testimony of Colonel Sandidge, Julian Polk, Frank Brigham, and of David Todd, esq., a member of the bar of Bastrop, is particularly referred to. This is not the kind of intimidation referred to in the election law of Louisiana; at least your subcommittee cannot recognize it as such.

THE DINKGRAVE CASE.

8. The killing of Dr. B. F. Dinkgrave was also investigated by your subcommittee, though not to the extent that would be necessary in a judicial investigation. Dinkgrave was an active republican, but was otherwise favorably regarded by the leading democrats of Monroe, with some of whom he was upon very friendly terms. He was murdered in the afternoon, August 30, 1876, upon one of the streets of Monroe running along the river bank, by a person upon horseback, who was unknown to him and to the person who was with him at the time. The assassin was within thirty yards when he fired. He fled immediately; was pursued by the sheriff and a posse of the rifle clubs until the trace was lost. Dinkgrave lived long enough to converse with his friends. He had no knowledge or suspicion of the person who had shot him. He so stated to F. P. Stubbs, esq., his neighbor and friend. The assassin was met in his flight by Mr. Briard, who did not recognize him. Your subcommittee was unable to come to any definite conclusion as to the motive for the assassination. When the assassin or his accomplices are not known, the motive cannot be satisfactorily assigned. There was some testimony by a policeman and a member of the city council, to whom the policeman had reported, tending to show the presence in Monroe at that time of a stranger, mounted upon a fleet horse, supposed to be a Wimberly, from Texas. Several years before Dr. Dinkgrave had killed one Wimberly, of Monroe, in an altercation, growing out of the doctor's supposed interference in some family affairs. The family was said to be desperate and revengeful. The testimony showed very clearly that at one time the doctor had been apprehensive of assassination from some of its members. There was proof showing a serious difficulty between the doctor and a Mr. Adams, whom the doctor had procured to be arrested under very aggravating circumstances. All the testimony taken before your subcommittee, so far as it was valuable at all, was entirely against the idea that Dinkgrave was murdered on account of his political prominence. Dr. Aby, Col. F. P. Stubbs, and Mr. Slack, three prominent citizens, testified that, in their opinion, he was killed by one of the Wimberlys. They testified also that such was the opinion of nearly all the citizens of the town of Monroe. The Catholic priest to whom Dinkgrave made his confession publicly announced at the funeral that no good citizen could lay the crime to the difference of political opinion.

Your subcommittee does not see how any fair tribunal, charged with the exercise of judicial powers, could find as a judicial fact that Dr. Dinkgrave was murdered because he was a republican. That he was a leading republican is true. That he was killed in a time of high political excitement is also true. From this no more than a suspicion could arise, even if threats had been proved to have been made by political opponents. None were proved before your subcommittee. The citizens of Monroe, of both political parties, denounced the act. The rifle clubs of the democratic party pursued the assassin under the charge of the republican sheriff until recalled by his order, when pursuit was unavailing. We cannot see the value of an assassination as an engine of political intimidation when the party in whose interest it is supposed to have been made denounces the act, pursues the criminal, and disavows the crime. It seems to us that political assassination, to be valuable, must be of such a character that the party in whose interest it occurs may point to it in the presence of the living, warning them, openly or secretly, that the same fate is reserved for them if they do not change their rules or modes of political action. It is true that the republican colored people, to a great extent, were alarmed or excited over this murder. He had been a leader in the party. That his death was owing to this fact was industriously circulated by some members of the republican party to consolidate the colored vote in the parish. An uprising was organized by leading republicans; and orders were sent out to the country wards calling upon the colored people to "come to Monroe;" that the war had begun. Large numbers of colored men, without any other fact or provocation than the killing of Dr. Dinkgrave, did assemble in various parts of the parish—some of them coming from Morehouse Parish adjoining—armed with guns and pistols, threatening to march upon Monroe and burn the town, kill the democrats and white people, &c.

The prompt assembling of the rifle clubs, armed as the occasion demanded, enabled the white men of the parish, in whom the colored people had confidence, to reason with the armed mob, and to persuade them to disperse. They did disperse without the discharge of a single gun. No one was hurt in the campaign known as the "island riot" except Andrew McLeod, whose deserved misfortune has been heretofore explained. The persons engaged in organizing this uprising of the colored people became alarmed for their safety and fled. Their flight tended to shake the confidence of the colored people. Some of them said that "their leaders drew them into trouble and then deserted them." And there is no doubt that the occurrences following the death of Dr. Dinkgrave, in which the colored people were to blame in following the advice of bad leaders and bad men, did materially injure the republican party in the parish. But the testimony shows that long before he was killed about 1,000 colored men had joined the democratic clubs. (See the testimony of Col. F. P. Stubbs.)

The testimony upon these points is very full and very voluminous. It is substantially unanimous. The patrolling of the parish that is spoken of by some of the witnesses before the returning board occurred immediately after the foregoing occurrences, an apprehension existing in the minds of the white people that another trouble might arise. This patrolling was done by only a few men, and lasted but several nights. Out of this has grown the story of the parish being patrolled in the interest of the democratic party. It was a precautionary measure, rendered necessary by the state of society in which these people lived. The white people living upon the island where the patrolling chiefly took place, are in the proportion of only 1 to 10 as compared with the colored people; and their duty to their wives and daughters, as well as to themselves, compelled them to be vigilant.

The large number of armed men—grossly exaggerated as to number in the testimony before the board—assembled at Monroe on the 1st or 2d day of September last, were brought there by the uprising alluded to. And the testimony shows that the fears of the white people were not groundless. But a few nights before, colored people had assembled about ten miles below, and had fired into the houses of prominent and respectable white citizens, causing them and their families to flee to Monroe for protection. These persons had given no provocation whatever, and had no prominence as politicians. Such conduct upon the part of the colored people was the natural result of the course pursued by some of their reckless leaders. The few white republicans in the parish—not more than thirty in number in all—did all in their power, with a very few exceptions, to array the colored people against the white people. The white people were denounced as "rebels," as former "slaveholders," as the "natural enemies of the colored people," as persons who would "return them to slavery, deprive them of their property, as well as their liberty." The motive for this was retention of power. The colored voters, being in the majority, could carry the parish very easily upon the color line. As a sample of the vindictive language used, we refer to that used by I. H. Dinkgrave, in a speech upon the island; upon which occasion he held up a dead snake, and shaking it in the presence of the audience, said it was "like the democratic party, which they would hang up by the neck until it was dead, as he had the snake." This same Dinkgrave—who for a while appeared before your subcommittee as advisory counsel for the Hayes electors—was then holding four distinct offices, and had been just counted by the returning board into a fifth.

The evidence as to the death of Dr. Dinkgrave will be found in the testimony of D. A. Briard, G. W. McFee, R. V. Vinson, Mr. Slack, Dr. Aby, and Col. F. P. Stubbs. The evidence as to the island riot and the uprising will be found in the testimony of Captain Phillips, Captain Theobald, Dr. Aby, B. A. Shelby, and a large number of witnesses corroborating them. The evidence as to shooting into the houses of white people below Monroe by colored persons will be found in the testimony of Mr. Folke, R. S. Trippett, and others.

That the killing of Dr. Dinkgrave, murderous and outrageous as it was, had no material effect upon the election is demonstrated by the fact that the great mass of the colored converts to the democratic party had joined the democratic clubs three weeks before, and at a time when Mr. Hall, a strong republican witness before the returning board, says there was perfect quiet in the whole parish. (Senate Executive Document No. 2, page —.)

PINKSTON CASE.

9. We proceed to investigate the killing of Henry Pinkston, of Merriman Rhodes, the whipping and raping of Cora Williams, and the shooting of Eliza Pinkston and the murder of the child one year old.

We treat these all together, for the claim in the testimony before the returning board is that they were all perpetrated upon the same night and by the same persons—Captain Theobald, George Phillips, Walter Logan, Dr. Yonge, &c., and Cora Williams says that the party left her house and went toward Pinkston's, in which direction she afterward heard firing.

These stories, so far as the names of the perpetrators are concerned, depend solely upon the testimony of Cora Williams and Eliza Pinkston. They reside, says the testimony, about four miles apart.

Your subcommittee, after a full examination of witnesses, extending over three days, is of the opinion that the attempt to give a political complexion to any one of the outrages referred to was a gross and scandalous political conspiracy, disgraceful to all who had any connection with it, whether by indorsement, sympathy, or otherwise.

Henry Pinkston was killed during the night of Saturday preceding the election. Ten or twelve days afterward, his wife's child was found in a pond of water near by. And Merriman Rhodes was found dead, George Tatum, an intimidated voter, stating in his testimony before the returning board where he was found, and that his assassins were unknown.

Before proceeding to the examination of this case in detail, we desire to call attention to the fact that Eliza Pinkston's affidavit, as furnished by the returning board—found in Senate Executive Document No. 2, page 417—was prepared in New Orleans, and sworn to before Mr. Woolfley, United States commissioner, on the 21 day of December. The date is important. The return of the supervisor of registration was made to the board on the 24th day of November, and opened in open session on the 25th day of November. Among the papers found inside of the returns so opened on the 25th, was the following:

NEW ORLEANS, *November* 23, 1876.

C. S. ABELL, *Secretary Returning Board:*

Inclosed please find affidavit of Eliza Pinkston, which I received too late to file with my returns. Please see that it is brought in with the other evidence filed with my returns.

Respectfully,

M. J. GRADY,
Supervisor of Registration.

(See Senate Miscellaneous Document No. 14, page 153, "Stenographic report of the proceedings of the board.")

The dates are important for several reasons. Your subcommittee took testimony showing that at Monroe, Eliza Pinkston had made an affidavit before J. H. Dinkgrave, in which she charged the outrages referred to upon other persons. That affidavit, sent up by Grady to the board as stated in the above letter, was suppressed, and another one substituted; Eliza having been sent for in the mean time to come to New Orleans. Such conduct on the part of the returning board, when taken in connection with their other acts, confirms the opinion that they sat as intense partisans, bent upon the election of the Hayes electors at any cost.

But this is not all. The returns of the supervisor appear to have been received by the board on the 24th. This was so stated publicly.

Yet the letter of the supervisor, on the 23d of November, alludes to his returns as already filed: "November 23, I received the affidavit of Eliza Pinkston too late to file with my returns."

To proceed with the facts: The principal parties charged by Cora Williams were Captain Theobald, George Phillips, Walter Logan, and Dr. Kennedy; and the chief ones named by Eliza Pinkston were Dr. Yonge, Captain Theobald, Walter Logan, and George Phillips. The circumstances detailed by each are of a character to forbid any mere mistakes of person. If these persons did not perpetrate the crimes, Cora Williams and Eliza Pinkston are great liars.

Eliza Pinkston swore before the returning board that Henry was stabbed frequently, shot seven times, and that his privates were cut out. The only portion of this story that was true was the shooting. The testimony was clear. She stated that her child's throat was cut. When the child was found, it had no marks of violence whatever, except a faint spot on the head.

The young men charged by her and Cora Williams with the commission of the outrages in question all proved *alibis* of the most unquestioned character. Most of them were among the first young men of the parish, moving in the best circles of society. They appeared before your subcommittee in person, and gave the most unqualified denial to the whole story. And your subcommittee found but one opinion in the community upon this question.

Upon the question of the *alibi*, we refer to the following depositions: Linton Stubbs, J. G. Logan, B. A. Shelby, Willie P. Young, William Theobald, Walter Logan, Charles H. Calhoun, Charles Phillips, Felix Desnoyer, George Phillips, F. P. Stubbs, Thomas T. Lyons, Henry T. Wimberly, David Williams, and others.

Some of the parties charged were clearly proven to have been eighteen miles away at the time, late on the same evening and early the next morning. Your subcommittee is of the opinion that both Cora Williams and Eliza Pinkston have been used or political purposes by a disreputable gang of political conspirators; and that they have falsely sworn, at the instigation of this gang, for considerations that can be surmised but of which we had no proof.

The character of Eliza Pinkston, as developed before your subcommittee to the fullest extent, was such as to render her a fit instrument in the hands of designing men. She had been charged with the murder of the child of persons with whom she had but recently quarreled. The child died of poison. Eliza Pinkston, then known as Lizzie Finch in Morehouse Parish, was arrested, and acquitted only because the main witness to the crime was too young to understand the nature of an oath. The general impression was that she was guilty. When residing in Union Parish, she had shamefully beaten an old woman living with her, death ensuing in a few days after. She had abandoned one of her young children, leaving it to starve to death in a fence-corner. Another she made way with shortly after its birth. She was a habitual abortionist. She was in perpetual quarrel. Her testimony had been so effectually impeached in the courts of Morehouse Parish, that the republican district attorney refused to call her as a witness. Everybody who knew her considered her a desperate character. Eye-witnesses proved that she lived with her husband upon very bad terms. She was about to kill him at one time when she supposed him asleep. Upon another occasion she assaulted him with an ax, intending to kill him. He was in perpetual dread of harm, as the witnesses testified. She was ugly, vulgar, indecent, and lewd beyond the worst. In the midst of twenty men in the cotton-field she would pull up her clothes beyond her waist, and turn herself around completely; and she would lie down in the field, or the fence-corner, or the open road, with any man who had a quarter to spare for the hideous entertainment. So quarrelsome, so dangerous, and so disgusting was this creature, that upon two several occasions she was driven by her employers from the plantation upon which she was working, at the express demand of the colored men and women with whom she was engaged, they stating that if she remained they would leave in a body. And this wretched creature,

this miserable prostitute, has become a saint in the political calendar of the republican party of Louisiana! Upon these points we refer to the testimony of Fred. McNeil, Garrett Richards, Robert Eccles, R. A. Folke, C. C. Davenport, Frank Vaughan, Wm. Rhodes, W. A. Bumpers, E. A. Dawking, C. W. Tidwell, Alex. Williams, Alice Buukley, Cyrena Harrison, Judge Ruffin, J. N. Head, Jno. B. Simms, and J. P. Montgomery.

Your subcommittee are of opinion that Henry Pinkston was killed by one Brooks, a colored man, with whom he had had, but a short time previous, a desperate encounter. There was considerable testimony pointing in that direction. Pinkston was an inoffensive man, and well liked. In 1874 he voted the conservative ticket. This was proved by the commissioner who received his ballot; and on the Friday before his death he informed the same gentleman that he had always voted with the white people, an I intended to do so again.

The person with whom Brooks worked at the time of Pinkston's death appeared before your subcommittee, and testified that his pistols—a six-shooter and a Derringer—were taken out of his chest, to which Brooks had access, the Saturday evening of the murder, and were returned on Monday morning, all discharged. He then dismissed Brooks from his employment. (See testimony of W. A. Gustine.)

FORMATION OF RIFLE CLUBS.

10. Much stress was laid upon the formation of rifle clubs in Ouachita Parish. There were five or six clubs of this character, numbering about 175 active members in all, and having exactly 103 guns—67 breech-loaders and 36 common muzzle-loaders. As a general rule, said all the witnesses, the men in them were the best men in the parish. The reasons for their organization, and their whole history, will be found in the testimony of their chief, Dr. J. S. Aby, of Monroe. They rarely were out with their arms. They were out on the occasion of the uprising after the murder of Dr. Dinkgrave; a few were out on the order of the sheriff to follow the murderer; about thirty were out when Hathaway was arrested by them; and they were under arms for a day or so prior to the election; this was all.

The members of the clubs attended several republican meetings, but not with their guns. If they had side-arms, as is the custom, say the witnesses, with both white and black in that country, they were generally concealed in the usual manner. On one occasion a disturbance arose, but it was quickly ended.

While the existence of these clubs may have impressed the colored republicans with the power and strength of the white element if any armed conflict should arise between the races, there was no proof offered before your subcommittee showing any intimidation, violence, threats, or improper interference by them with the rights of the colored people, except one or two individual instances, that will be alluded to hereafter. Whether Ben. James was shot by some members, or, if so, under what circumstances, did not appear before us.

There was proof of great intolerance toward colored democrats by colored republicans. Several cases of severe beating had occurred. Colored men were afraid to join the democratic party in consequence. They so stated when the campaign opened. An excited campaign was expected. It had been heretofore conducted upon the color line, and promised to be heated in the same direction if the leaders could succeed. To protect colored democrats, and numbers, it was said, who wanted to become democrats, and to preserve peace, good order, and insure protection to their families, the rifle clubs were formed. And, so far as the testimony shows, these purposes were never deviated from. When they were under arms, it was a precautionary measure rendered necessary by the state of society they were in, and bloodshed and tumult were prevented. They never fired a gun, so far as your subcommittee discovered, unless when Ben. James was wounded.

The chief occasion on which their action interfered with the colored men, members of the republican party, was when they picketed the roads leading to Monroe for the two days previous to the election, but not on election day.

The republican programme was to poll its entire vote in the town of Monroe. Four boxes—an unusual number—had been expressly provided at Monroe for that purpose, and by the order of Chief Justice Ludeling, who held a blank commission, it was said, for supervisor of registration, to remove Grady upon failure to comply. The programme was evidently to concentrate the whole strength at these four boxes, to throw out the outside boxes, upon the plea of intimidation, where the bulk of the democratic vote would be, and thus secure the parish for the parish and district republican candidates for office. The colored men were requested to come armed. During Thursday, Friday, and Saturday large numbers of colored men were seen coming into Monroe from every direction with guns on their shoulders. The street was unusually full. The white people became excited and alarmed. The mayor, Endom, issued his proclamation, a copy of which is attached to the testimony, forbidding armed men from coming into the town. The alarm among the white people was great and sincere. Many of them remained up all night for several nights. The movements of these colored men were suspicious. Quite a number were seen prowling around the female seminary, containing about thirty inmates, as testified to by the principal, who remained up all night. Under these circumstances the rifle clubs on Sunday and Monday picketed the roads leading to Monroe with the intention to prevent the further influx of armed men. The testimony does not develop how many were stopped; but not many were. On Tuesday morning—the morning of the election—the clubs all broke up at four in the morning and went to their respective homes.

In this connection, we refer especially to the testimony of Mayor Endom, Dr. Aby, Col. F. P. Stubbs, Dominic Slinger, Rev. R. S. Trippett, and Prof. I. L. Borden.

In two instances, persons were stopped by individual pickets, who were either unarmed or were going out from Monroe.

Your subcommittee cannot go more into detail, and must be contented to refer to the testimony taken and herewith returned; and proceed to general statements referring in part as well to Morehouse as to Ouachita Parish.

The argument used against the count of the vote as cast in Ouachita, as well as in Morehouse, is chiefly the great change in the vote of the parish. And the argument used against the outside wards in Ouachita Parish is the small republican vote cast—in some cases none. But in Ouachita the programme was, as in Claiborne, to concentrate at Monroe. The vote cast at Monroe was 1,093; a village of 2,500 people. Of this vote, the republicans received 745, and the democrats only 348. The vote as cast in Ouachita was:

Democratic	1,865
Republican	793
Democratic majority	1,072

This vote was the largest cast for several years.

This vote, as compiled by the returning board, after rejecting all but the Monroe boxes, was as follows:

Republican	745
Democratic	348
Republican majority	397

Figures become somewhat valuable in this connection.

The registration of 1876 shows the following number of white persons entitled to vote: 1,023. Of these nearly 1,000 are democratic, and at this election it is safe to say every one voted. There had always been in the parish about 100 or more democratic colored men, (see Stubbs's testimony,) making the democratic strength about 1,100 without changes from the republican party. But the testimony of a very large number of colored men—leading men among their people—shows that a very great change had taken place among the colored people from the arguments that are usual among the laboring men, and this not only in Ouachita, but in all Northern Louisiana.

We quote now from the republican census of 1875 some few instructive figures upon this point, illustrating the truth of this proposition.

Jackson Parish, with 1,752 colored population, gave only 23 votes for the Hayes electors in the late election.

Union Parish, with a colored population of 4,667, gave the Hayes electors only 94 votes.

Lincoln Parish, with a colored population of 3,597, gave the Hayes electors only 331 votes.

Yet in every one of these three parishes—lying in Northern Louisiana and adjoining Ouachita—it is conceded that the election and everything pertaining to it was free, fair, peaceable, and quiet. No poll was attacked in any of these parishes; yet the colored vote went largely for the democratic ticket—more so than in Ouachita or Morehouse.

In Claiborne, in which only one poll was contested, there is a colored population of 7,806; yet the vote for Hayes was only 432.

In Franklin, in which only one small poll was contested, there is a colored population of 3,444; but the vote for Hayes was only 129.

These figures are exceedingly instructive, and compel us to believe that the changes which took place in Morehouse, Ouachita, and Richland, but particularly in Morehouse and Ouachita, were the result chiefly, if not entirely, of other causes than the manifestation of power upon the part of the white people, or the alleged exercise of intimidation. The 473 colored men who gave their affidavits for use before the returning board, that each one had voluntarily voted the democratic ticket, were surely not all intimidated men. And it is significant that in all the testimony submitted upon behalf of the Hayes electors to the returning board there can be found but sixteen affidavits by colored men claiming to have been intimidated out of the proper exercise of the elective franchise. Your subcommittee had before it a large number of colored men who had always voted the republican ticket. Their testimony was very clear not only that they had not been intimidated, but that intimidation had not been used. They gave many reasons for the change in the colored vote. The State ticket was exceedingly unpopular with the white republicans. The candidate for State senator, Hamlet, was bolted publicly by many of them. The times were hard, money was very scarce, and parish paper was at a discount. Taxes had been enormously high, and, notwithstanding the scaling of the State debt, were still very high. The planters for the first time took unusual interest in the election. They promised better wages, more assistance to the colored men in case of trouble, better times, better schools, &c., in case the democratic party succeeded. Leading colored men took the stump or canvassed actively for the party. Great processions, barbecues, and meetings were held, attended with great parade and music, all of which impressed the colored people with the idea that the white people would carry the day and were the strong party. The white people associated with the colored people upon more friendly and equal terms, canvassed actively for their votes as for white votes, and in this way accomplished much. Much enthusiasm was excited, and the testimony of many witnesses shows that, upon one occasion particularly, the scenes at a political meeting at Cuba resembled an old-fashioned camp meeting, the colored men joining the club in great numbers and amid great hurrahs. And this enthusiasm among them was maintained, not only during the canvass, but afterward; the testimony of all the citizens of Monroe who appeared before us showing that after the election a torch-light procession was held upon Saturday evening to celebrate the victory in the State, nation, and parish, in which the colored people were the most numerous, the most happy, jubilant, and noisy participants, seeming to be thoroughly rejoiced at the change accomplished.

There were some arguments used that deserve special mention, because, though strictly of a local character, they had a powerful effect. They were used by Col. F. P. Stubbs, a highly-respected and conservative member of the democratic party, and a lawyer in whom the colored people had confidence. We quote now from his testimony before us. After speaking of a tax of $9.65 upon a cow and a calf, worth $30 at the outside valuation, and belonging to a colored man, he says:

"This was one of the arguments that would appeal directly to them. Nearly every colored man knew the old man and his cow and calf. I had the original tax-notice in my hands, and I did not hesitate to take advantage of that fact. There was one man who had a horse assessed at $60, and had $22 taxes to pay. There was another man who had a piano assessed at $40, and his tax was $13. In each instance there was some back taxes assessed against them, but that was enough to pay for the horse for twenty years at that value.

"Q. Were there other negroes to whom the same thing was done?

"A. Yes, sir. From the colored men that heard me that day I had a perfect shower of tax-notices sent in; and in every instance these men had back taxes assessed against them. The conclusion forced itself upon me that the tax had not been exacted of them before, as it ought to have been, or they were being imposed upon now by the tax-receiver. And they might take either horn of the dilemma they pleased; it answered the purpose as well."

Under such circumstances as the above, your subcommittee is more astonished at the number of colored men who remained in the republican organization than at the number who properly deserted it.

Your subcommittee found that the State government of Louisiana receives no respect or support in Northern Louisiana. Law is not enforced. Pardons by Governor Kellogg have filled the community with pardoned criminals. Hog-stealing is so prevalent that no farmer within fifty miles of Monroe is able to raise his own stock, unless, as several testified, they employed a hand whose sole occupation is to watch it. Hog-stealing cannot be punished in the courts. Colored men compose the majority of the jurors, and either acquit their fellow-citizens or hang the jury. The farmer is compelled to buy his own meat, when he could otherwise raise it. Cotton-stealing is common. This condition of affairs has exasperated the planter; and there have been instances of whipping of colored men, known or suspected thieves, whom punishment would reach in no other way. Quite a number of these—shown before your subcommittee to have been common thieves—appeared before the returning board at New Orleans, and seem to have been regarded as important witnesses. Every private quarrel, every private grievance, every attack upon thieves has been magnified by certain political leaders into political crimes, and published as part of a plan to intimidate the colored voter.

It has occurred to your subcommittee as strange that, with all the machinery of the law, as well as of the election, in their hands in the parishes of Morehouse and Ouachita, no steps have been taken by the republican office-holders to arrest or to punish any of the persons named as offenders against the law before the returning board.

In support of the foregoing statements, your subcommittee refer to the testimony taken by them. There is no contrary voice in the whole record. The testimony is unanimous. The witnesses were of all races, colors, religions, occupations, and parties. They were generally men that seemed to your subcommittee to be entitled to credit. And, in the absence of any contradictory testimony, we are compelled to come to the following conclusion:

1. That a very great change took place in the colored vote of Northern Louisiana and of the parish of Ouachita for reasons already stated.

2. That while the white people and democrats of Ouachita took pains to impress the colored people with their strength and power, no acts of intimidation or political violence were proved which materially influenced the vote in the late election.

Several noted cotton and hog thieves, like Randall Driver, Bryant Simms, and others, may have been whipped; but if they were republicans, their politics had nothing to do with the punishment.

3. That the republicans of Ouachita, as shown by the testimony, endeavored to provoke the democrats to acts of violence to justify the anticipated action of the returning board. public notice having been given in advance, after the colored men had joined the democratic party, that Ouachita would be ruled out as a "bull-dozed" parish.

4. That the democrats, becoming aware very early in the campaign that they would carry the parish, took unusual pains to avoid all acts of violence, tumult, intimidation, &c., for fear of the anticipated action of the returning board.

5. That the returning board made an indiscriminate onslaught upon the polls in the parish, rejecting not less than two where the republican vote was as large as it had ever been, and where the voters had always or nearly always voted the democratic ticket, and were almost exclusively white.

6. That the returning board counted the four boxes in Monroe, where by secret pre-arrangement they had concentrated their whole vote, when the proofs of intimidation and of violence were as conclusive of intimidation in the town of Monroe as at any other point. The picketing of the roads, if it produced any effect, prevented the vote at Monroe from being as full as it would have otherwise been.

7. That by retaining in the count the Monroe boxes, and rejecting the outside boxes, the republican managers changed a democratic majority of 1,072 in the parish to a republican majority of 397, thus saving their parish officers, and materially contributing to the assistance of the Hayes electors.

8. That by this action the democratic party was allowed the benefit of only 348 votes in the parish, while their strength and their vote, without any conversions from the republican side, was at least 1,100; and the republicans received the benefit of all their vote actually cast but 48. If the 600 alleged intimidated voters had all voted the republican ticket, the democratic majority would have been 472.

9 That if Ouachita Parish was an intimidated or bull-dozed parish, it should have been rejected entirely; and that it was partisan action to retain the republican polling places only.

10. That the colored people had numerous and weighty reasons for wanting a change in the administration of public affairs, especially in their local and State organizations; that many of them acted upon these reasons, and voluntarily voted with the democratic party, and rejoiced at its success.

11. That the republican colored people, about the 1st of August, 1876, began to join the democratic clubs in large numbers, at which time the murders of Dinkgrave, Jackson, Pinkston, Johnson, Rhodes, and the shooting of Logwood, James, Burrell, Dickerson, McCleod, and Jones had not taken place. Indeed, except the murder of Dr. Dinkgrave, which occurred August 30, 1876, all these shootings occurred within the months of October and November, when the colored people had ong since been in the democratic clubs.

12. That after the colored people had deserted the republican party in large numbers, it became the policy of the republican leaders to create the impression that intimidation existed. Troops were brought in September 24, and remained until after the election. They accompanied the republican speakers to meetings. And every effort was made by the republican leaders and speakers to provoke violence, to give color to the charge of intimidation.

Your subcommittee, therefore, upon the testimony before it, cannot come to any other conclusion than that the election in Ouachita Parish was a fair expression of the will of the people of the parish, and that the people are satisfied with the result. This conclusion is fortified by the fact that many of the witnesses who appeared before your subcommittee were men of high character, having no connection with either political party, except as private citizens, anxious to redeem their State and parish from misrule and corruption under a usurped government; and that many of them have, until this election, acted with the republican party.

All of which is respectfully submitted.

JOHN A. McMAHON.
MILES ROSS.

JANUARY 31, 1877.

No. 1.—EXHIBIT A.

Vote of parishes as cast by the people and as compiled by the returning board.

Parishes.	Vote as returned by supervisors of registration.		Vote promulgated by returning board.	
	Vote as cast and returned.		Vote as counted by returning board.	
	Kellogg.	McEnery.	Kellogg.	McEnery.
Caldwell	285	631	211	480
Carroll	2,432	592	2,432	592
Catahoula	820	907	802	810
Claiborne	433	1,577	432	1,392
Concordia	2,523	307	2,523	307
Franklin	129	789	101	715
Jackson	23	364	23	460
Madison	2,521	342	2,584	345
Morehouse	782	1,371	427	392
Lincoln	331	1,064	331	1,064
Ouachita	793	1,865	745	348
Richland	277	963	120	193
Tensas	3,207	464	3,207	464
Union	94	1,465	94	1,465

Minutes of congressional subcommittee of the House, appointed to investigate the late presidential election in the fifth congressional district of Louisiana.

FIRST DAY'S SESSION.

MONROE, LA., *December* 23, 1876.

Pursuant to the appointment made by Hon. W. R. MORRISON, chairman of the House committee to investigate the late election in Louisiana, the subcommittee, composed of Hon. J. A. McMAHON, chairman, and Hon. MILES ROSS and Hon. W. W. CRAPO, met this day in Keller's Hall, in this city, and organized. C. E. Whitney, esq., was appointed secretary, and J. W. Polk, esq., sergeant-at-arms, of the committee, and thereupon the hearing of witnessess was commenced.

After the examination of the witnesses whose testimony is appended to these minutes, the committee adjourned until Monday, December 25, at 10 o'clock.

C. E. WHITNEY,
Secretary.

SECOND DAY'S SESSION.

MONROE, *December* 25, 1876.

Pursuant to adjournment, the subcommittee met at their hall. Present, Hon. J. A. McMAHON, chairman, and Hon. M. ROSS and Hon. W. W. CRAPO.

After hearing the testimony of the witnesses whose evidence is appended hereto, the committee adjourned until Tuesday, December 26, 1876, at 9½ o'clock a. m.

C. E. WHITNEY,
Secretary.

THIRD DAY'S SESSION.

MONROE, *December* 26, 1876.

Pursuant to adjournment, the subcommittee met at their hall. Present, Hon. J. A. McMAHON, chairman, and Hon. M. ROSS and Hon. W. W. CRAPO.

After the hearing of the witnesses whose testimony is appended hereto, the committee adjourned until Wednesday, December 27, 1876, at 9½ o'clock a. m.

C. E. WHITNEY,
Secretary.

FOURTH DAY'S SESSION.

MONROE, LA., *December* 27, 1876.

Pursuant to adjournment, the subcommittee met at their hall. Present, Hon. J. A. McMAHON, chairman, and Hon. M. ROSS and Hon. W. W. CRAPO.

After hearing the witnesses whose testimony is appended hereto, the committee adjourned until Thursday, December 28, at 9½ a. m.

C. E. WHITNEY,
Secretary.

FIFTH DAY'S SESSION.

MONROE, LA., *December* 28, 1876.

Pursuant to adjournment, the subcommittee met at their hall. Present, Hon. J. A. McMAHON, chairman, and Hon. M. ROSS and Hon. W. W. CRAPO.

After hearing the witnesses whose testimony is appended hereto, the committee adjourned until Friday, December 29, at 9 o'clock a. m.

C. E. WHITNEY,
Secretary.

SIXTH DAY'S SESSION.

MONROE, *December* 29, 1876.

Pursuant to adjournment, the subcommittee met at their hall. Present, Hon. J. A. McMAHON, chairman, and Hon. M. ROSS and Hon. W. W. CRAPO.

After hearing the witnesses whose testimony is appended hereto, the committee adjourned until Saturday, December 30, 1876, at 9 o'clock a. m.

C. E. WHITNEY,
Secretary.

SEVENTH DAY'S SESSION.

MONROE, LA., *December* 30, 1876.

Pursuant to adjournment, the subcommittee met at their hall. Present, Hon. J. A. McMAHON, and Hon. M. ROSS and Hon. W. W. CRAPO.

After hearing the witnesses whose testimony is appended hereto, the chairman called for executive session, and the session was closed.

C. E. WHITNEY,
Secretary.

EXECUTIVE SESSION.

MONROE, *December* 30, 1876.

At the opening of executive session, the chairman stated that the examination as to the parishes of Caldwell, Morehouse, Ouachita, Richland, and Concordia had been concluded, and that the committee as to these parishes was ready to hear testimony on behalf of the Hayes and Wheeler electors. Thereupon Hon. Mr. CRAPO gave the following notice:

Mr. CRAPO gives notice to the subcommittee that he desires to examine witnesses who are now in New Orleans, and who are expected to be there the coming week, and that he will make the request for the examination of witnesses after his return to New Orleans; that the proposed examination relates to the election in the various parishes which this subcommittee has under consideration.

The chairman made the inquiry of Mr. CRAPO whether he had any witnesses whom he desired to call at the city of Monroe, and whom he desired to examine while sitting here.

In response thereto, Mr. CRAPO said that he had no witnesses at present in Monroe, the parties he desired to examine being in New Orleans in attendance under subpœna from the Senate committee, where he believed they were likely to be detained for a week.

The chairman responded to Mr. CRAPO, and inquired whether he had had subpœnas issued for any of these witnesses to appear before the subcommittee of the House.

Mr. CRAPO answered that none had been issued that he was aware of.

The chairman then asked Mr. CRAPO whether he desired to come back to Monroe at the expiration of one week to take the testimony on behalf of the Hayes and Wheeler electors.

Mr. CRAPO stated that he did not personally desire to return to Monroe, and he further believed that the public interest in this examination would be promoted by taking the testimony in New Orleans, and he inquired of the chairman and of Mr. Ross if they desired to return to Monroe at the expiration of the current week to finish taking testimony.

Mr. ROSS responded, "Yes, sir."

The chairman said that he did not desire to return; that the loss of time of one week would delay the investigation and the publication of the testimony, and also the making of the report of the subcommittee to the whole committee, and thereby prevent the whole committee from making its report to the House of Representatives in proper time for the consideration of the matters covered by the resolution under which the committee was appointed; that this subcommittee is ready to proceed with the examination of such witnesses as may be presented on the Monday following, or, if not ready then, on Tuesday, the examination to proceed from day to day until finished; that the examination of all the witnesses on either side relating to the parishes of Richland, Morehouse, and Ouachita specially, should proceed in the immediate neighborhood of those parishes, convenient for all testimony for either side, to enable either party to produce readily and speedily witnesses to explain or contradict testimony that may be given.

The chairman further wished to notify Mr. CRAPO officially, as he had done previously in private, that the subcommittee would hold no session in New Orleans, and that the Chair was confident that no other subcommittee sitting in New Orleans or elsewhere would take testimony relating to the parishes in question; and if Mr. CRAPO failed to proceed with the examination of his witnesses at Monroe, for which ample and convenient opportunity would be given, he [Mr. CRAPO] might lose the opportunity to examine them at all.

The chairman then inquired if Mr. CRAPO would be ready to proceed with the examination of his witnesses on the following Monday or Tuesday.

Mr. CRAPO replied that he would not.

Mr. ROSS asked Mr. CRAPO whether he would be ready if the time was extended to Wednesday.

Mr. CRAPO stated that possibly he then might be ready, but that he would surely be ready one day after the arrival of the committee in New Orleans, to which place he then moved the adjournment.

The chairman stated that he was unwilling to adjourn the committee to New Orleans; and, Mr. ROSS concurring therein, the motion to adjourn to New Orleans was lost.

The chairman, Mr. MCMAHON, then renewed the offer to take testimony at Monroe.

Mr. CRAPO declined to proceed.

On motion of Mr. ROSS, the subcommittee then adjourned to meet in Washington City on the day of the assembling of the whole committee, the vote standing—yea ROSS, nay, CRAPO; and, there being a tie vote, the chairman voted yea; and the committee adjourned.

C. E. WHITNEY,
Secretary Subcommittee.

J. A. MCMAHON, *Chairman.*

RECENT ELECTION IN LOUISIANA.

Report to the whole committee by majority of subcommittee, consisting of Messrs. J. D. New, George M. Beebe, and Charles H. Joyce.

Mr. NEW, chairman of the subcommittee, submits the following report to Hon. WILLIAM R. MORRISON, chairman, &c.:

The subcommittee of which the subscribers hereto constitute a majority report as follows:

This committee was assigned the parishes of West Baton Rouge, East Baton Rouge, West Feliciana, and East Feliciana.

EAST BATON ROUGE.

It is necessary to a full understanding of the location and numbering of the polling places in this parish to give the number of the wards and the polls established in each. There are twelve wards. Wards 1 and 2 embrace the city of Baton Rouge, and each of these wards had two polling places. In ward 1 the polling-places are designated on the consolidated return of the supervisor of registration as polls 1 and 2. In ward 2, that the same numbers may not be repeated, the polls are numbered 3 and 4. Poll 1 was at the court-house; 2 at Murphy's school-houses; 3 at the engine-house, and 4 at Free Market Hall.

The other ten wards had one polling place each, and, on account of there being four polls in wards 1 and 2, the poll in ward 3 is poll No. 5; in ward 4, No. 6; in ward 5, No. 7; in ward 6, No. 8, &c.

The following table gives the votes actually cast at the fourteen different polls for electors:

Electors.	Polls.														
	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	Total.
REPUBLICAN.															
Kellogg	22	294	195	509	6	7	92	12	8	305	163	4	3	6	1,626
Burch	22	294	196	509	6	7	92	12	8	305	163	4	3	6	1,627
Joseph	22	294	195	509	6	6	92	12	8	305	163	4	3	6	1,624
Sheldon	22	293	195	509	6	6	91	12	8	305	163	4	3	6	1,624
Marks	22	293	195	509	6	6	91	12	8	305	163	4	3	6	1,623
Levissee	22	293	195	509	6	6	91	12	8	305	163	4	3	6	1,623
Brewster	22	293	195	509	6	6	91	12	8	305	163	4	3	6	1,623
Joffrion	22	293	195	509	6	6	91	12	8	305	163	4	3	6	1,623
DEMOCRATIC.															
McEnery	6	189	215	276	172	373	179	64	177	34	82	162	165	144	2,238
Wickliffe	6	189	215	276	172	373	179	64	177	34	82	162	165	144	2,238
St. Martin	6	189	215	276	172	373	179	64	177	34	82	162	165	144	2,238
Poche	6	189	215	276	172	373	179	64	177	34	82	162	165	144	2,238
De Blanc	6	189	215	276	172	373	179	64	177	34	82	162	165	144	2,238
Seay	6	189	215	276	172	373	179	64	177	34	82	162	165	144	2,238
Cobb	6	189	215	276	172	373	179	64	177	34	82	162	165	144	2,238
Cross	6	189	215	276	172	374	179	64	177	34	82	162	165	144	2,239

Under the election law of Louisiana persons are permitted to vote at any polling place in the parish.

F. A. Clover, the supervisor of registration for this parish, disregarded and discarded the votes cast at polls 1, 5, 6, 7, 8, 9, and 13; the six last named representing, as will be remembered, 3, 4, 5, 6, 7, and 11, poll 1 being the court-house poll in the city of Baton Rouge. The polls omitted by the supervisor cast 150 votes for Hayes and 1,136 for Tilden. Upon the vote as cast at all the polls, the majority for Tilden is 612. Without counting the polls ignored by the supervisor, the majority for Hayes is 374, and by omitting also polls 12 and 14, thrown out by the returning board, the majority for Hayes will be 636.

Whether the result thus obtained and declared is fair and to be respected must depend upon what the powers of the returning board and supervisor of registration are, and whether upon the law and facts those powers were exercised lawfully and without fraud. It is not proposed here to refer to the law except where the commentary upon facts seems to make it unavoidable.

By reference to sections 2, 3, and 43 of the Louisiana election law, it will be found that the returning board is required to canvass the vote from the statements of the commissioners of the election. These statements are the "lists" and papers which by section 43 the commissioners are required to keep and make out upon the close of the polls.

Section 43 makes it the duty of the supervisor of registration within twenty-four hours after he receives from the commissioners all the returns of the different polls to prepare his consolidated return and with it forward to the returning board all "the originals received by him" from the commissioners. What statement or papers other than the originals already named is the supervisor authorized or required by law to forward with this consolidated return to the returning board?

If, "during the time of registration or revision of registration," there shall be any riot, tumult, acts of violence, intimidation or disturbance, bribery or corrupt influences at any place in the parish, at or near the places of registration or revision of registration, preventing or tending to prevent a fair, free, peaceable, and full registration of all the qualified voters of the parish, it is, by section 26, made the duty of the supervisor of registration to make, in duplicate and under oath, a clear and full statement of all the facts relating thereto, as provided in said section, corroborated under oath by three respectable citizens, qualified electors of the parish. One of these duplicates he must forward to the returning board with his consolidated return; the other he must file with the clerk of the district court of that parish for the use of the district attorney.

If, "on the day of the election," there shall be any riot, tumult, acts of violence, intimidation or disturbance, bribery or corrupt influences, "at or near" any poll or voting place, preventing or tending to prevent a fair, free, peaceable, and full vote, it is made the duty of the commissioners of election (or one of them) at such poll, by section 26, to make, in duplicate and under oath, a clear and full statement of all the facts relating thereto, corroborated under oath by three respectable citizens, qualified electors of the parish. One of these duplicates they must give to the supervisor of registration, and by him must be sent with his consolidated return to the returning board; the other duplicate must be delivered to the clerk of the district court for the use of the district attorney.

The supervisor of registration has no statement or report to make to the returning board upon the subject of riots, tumults, intimidation, &c., unless these occurred during registration or revision of registration, and prevented, or tended to prevent, a fair, free, peaceable, and full registration or election. He is limited to the period of registration and revision of registration. He is not empowered to make any statement or report as to intimidation, &c., occurring on the day of the election unless the commissioners have filed such statement with him, in which event he must forward the same to the returning board with his consolidated return.

The statement which the supervisor may make is limited to the period of which he would be expected to have the most definite knowledge. The same is true as to the commissioners of election. Thus the returning board would have before it, with the consolidated return and statements of commissioners of the votes cast, the complaints, so to speak, of supervisors of registration and commissioners of election as to matters about which they respectively would be best informed, in each case sworn to and corroborated under oath by three respectable citizens, qualified voters of the parish. That this is the plain and obvious meaning and only construction to be given to the law cannot be doubted.

The returning board has no power except such as is given by statute, and acquires no jurisdiction as to intimidation, &c., occurring during registration or revision of registration, or on election day, except upon statements filed as already named.

Nothing can be more clear than that the supervisor of registration is not invested with the right to pass upon the regularity or sufficiency of the papers made out by the commissioners of election. He is a ministerial officer, and can have no powers except such as are conferred by statute.

On the consolidated statement of votes made out and filed by the supervisor are certain remarks, not upon the subject of intimidation, riots, &c., but giving his reasons for not returning with his consolidated return the votes cast at polls 1, 5, 6, 7, 8, 9, and 13. He says that the statement of votes, written records, tally-sheets, &c., brought to him from those polls are illegal, informal, &c. His views upon the subject of whether these polls should be counted were wholly immaterial, inasmuch as the law had not attached enough importance to his opinions to call for their expression.

The following answer by the supervisor of registration to questions asked him before the committee at New Orleans will throw some light upon the kind of material he is composed of:

By Mr. JENKS:

Question. Now come back and answer my question. Did you not exclude from your consolidated statement a number of polls in that parish of East Baton Rouge?

Answer. I did not exclude from my consolidated statement the votes cast at any polls returned according to law.

Q. Did you exclude from your consolidated statement the polls returned by the commissioners of election, whether according to law or not?

A. I don't recollect. Let me refresh my memory for a few minutes.

Q. State whether you did not exclude from your consolidated statement certain polls returned to you by the commissioners of election.

A. I did not exclude from my report any returns made in accordance with law.

Q. Did you exclude any made not in accordance with law, as you judged the law?

A. I did not exclude from my consolidated statement the result of the election at any polling-place made in accordance with the law.

Q. Did you not exclude from your consolidated statement returns of several polling-places in the parish of East Baton Rouge as returned to you by the commissioners of election?

A. That is going a little outside, I think. I did not include in my consolidated statement the returns from any polling precinct not made in accordance with law.

Q. Did you exclude any, whether made in accordance with law or not, that were returned by the commissioners?

A. I understand I have answered that question. I did not include in my statement the returns from any polling place not made in accordance with law.

Q. Did you not exclude polling places Nos. 5, 6, 7, 8, 9, and 13 in the parish of East Baton Rouge?

A. I excluded those not made in accordance with law.

The papers used and made out by the commissioners of election as to votes cast, &c., at the polls rejected by the supervisor, were not returned to the board. These papers should have been examined by the board without regard to the supervisor's opinion or action. While this parish was being considered by the board, efforts were repeatedly made by authorized representatives of the democratic party to have those papers produced. The board flatly refused to do this, declaring that they would not go behind the report made to them by the supervisor; that they intended to be governed entirely by his return as to those polls, and that all reports from the commissioners of election must come to them through the supervisor.

Finally, after the strongest pressure, the board permitted two out of seven of the ballot-boxes representing the seven polls rejected by the supervisor to be opened and contents inspected, General Anderson, one of the board, participating in the examination. The boxes opened were those belonging to polls 6 and 8. They are called in Sherman's report boxes 4 and 6, because they were the boxes used in those wards.

Before speaking of the contents of these two boxes we wish to say that under the old law the practice was to make the returns to the sheriff, who would lock them up for safe-keeping in the box and afterward take them out for compilation.

From force of habit, imperfect knowledge of the present law, or design, the papers required to be used by the commissioners of election were put into the boxes and locked up.

Box 8, that is the box used in ward 6, when opened, was found by General Anderson to contain the tally-sheets, statement of votes, and poll-list, and the vote was found to be 12 for Hayes and 64 for Tilden. It is not pretended that there was found the slightest irregularity in the papers relating to this poll; and yet it was not counted by the board.

Box 6, that is the box used in the fourth ward, was opened by General Anderson, and the only irregularity found was that the statement of votes cast was not signed by the commissioners. The tally-sheets were signed, and it appeared therefrom that Tilden received 373 votes and Hayes 7. The statement of votes cast was the least important paper, for without it, the accuracy of the tally-sheets could be tested by the ballots. The board refused to count these votes. It will be seen that it was of the utmost importance to examine the papers and ballots of all the seven polls discarded by the supervisor, so that it might be known by the board what appeared therefrom. The law is well settled that very little attention should ordinarily be paid to mere irregularities in the proceedings of election officers which do not affect the merits of the case.

The supervisor's consolidated return purports to have been made out and sworn to at Baton Rouge, before the clerk of the district court, on the 11th of November. He swears that he went to New Orleans with his return on the 11th or 12th of November, and that he did not file the same with the clerk of the returning board until ten or twelve days thereafter. After arriving at New Orleans he swore to what is termed in Sherman's report his protest.

The law requires that his protest or statement upon the subject of intimidation, &c., shall be "annexed to his consolidated return by paste, wax, or some adhesive

substance," and that his return shall be forwarded by mail within twenty-four hours after he has received returns from the several polls. The law further provides that his return (consolidated) and the statements of votes cast, &c., prepared and used by the commissioners of election, are by him "to be inclosed in an envelope of strong paper or cloth, securely sealed." He did not forward his return by mail, but took it to New Orleans in person, and did not file it for ten or twelve days thereafter. We do not believe that his protest was filed with the returning board at the time of the filing of his consolidated return. We think this will appear from the proceedings of the board as set out in the Sherman report, as also from the testimony of Clover. He swears upon this point before the committee at New Orleans as follows:

By Mr. JENKS:

Q. I ask you plainly if you filed a protest under section 26 of the election law with your consolidated statement?

A. I don't think I filed anything with those papers, except those under the head of remarks.

Q. You know what I mean by a protest under section 26 of the election law?

A. Well, I will look at it; I have it here, [witness examining the law;] I don't think that I made a statement, any such statement, the one contemplated by this law, with my returns.

Q. Did you send such a statement to the board after you made your returns?

A. I don't recollect having done it; I testified, however; my testimony is on file.

Q It does not make any difference; we are taking your testimony *de novo*. I ask did the commissioners of several election polls make any returns of intimidation, threat, or violence, or otherwise, in writing?

A. No, sir; I don't think they did in writing.

Q. Did they make any returns to you of any such threats or violence under oath to you as supervisor of registration?

A. No, sir; they made none; for the reason that many of them were very badly frightened; were too badly frightened to think of it.

By Mr. BEEBE:

Q. Was any statement made to you or to the returning board corroborated by three witnesses under the section of the law requiring that process?

A. I think there was, if that is what you have reference to. I don't know whether that accompanied the consolidated statement or not; I did not read the section all through; I will read it again. [Witness refers to the law.] I made such a statement as this, but I do not recollect positively whether it was included with my return to the board or not. Now that you call my attention in reference to the three witnesses reminds me that such a statement was made; now by whom I don't say; now I don't know whether it accompanied my report; I don't know that it did; I recollect now making such a statement.

Q. To whom did you make such a statement?

A. My duty under the law was to make such a statement——

Q. I do not ask you what your duty was; I ask you plainly to whom did you make it?

A. I don't know.

Q Did the commissioners make any such statement in writing and under oath?

A. I don't know, sir. No, I think not.

By Mr. JENKS:

Q. On reflection you think you did return a statement or protest to the returning board in regard to threats, violence, and intimidation?

A. I don't recollect. I think I did make such a statement.

Q. And that you returned it to the returning board?

A. I don't recollect whether it was included in my statement. I don't know how it did go.

His power as a ministerial officer to file a protest ceased whenever he parted with the custody of his consolidated return.

The supervisor, in his protest, gives the names of three persons said to be maltreated. The first, William Payne, colored, he says was killed "shortly before or during registration." He does not say that Payne was a republican or that politics had anything to do with it. The second person named is Isadore Herron, colored, who, he says, was dragged by the neck with a rope until he was nearly dead; says Herron was a republican, but does not say that the act was committed because he was a republican. Herron filed an affidavit before the returning board, and does not charge that politics was in any manner involved. He says it occurred in February, 1876, which was long before registration began, and at a time when there was no political excitement in the parish. The fact is that at that time lynching of persons guilty of stealing hogs, cattle, and cotton in the seed was of very frequent occurrence; often very summary and very severe. The third and last person named is one Alexander Gilbert, said by the supervisor to be a prominent colored republican. Those seeking to do Gilbert some bodily harm, not finding him at home, are said to have put a rope around Mrs. Gilbert's neck, with the threat that if she did not disclose where her husband was she should be hung. This is the statement of the supervisor. He does not enlighten us as to the cause of this unlawful conduct, nor how it affected, if at all, the matter of Mr. Gilbert's registration.

It is a fact of some significance that Gilbert was at that time having trouble with his own party, and was taken off the republican ticket as a candidate for representative. It is also not to be lost sight of that the wrong-doers were armed with a rope, the article in most frequent use even in the Northern and Western States when vigilance committees undertake to administer the law. All else in the protest is general, without reference to particular persons or places. He does not name a single instance of failure to register. He says that during the registration he was requested by colored men not to establish a poll at Port Hudson, for the reason that they would not be permitted to vote the republican ticket there. He did establish a poll there, however, and George Jackson, John Smith, Frank Jackson and George Oustner swear they voted the republican ticket at Port Hudson of their own free will, without molestation, and that, to the best of their knowledge, everything was conducted peaceably and fair. This testimony was before the board, having been taken by the managers on the democratic side.

We see among the affidavits presented by the democrats to the returning board over forty to the same effect, largely by colored men, sworn to before a justice of the peace in the Port Hudson ward, most of whom, it is reasonable to believe, voted in that ward. He says that during the registration large numbers of colored voters were induced by fraud and false representations to deposit their registration papers for safe-keeping with white democrats; that this was done for the purpose of depriving colored men of their votes, and also for the purpose of causing said papers to be illegally used and fraudulently voted upon by parties other than the rightful voters. He does not name a case of the kind, nor was there any such proof before the returning board or elsewhere that we have heard of. He says that republican meetings were interfered with. There was some evidence before the board to this effect, but when the testimony presented to the returning board by the democrats, as also the testimony before this subcommittee, is considered, it will be seen that the preponderance is overwhelmingly the other way. He does not say that the meetings were disturbed during registration, or that any one failed to register on that account.

In the volume known as Sherman's report will be found statements, purporting to be by commissioners of election, as to intimidation and other corrupt influences alleged to have existed on the day of the election. It canot be ascertained from this volume, nor from the one certified to be a full report of the proceedings before the returning board, by T. W. Collins, stenographer, what use, if any, was made of these statements by the board.

There is a complaint or statement as to poll 2 in ward 2, which is poll 4 as known and numbered on the supervisor's consolidated return. Also, as to polls 5, 6, 7, 8, 9, 11, 12, 13, and 14, as numbered on the supervisor's return, as heretofore explained. All of these statements purport to be corroborated by three witnesses, except those relating to poll 6, ward 4; poll 9, ward 7; and poll 11, ward 9. In all respects all of said statements are insufficient in substance and in form, and conferred no jurisdiction on the board to inquire into any of the matters which by law could be lawfully stated therein.

POLL 4.

B. V. Baranco is the republican commissioner who makes complaint, as aforesaid, to poll 4. He swears there was general intimidation at that poll, &c. Notwithstanding Mr. Baranco's formidable statement, the board did not throw it out. It gave Hayes a majority of 233. Lieutenant Gerlach, Third United States Infantry, stationed at Baton Rouge, testified before this subcommittee that this man Baranco called him aside and said, "We fixed them; we got them tally-sheets and papers locked up in the boxes where they've got big democratic majorities, and they can't count them now."

Can it be that the failure to throw out poll 4 was in any degree due to the fact that Hayes had a majority there?

Was poll 10, in ward 8, retained for any such reason? There Hayes had a majority of 271. They threw out poll 6, where Hayes received 7 votes and Tilden 373, although the commissioner's statement was not corroborated by three witnesses. The same is true of poll 9, where Hayes got 8 votes and Tilden 177. They retained poll 11. Whether that was because the complaint of the commissioner was not corroborated by three witnesses, or because at that poll Hayes had a majority of 81, the board alone can with certainty know.

If there was so much intimidation on the day of the election, and colored men were coerced into voting the democratic ticket against their will, it seems most remarkable that but one of these commissioners mentions the name of a colored man who voted against his will. John McVeltz, a commissioner in ward 10, poll 12, names one Cooper, a colored man, as having voted against his will. The testimony of Cooper was not taken before the board, notwithstanding the fact that Mr. McVeltz had furnished the name of so valuable a witness.

Leroy Price (colored) made affidavit before the board that he went to poll 1, in the city of Baton Rouge, early in the morning, and waited until 3 o'clock p. m. without being able to vote, the democrats having possession of the poll and keeping all republicans from voting. This story is a little too much for average human credulity, for there were only 28 votes cast at that poll, and Hayes got 22 out of the 28.

POLL 5.

Joseph Williams, republican, is the commissioner who makes complaint as to poll 5 in ward 3. First, he says that while on his way to the poll that morning he met two men on horseback, who said, "Come on; we are waiting for you;" says the two men then turned back and fired off their pistols; says that when he got to the polls those men took the ballot-box away from him; that he remonstrated, and they gave it back to him; that they took charge of the poll, saying they "did not care for the d—d negro officer nor the soldiers that had charge of the poll, and they were going to run it," &c.

One Jacob Shields also made affidavit before the returning board that he was acting as a United States deputy marshal at that poll. That the democrats said they did not recognize any d—d negro officer, that it was a democratic ward, and they intended to carry it. That they had the negroes the way they wanted them, and that if they did not vote their way they would not be found alive on Wednesday morning. That they were armed with eighteen-shooters and guns laying across their laps. That they were inside the room, and had a dozen bottles of whisky sitting by the ballot-box. That they drove him away, &c. V. M. Lange, colored, was the other republican commissioner. Mr. Lange is a man of sound sense and of unquestioned character. He was a member of the constitutional convention in 1867–'68 and of the Legislature in 1868; was the most active and influential colored republican in the parish, and made speeches in several of the wards during the last canvass, and was well received and well treated wherever he went by white and black. He contradicts most positively the statements of Williams and Shields. Says that Shields walked into the room about the time they were clearing it up preparatory to voting. The commissioners requested Shields to step outside, who exclaimed, "Do you know who I am?" They told him they did not know who he was, but that they wished him to step outside. Shields then said, "By God, I know my instructions, and I am going to carry them out." They then asked him who he was, and, without making any answer, he turned away, mounted his horse, and rode off. Lange called to him to come back, but he refused to do so, answering, "By God, I know my instructions, and you can go to hell." After a time, he returned in company with Lieutenant Gerlach, Dr. J. W. Dupree, and L. C. Le Sage; Gerlach and Le Sage, republicans, and Dupree, a democrat. Lange says he explained the matter to Gerlach, and told him that Shields had "lied." That Shields and Le Sage were both very anxious for some pretext to break up this poll cannot be doubted by any one who will read the testimony of Lange and Gerlach. We refer to their testimony, beginning on pages 9 and 23. Gerlach corroborates Lange fully; so also does Edward Davis, the democratic commissioner. Lange swears that the voting at that precinct was peaceable and quiet. He says: "Those that desired to vote the republican ticket, did so. There were two tickets on the table, democratic and republican. Some gentlemen who came in had tickets and some had not; and whenever they came in without a ticket, the commissioners showed them the two tickets." He says the colored men at that precinct did all the electioneering. Another witness swears that he was with Williams that morning when the two men on horseback met them. He says these two men used no angry or insulting words, but simply inquired of Williams if he was one of the commissioners.

The following testimony given by Lange leaves but little doubt that there was fraud designed and practiced by the supervisor as to this poll, with Williams probably a party thereto:

By Mr. NEW:

Question. Of course you participated in making up the returns at that poll as one of the commissioners?

Answer. I was one of the commissioners, Jos. Williams was one, and Mr. Ed. Davis.

Q. You may state whether the poll-list, tally-sheets, statement of persons voted for, &c.—whether they were regularly conducted.

A. We complied with the instructions all the way through of the supervisor of registration; we furnished the boxes that the law required us to do, and we furnished Mr. Davis, representing the democratic party, with a tally-sheet and statement, and we also kept one as republican commissioners. There was no stone left unturned.

Q. Do you know that these papers were returned to the supervisor of registration?

A. Mr. Williams came in that morning with me as commissioner, and he himself had the tally-sheet and statement turned over to Mr. Clover, and I think, if I am not mistaken, as soon as I had a conversation with him, that he turned over the tally-sheet to Mr. Clover, but the statement closed—no, it was the original—Mr. Clover refused to take it. At least, he told him he was not ready for it. He told him he would take it in a few minutes. I saw Mr. Williams three or four days afterward, and he told me Mr. Clover had not consented to take the original. That is the sheet that was to be sworn to before the close of the poll. I think it is the "original" that they call it.

Q. Did you have any conversation with Clover yourself about that paper?
A. Yes, sir.
Q. Did he give any reason why he did not take it?
A. No, sir. He asked me who had the tally-sheet; who had the original. I told him Mr. Williams, as he was the ticket-receiver; that Mr. Williams was the other commissioner.
Q. You may state whether at the close of the poll you counted the vote.
A. Yes, sir.
Q. Before you counted it, did you make out the list of the persons that voted?
A. Yes, sir; persons voted for, and all complete.
Q. Did you state the number of votes received by each?
A. Yes, sir.
Q. Did you state the number of ballots contained in the box?
A. Yes, sir.
Q. Were any ballots rejected?
A. No, sir.
Q. So there was no statement to make as to that?
A. No, sir.
Q. State whether you made out two of those lists.
A. We made three.
Q. Triplicates?
A. Duplicate and triplicate.
Q. Were they sworn to and signed?
A. Yes, sir.
Q. By each of you?
A. Yes, sir.
Q. By whom were you sworn?
A. Mr. T. R. Brady. He is a gentlemen who is justice of the peace in the third ward. Our instructions were from Mr. Clover that we could get any citizen.
Q. You offered one of these with the papers to the supervisor of registration, Clover?
A. Yes, sir.
Q. One of the triplicate sheets sworn to he refused to take?
A. Yes, sir; that is what I understood from Mr. Williams.
Q. He refused in your presence?
A. Mr. Williams told me that he refused to take them. I saw Mr. Clover, and he gave me no reason for refusing to take them.
Q. (By Mr. BEEBE.) Did he admit that he had refused?
A. No, sir.
Q. (By Judge NEW.) Do you mean that you spoke to him about it?
A. Yes, sir; he told me that he would see Mr. Williams.
Q. Did you mention to him when you approached him the matter of his having refused to take the sheet that you speak of?
A. No, sir; the question came up in this way: I asked him had Mr. Williams delivered it to him. He told me that he would see Mr. Williams
Q. He did not state whether Mr. Williams had offered it or delivered it to him?
A. Mr. Williams told me that he had refused. I am satisfied that he had that in his possession.
Q. Do you know whether one of these triplicate sheets was filed with the clerk of the district court?
A. I could not say. Mr. Davis and I drew a receipt for the box and set down the votes cast at that precinct, and I gave the receipt to Mr. Ed. Davis.

POLL 6.

J. L. Lapierre is the republican commissioner, who complains as to poll 6, in ward 4. His statement was not corroborated by three witnesses, and was, therefore, as well as for other reasons, wholly insufficient. His statement is as follows as to the day of the election:

J. L. Lapierre, sworn and examined, says:

I reside in the first ward of the city of Baton Rouge. I was one of the three commissioners of election appointed to attend at poll No. 1, in the fourth ward. I arrived at poll on the morning of the 7th day of November, 1876, a few minutes before six o'clock a. m. My duty as commissioner of election was to keep a written record of all persons voting at said poll. I kept this list until the closing of the polls. After the polls were closed, at six o'clock p. m., I began to keep the tally sheets, or lists. I progressed until about ten o'clock p. m., when I became so exhausted for the want of proper sustenance that I could proceed no further. I had received no food during the day, and was so completely overcome that I had to stop work. At this time there were some unauthorized persons inside of the poll who assumed to continue and complete my work at the tally-sheets during a period of five hours, when I recovered, and assumed and completed the work begun by me. When the tally-sheets were completed, the original written records, tally-sheets, and poll-book, or lists, were locked up and sealed in the ballot-box. I insisted upon taking the tally-sheets and written records into my possession, intending to bring them to the city of Baton Rouge and deliver them to the supervisor of registration, as required by law, but an outsider said that these original papers should be sealed up in the ballot-box. These unauthorized persons insisted that I should not take them to town. I was sworn by the supervisor of registration to bring these returns to town.

Inside of the poll, on the day of election, I was offered liquor, and refused it. I believe that in the building where the poll was located there was liquor. I saw one man under the influence of liquor myself. The reason I did not bring the tally-sheets to town was because I could not convince these people that the records should be intrusted to me.

It will be rembered that the box for this poll is one of the boxes which, after much entreaty, was opened by the board.

It will be seen from Lapierre's statement that when the original papers were completed they were locked up in the box. He says that some unauthorized person insisted that he should not be permitted to take charge of the papers; that they should be locked up in the box. He says also, "The reason I did not bring the tally-sheets to town was because I could not convince these people that the records should be intrusted to me." It seems that the papers were locked up in the box and taken to the supervisor well guarded by "thirty-five or forty horsemen." Lapierre was not "exhausted," but leading the advance.

Alonzo Woods, democrat, and Gustave Le Blanc, colored republican, were the other commissioners. Woods swears there was no intimidation, and that he gave out republican tickets himself. Le Blanc swears that everything was quiet, and that there was no trouble at all; that there was no disorderly conduct or ugly behavior on the part of anybody. That all had an opportunity of voting, and that he saw no interference and heard no complaint. (See his testimony on page 68.) That the exhausted state into which Mr. Lapierre fell, and that his place was filled for a time by another, not sworn, but called by one of the officers of the election, will not make the election void is very clear from the authorities.

But to cap the climax as to this poll, Mr. Lapierre himself appeared and testified that it was a quiet and peaceable election. Says he attended republican meetings in the first, second, sixth, and ninth wards, and saw no disturbance. That he was in the parish during the canvass, and saw no conduct on the part of democrats calculated to keep men from voting as they desired. He expresses the opinion that the quarrel which took place in the republican convention last September in the city of Baton Rouge, when Gilbert Carter and O'Conner were forced off the ticket, created great dissatisfaction and contributed largely to the defeat of the republican party in that parish. Mr. Lapierre is the foreman of the Republican printing office in Baton Rouge; says he has always been treated well by the democrats, many of whom take his paper. (See his testimony on page 73.)

POLL 7.

H. F. Billups, republican, is the commissioner who complains as to poll 7, (Port Hudson,) ward 5. His complaint as to the day of election is as follows:

I, H. F. Billups, was a commissioner of election at this poll. I was at Port Hudson at four o'clock in the morning. West Woodside, the democratic commissioner, at about five o'clock, procured a house to hold the election at. He said that there was no use putting up stakes to keep the people from crowding the poll, and that my instructions to do so were not worth a damn.

About nine o'clock in the morning there were about fifty democrats marched about thirty colored men in line to the polls and handed them the democratic ticket, and stood there and guarded them until they had voted; they would not allow them to get republican tickets. They told the United States marshal that they would have him arrested if he did not stop distributing republican tickets. They did not allow any republicans to vote till about three or four o'clock. They crowded the room while the count was going on, and outsiders kept tally-sheets, and made the republican commissioner correct his by theirs.

I have heard many reports of republicans being bull-dozed, and there was great fear and apprehension among the republican people.

I have seen bands of masked men armed with guns and pistols riding around in the night at the hour of twelve o'clock; and I know that the colored people are in fear of their lives on account of these men, and I have been told by colored men that they voted the democratic ticket to save their lives.

We have already called attention to the fact that four colored republicans made affidavit before the board that they voted the republican ticket at that poll without molestation. There were 92 republican votes cast at that poll; nearly, if not quite, all must have been colored. We now submit the affidavit of A. H. Levi, esq. This affidavit was furnished to the returning board while it was entertaining and considering as evidence *ex parte* affidavits:

STATE OF LOUISIANA,
Parish of East Baton Rouge:

Personally came and appeared before me, the undersigned authority, a justice of the peace in and for said parish and State, holding in the first ward, city of Baton Rouge, A. Levi, now residing in said city, who, on oath, does deposes and says that he is a colored man, raised in the State of Massachusetts, where he was admitted as an attorney at law; that for the last two years he has been following his profession in the parish and city of Baton Rouge. Avers that at the election for State and national officers held on the 7th day of November, 1876, this present month and year, he was a United States supervisor of election for the fifth ward of said parish; that he was present when the voting began, and remained until the last ballot was counted by the commissioners; that he saw no threats, acts of violence, or intimidation used by either political party for the purpose of preventing or obstructing any person, either white or black, from exercising the right of suffrage as they thought best. The voting was done by both parties in a quiet and orderly manner. There was a feeling of kindness manifested by both white and black, democrats and republicans. I am and have always been a pronounced republican; advocated, publicly and privately, the election of the national and State republican ticket, and so voted on the day of the election. Was appointed a United States supervisor in the interest of the republican party.

A. H. LEVI.

Sworn to and subscribed before me officially this the 20th day of November, A. D. 1876.

F. W. NEPHLER,
Justice of the Peace.

POLL 8.

Oliver McKitrick, republican commissioner, makes the following allegation as to what occurred on the day of the election at poll 8, ward 6:

"That on the day of election, at and near the said poll, there were menaces, threats, violence, and other acts of intimidation used which tended to prevent and did prevent a fair, free, and peaceable full vote of all the qualified electors of said parish. The facts relating thereto are as follows: I have had many colored men tell me they had to vote the democratic ticket or they would be compelled to leave the parish. Every colored man who voted democratic was given a guarantee against the bull-dozers, who they were to show it to if they came to see them. They would not give this guarantee to any colored man until they saw him vote the democratic ticket."

It is difficult to tell whether "the facts relating thereto," which the commissioner undertakes to give, came under his personal observation or not on the day of election; nor is it at all clear that he means to be understood as swearing that anything of that kind occurred at that poll. Especially is this in doubt when it is observed that the introductory sentence is the stereotyped phraseology with which almost every one commences, those words being intended to cover the law. A. Williams, colored republican, swears that he visited this ward, and saw nothing that could interfere with a fair registration and vote. He also swears that the election throughout the parish was quiet. He is the business manager of the Grand Era, the republican paper of that parish.

Mortimer Price, a colored man, seventy-five years old, who voted at this poll, swears that all was quiet so far as he could see. Says that he knows of "no threats before the election nor dissatisfaction afterward." Says he is a republican, but does "not follow party discipline." That he voted the democratic ticket, believing that good would follow. William Martin was the democratic commissioner at this poll. He swears that the election passed off in good order, and was in all respects fair. Says, also, that he attended a republican meeting in this ward, and that it was held without difficulty or disorder. Unless Mr. Martin is to be discredited because he is white and votes the democratic ticket, his testimony cannot be disregarded. We invite particular attention to the testimony of Tony Foster, colored, of this ward, page 111. (See, also, testimony by Peter Williams, colored, page 97.)

POLL 9.

J. P. Furlow, one of the republican commissioners for poll 9, ward 7, makes the following statement of what took place at that poll on the day of the election:

I, J. P. Furlow, was a commissioner of election on the 7th of November, 1876, at poll No. 1, ward 7, parish of East Baton Rouge.

On my way to the poll at which I was stationed I was halted by an armed body of democrats—about eight or ten in the body. They interrogated us; then let us pass. When we got to the poll there was an armed body of democrats—about twenty-five—who surrounded the poll. By the time the poll opened they had increased their number to upward of fifty. When we were ready to open the poll one Andrew Booth and one H. Harelson, both democrats, said that our poll-list was a damned radical trick, and they were not going to have the voting conducted according to it or to my instructions, and when I told them they were my guide and I must obey them, he said if we tried it we would have hell right there, as they were going to run things to suit themselves; but after a while we compromised the affair and I opened the poll. Out of what is usually a republican majority of from 75 to 100 there was but 8 republican votes cast, and 5 of them were the commissioners, marshals, and constables. I had conversation with many colored men on that day, and they told me although they wanted to vote the republican ticket, yet that if they did they had been threatened with death or bodily harm. They said also that they would have staid at home, but were told that they must come out and vote the democratic ticket or they would be regulated. The democrats would bring colored men up to the polls, look at their registration papers, give them a democratic ticket, and turn them over to their master of ceremonies, who conducted him to the box and

made him deposit his ticket, then pass him over to another democrat, who gave him a certificate against the bull-dozers. All colored men were made to vote an open democratic ticket, and the master of ceremonies then called out his name and number, and he got his certificate against the regulators.

All day the democrats drank whisky and whooped and hallooed around the outside of the poll, and thus terrorized and drove away all republican voters.

W. H. Patterson, the other republican commissioner for this poll, swears that it was quiet there, and that he saw no intimidation or unfair treatment of the colored voters. Mr. Patterson gives the following account of the men Furlow says he met: "I was ahead with Mr. Furlow—I was in the buggy and he was on horseback—and some man hallooed, 'Hallo!' I think, three times. Furlow answered back, 'Hallo it is.' They stopped then, and I got off a little piece, and they came up and asked where I was bound. I said, 'Going down to the polls.' They said, 'Are you commissioners?' Furlow said, 'Yes.' And they said, 'All right; go ahead.'" He also swears that he did not see these men at the polls.

Jackson Hamilton (colored) testified as follows about this poll and ward:

By Mr. NEW:

Question. What is your age?
Answer. Fifty-two the 7th of October last.
Q. Where do you live—what ward?
A. Seventh ward, in this parish.
Q. How long have you lived in this parish?
A. I lived here about thirty-five or thirty-six years, more or less.
Q. Are you pretty well acquainted in your ward?
A. I am. I ought to be pretty well acquainted.
Q. How long have you lived in the seventh ward?
A. All the time, except when I went to New Orleans or to Port Hudson to get something. Outside of that I always lived right here.
Q. What is your politics? What ticket did you vote at the last election?
A. Democrat ticket.
Q. You are a minister of the gospel, are you not?
A. Yes, sir.
Q. You may state whether you voted the democratic ticket of your own free will and choice.
A. Well, I voted it of my own free will and mind; I wasn't forced by nobody. I voted it because I thought it was best to do it, and I done it with all my heart. No mistake about that.
Q. State whether there were other colored men who voted the democratic ticket in your ward or not.
A. Yes, sir; several hundred.
Q. Can you name any of them?
A. Well, there was Harvey Scott, and Edmund Henry, and others; I don't recollect all the names.
Q. How many colored men, in your judgment, voted the democratic ticket in your ward? What would be your estimate of the number?
A. Well, I was at the poll from sun-up, and I seen about fifty or sixty. I believe all voted the democratic ticket except eight that didn't vote it. They all voted pretty much the same way.
Q. Was there a Tilden and Hendricks club in your ward?
A. No, sir; I don't know if there was. There was a party of men come there and spoke there. I didn't see them. I don't know.
Q. I ask you if there was a Tilden and Hendricks club organized in your ward which colored men joined?
A. Yes, sir.
Q. Were you a member of that club?
A. I was.
Q. State whether you were an officer of that club.
A. Yes, sir; vice-president.
Q. How many colored members were there in that club? Give your best recollection.
A. I believe there was sixty-five or seventy. Mr. Ed. Burnett has got the number; he is the secretary.
Q. Was the majority of the club colored men?
A. Yes, sir. At first there wasn't but thirty or forty colored men. I don't know how many white gentlemen belonged to it.
Q. Do you know whether the colored men who joined that club did so of their own free will and choice?
A. Yes, sir; they did; that is according to the conversations I had with them.
Q. Do you know, or did you hear, of any intimidation, or any threats, or any means of any kind used by the white men in order to get the colored men to join their club?
A. No, sir; not any; not a word was said except to do as we like; the word was for the colored people to come in and join of his own free will and mind.
Q. Did you attend any republican speaking?
A. Yes, sir; one.
Q. Where was that?
A. On Mr. Forman's plantation, at his residence, in the yard; that was on a Sunday.
Q. You state that was a republican meeting?
A. Yes, sir; they had it in the yard.
Q. Who spoke there; do you recollect?
A. I don't know, sir; there was some black and white men spoke there.
Q. Were there any democrats present?
A. Yes, sir; outside the fence; they didn't go in there; the republicans was inside the fence. I was on the fence, sitting there; I didn't have nothing to see, but I was right there; yes, sir.
Q. On the day of election did you give out tickets to men who wanted to vote?
A. I didn't have but two.
Q Did you see any colored men there distributing tickets to voters?
A. No, sir; there was one man, I believe. One man give me a ticket; that was a republican ticket, and he said that was the right ticket, and to put it in the ballot-box,
Q. Who gave you the other ticket?
A. He is here. I disremember his name. This man that gave me that radical ticket was Mr. McMahon. When he told me to put it in the box I didn't say nothing, and as soon as I got a chance I put the democrat ticket in the box. I was the third man voted.
Q. Do you know, from the talk you had with your colored friends, what reasons they assigned for voting the democratic ticket this time; I mean when you were alone, outside of the hearing of white men?
A. Yes, sir; I talked to one.
Q. What did he say?
A. Well, that the colored men ought to have a change. Harvey Scott said that we was all poor men, and the times was bad, and he thought a change would be for the better; that it was better to try the democrats than keep on like we'd been doing and go to starvation. I was determined to have a change if my vote had anything to do with it.
Q. Did you hear other colored men speak in that way when not in the hearing of white men?
A. Yes, sir; I heard men talk when they was coming along on the road jogging along and in the grog-shop; they all pretty much said that they must have a change, and they was going to try the democrats and see if they would do better. Some few said that it wouldn't make a change.

By Mr. JOYCE:

Q. How long have you lived there in that ward?
A. I am fifty-two years old, and I came here when I was fifteen years old; you can count it yourself.
Q. You are pretty well acquainted all over the parish?
A. Yes, sir.
Q. Have you ever been out of the parish?
A. Yes, sir; I have been over to West Baton Rouge Parish.
Q. When you went out to preach, you electioneered some?
A. Yes, sir.
Q. You believe that politics and religion go together?
A. No, sir; I don't believe that. I don't believe they mixes up, but I am constrained to do something or other.
Q. Who are the leading democrats in your ward? I mean colored.
A. Harvey Scott is one, Edmund Harris, and me.
Q. Who are the leading white democrats in your ward?
A. Mr. Ed. Burnet, Samuel Halsom. I can't tell you much about the white men because I can't get close to them. They talks for themselves.
Q. You can't talk to white men?
A. I can talk to them, but I don't.
Q. When you joined that Tilden and Hendricks club there was not many members?
A. No, sir; there was about three or four.
Q. And you were vice-president, and I suppose there was a president and secretary. Were they colored?
A. Yes, sir.
Q. Who was the President?
A. Sam. Harrison.
Q. Did you make any political speeches during the campaign?
A. Only two; poor ones at that.
Q. Where was that?
A. Near Mr. Charles's store, in the doctor's garden.
Q. You did not cast many republican votes in your ward?
A. No, sir.
Q. How many?
A. Eight, I believe; I don't know how many.
Q. You do not mean to cast any at the next election?
A. Not if I can help it.
Q. You do not know anything as to what influences were brought to bear upon the colored people generally to join these Tilden clubs?
A. No, sir.
Q. You say nobody attempted to influence you in any way?
A. No, sir; never did.
Q. Nobody ever said anything to you about it?
A. No, sir; I was satisfied.
Q. Who came to you and importuned you to join the club?
A. No one; I was going around the colored club, and Harvey Scott said, "Let's get together and do something." So we got together, a few of us, and we elected Sam. Harrison president. We didn't know exactly how to go about it, because we is colored men and we didn't have no education, and we thought we'd call on the white gentlemen to help us.
Q. Did you see any acts of violence toward colored republicans because they were republicans?
A. I didn't see it; I heard it.

By Judge NEW:

Q. You say because they were republicans?
A. I heard there was some intimidated; some was beat; but I didn't believe it. I can't tell anything about other people.
Q. Had you no other reason assigned for this?
A. Than for being republicans?
Q. Yes.
A. Well, it was for stealing hogs and beeves.
Q. Did you see anything about it?
A. I seen that, and I was willing to join the democrats to take down that stealing.

See testimony of Alfred Nelson and David Jones, colored republicans, as to this poll and ward, pages 52 and 34. See also pages 41 and 82.

The statement of this commissioner, it will be remembered, is not corroborated by three witnesses.

POLL 11.

Joseph M. Henry, republican commissioner for poll 11, in ward 9, says that "the election at said poll was reasonably fair, free, and peaceable." This ward gave Hayes a majority of 81.

POLL 12.

John McVeltz, republican commissioner for poll 12, ward 10, makes the following statement. We quote from it all that relates to the day of the election. After the usual introduction, he says:

"I, John McVeltz, was a commissioner of election on the 7th day of November, 1876, at poll 1, ward 10, parish of East Baton Rouge; when the hour for opening the poll came the democrats appointed four men, who acted as democratic, on their own responsibility, to act as commissioners; the republicans had two. Mr. Morgan, of the democratic commissioners, then marched a large democratic club, took charge of about fifty or seventy-five colored men, told them they must vote the democratic ticket; marched them to the polls, handed them democratic tickets, and made them vote them; marched them to a democrat, who gave them each a safe-conduct against the regulators; they did not allow any republican tickets to be distributed or voted; there was but four republican tickets voted, and they were cast by the commissioners and marshals. I talked to many colored men; they said they were republicans, and wanted to vote the republican ticket, but that they had been told that if they did they would be killed; one colored man especially, Cooper, said he had a crop there which would be taken away from him and he killed unless he voted the democratic ticket; after he voted and got his certificate against the regulators, while speaking to me, he began to cry and tear up the paper the democrats gave him, and said he only voted the ticket to save his life; many others told me the same thing; there was no republican allowed to come to that poll to vote; and the democrats openly said that unless they carried that poll the bull-dozing had but just commenced, for they were determined the damned radicals should not have the parish. When we went to count the votes the tally-sheets were all kept by the democrats, and when morning came they erased them, as they said they had made some mistake.

"My poll ought to have gone at least 150 majority for the republicans, and would, had the colored men been allowed to vote as they wanted to.

"The democrats called off the names of some colored men who went to town to vote, and say that unless they vote the democratic ticket they would fix him, the son of a bitch; the democratic commissioner took the box after the election; the supervisor told me to take charge of the box, but the democrats said it was their box, and they were going to do as they pleased with it; they made me sign the tally-list that was fixed up.

"My poll was ten miles from town, and there being no republicans but us four officers, the democrats forced us to do as they said, and told us unless we did they would give us hell. Two democrats voted whose names were not on the poll-list;

they brought an affidavit from a justice of the peace that they were entitled to vote, and we were compelled to take their ticket."

Clover, in the remarks indorsed on his consolidated return, makes no allusion to this poll. If McVeltz was "made to sign the tally-list that was fixed up," is it not a little remarkable that he did not so inform the supervisor? It is evident that he did not, for Clover would have been only too glad of such an opportunity to throw out this poll.

We have carefully inspected each affidavit filed by the republicans before the returning board, and have been able to find but one which can be said to corroborate McVeltz as to what occurred on the day of the election at his poll. The affidavit to which we refer contains this language: "I know that there was not a free, fair, and peaceable election in the tenth ward on the 7th of November last, and that colored men and republicans did not dare to have a republican ticket or to give one to others." It is impossible to tell from this language whether he was present or not. He does not say he was, and does not mention any particular occurrence or act committed.

Frank Everson, (colored,) of this ward, swore that he talked among his colored neighbors about voting the democratic ticket. We quote from him as follows:

By Judge NEW:

Question. In what ward do you live?
Answer. Tenth ward.
Q. How long have you lived there?
A. This year makes eleven years.
Q. Have you lived anywhere else in the parish?
A. I lived twenty-two years at Mr. McCabe's.
Q. Are you well acquainted in the ward where you live?
A. Yes, sir.
Q Do you know most of the colored people there?
A. Yes, sir; pretty much.
Q. How did you vote at the last election?
A. Democratic ticket.
Q. How did you vote before?
A. Radical ticket.
Q. Did you talk with any of your neighbors and friends about voting the democratic ticket, and did they talk to you?
A. Yes, sir.
Q. How did you talk with each other? What did you say?
A. We just studied over the whole thing, and saw exactly how we were treated in this last election; and it grieved me right smart. I had little children growing up, I didn't see no way and no how that I could get along at all. I talked it over with my colored friends, and then I went to my white friends and advised with them, and asked them what was the matter that we didn't have schools. They said they didn't know. I said "Something looks wrong. It looks like we were all going to destruction. I work hard and have taxes to pay, and think my children ought to have some of it." I talked with some colored people and said, "What do you think of it?" They said, "We cannot do anything but come together and see if we can not put in a better government, and then maybe probably we will have better times, and have schools to educate our children."
Q. Did any of these men who talked in that way belong to the democratic club in your ward?
A. Yes, sir.
Q. Did you belong to that club?
A. Yes, sir.
Q. Did you join the club of your own free will?
A. Yes, sir; we talked over the thing long before the election.
Q. Was it your own opinion and conviction that you ought to vote the democratic ticket?
A. That was my opinion, because I talked to them long before the election—some of my colored friends—and we all advised and looked into that thing. Some didn't look into it. I don't suppose they had knowledge to look and see how their children were going. I looked into it and saw that my children were going to destruction. In place of playing and romping, I wanted them to go to school. In a little while they would be in the field, and then they would be too big. I wanted them to go now, while they can attend to it, and put their minds to it.
Q. You say this thing has been thought of and talked of by you for a good while?
A. Yes, sir.
Q. How long ago did you get to thinking and talking about this to your colored friends?
A. We have been talking about it—it has been a right smart while—since the last election.
Q. That is, within the last four years?
A. Yes, sir.
Q. Have you talked with any old men of your color?
A. Yes, sir; Brother Winfrey. I talked with my brother, and we talked the thing over.
Q. You speak of them as brothers in the church?
A. Yes, sir; we talked the thing over, and I would go to some of my old white friends, and advise with them. We considered into the matter.
Q. A good many of you colored people were getting pretty hot over this thing of not having any schools?
A. Yes, sir; I was. I fought on that thing last August before this election; I fought on it on account of my children, and I thought that I would keep fighting and see how it would be. I wanted my children educated. We have to pay taxes, and I wanted my children to have their rights.
Q. How old a man are you?
A. I was born in 1824.
Q. These colored men that belonged to the club that you belonged to, did they talk and act as though they wanted to vote the democratic ticket?
A. Yes, sir.
Q. Do you know of any case in your ward, or anywhere else in the parish, where it was pretended by a colored man that he had joined a democratic club or had voted the democratic ticket because he was afraid to do otherwise?
A. I never heard of it.

Other colored witnesses testified to the same effect. (See testimony of Edward Taylor and Simeon Williams, on page 120.) Williams gives his opinion of the cause of Jerry Myers being lynched. (See also on this subject the testimony of Alfred Penn, page 103, &c.) This is one of the wards in which A. V. Lange says he made republican speeches.

POLL 13.

Cyrus Strother and James Casby, the republican commissioners for the poll 13, in ward 11, gave separate statements. That of Strother as to day of election is as follows:

"That on the said day of election, at and near the poll, there was intimidation and threats used to colored men which tended to prevent, and did prevent, a fair, free, peaceable, and full vote of all the qualified electors of said parish. The facts relating thereto are as follows:

"They opened the poll on the morning of election at six o'clock, and that everything progressed smoothly until about the hour of eleven o'clock a. m., when a man from the parish of Livingston, who was not a citizen of the parish of East Baton Rouge, attempted to vote at a poll where he was a commissioner. Upon being refused the right to vote, the democratic supervisor insisted that the man's vote should be received notwithstanding he had not a certificate entitling him to do so. He says that upon his refusing to receive the man's vote the crowd outside the polling place began to make violent demonstrations, and that he felt insecure in his position as a commissioner, and was in fear of bodily harm. He says that the life of a colored republican in East Baton Rouge is very insecure, and that he has known colored men to have been whipped on account of being republicans, and that he is afraid to return to the parish for fear of bodily harm.

"The colored men were brought to the polls by white democrats, who held the registration-papers of the colored men in their hands and compelled them to vote an open democratic ticket, and compelled the white men around the poll to stand back until the colored men had voted the democratic ticket, and did not deliver to the colored men their registration-certificates until they were ready to deposit their votes. Persons presented themselves (white democrats) and demanded the right to vote on written affidavits, and we were compelled to receive their ballots against our protests through fear of bodily harm.

"The original written record of votes cast at the polls having been lost or mislaid, the crowd insisted on me signing what purported to be a duplicate copy of the written record of votes, but I refused to do so, because I knew it was not correct."

That of Casby is as follows:

"I, James Casby, was a commissioner of election at this poll. On the morning of the election the democrats formed outside of the poll, and as each colored man came up they asked him for his registration-paper, and then handed him a democratic ticket, and walked with him to the box, handed in his registration-paper, and made the voter hand in a democratic ticket. They did not allow any republican tickets to be shown or distributed, and there were but three voted at that poll, and they were cast by the two republican commissioners and the United States marshal. At night, when counting the tickets, the democrats crowded in and filled up the room, and made the republican commissioner correct his tally-sheet to conform to that made out by a democratic by-stander. I and the other republican commissioner both refused to sign the tally-sheet. I took them to the clerk of the parish. The original records were afterward lost or were carried away by some person. Then the democrats wanted us to swear to a list made out by them, but we refused to do so. There were armed democrats around the poll all day and night, and all colored men who would not vote the democratic ticket scared away by the loud and boisterous yelling of the democrats. None of them dared to vote any ticket but the democratic, so they told me. Many colored men told me this both before and on the day of election, and since. There were large bands of democrats who for some weeks before the election rode all over the parish and so inspired the colored men with terror that they, in many cases, fled to the swamps on their approach, and many of them have said they dare not for their lives vote the republican ticket, though it was their wish to do so. The democrats gave to each colored man, after he had voted the democratic ticket, a guarantee against the regulators; but those who did not have this safe-conduct were told that they would be visited some night.

Strother says that, the original record of votes cast at these polls having been lost or mislaid, the crowd insisted on him signing what purported to be a duplicate copy of the written record of votes, and that he refused to do so, because he knew that it was not correct. Casby says that at night, when counting the tickets, the democrats crowded in and filled the room, and made the republican commissioner conform his tally-sheet to that made out by a democratic by-stander, and that himself and the other republican commissioner both refused to sign the tally-sheet. Says he took them to the clerk of the parish. Says the original records were afterward lost or carried away by some person. That then the democrats wanted them to swear to a list made out by them, which they refused to do.

The returning board, with the statement of Casby before it, made no effort to find out what had become of those papers. At this precinct Tilden's majority was 162. We believe that if the majority had been the other way, the original papers would not have been lost or mislaid, and that if they had been, the board would have used every diligence to find them. W. E. Atkinson was the democratic commissioner at this poll. His testimony is as follows:

By Judge NEW:

Question. Did you act as a commissioner at the last election?
Answer. I did.
Q. In what ward?
A. Eleventh ward, poll 13.
Q. On behalf of what party did you act?
A. The democratic party.
Q. Who were the other commissioners?
A. James Casby and Silas Strother.
Q. You may state, sir, as to whether the law was complied with as to the poll-list, tally-sheet, and account of persons voted for, and in other respects.
A. Yes, sir; it was carried out completely to the instructions we received.
Q. After the close of the poll, what was done with the papers?
A. The tally-sheets were made there.
Q. The instructions were received from whom?
A. F. A. Clover.
Q. After the polls were closed, what did you do?
A. The ballots were counted and tally-sheets made out.
Q. Was there a list made out of persons that had voted?
A. Yes, sir.
Q. Did you have a statement of the votes received by each candidate?
A. Yes, sir; a statement of votes was made out, according to the instructions, at the head of the tally-sheets.
Q. Did you make out a statement of the ballots in the box?
A. Yes, sir.
Q. Now, these statements of votes that were made out, state if they were made out in duplicate or not.
A. From the instructions we received, there was one original and one duplicate copy.
Q. What was done with those duplicates after they were made out?
A. They were brought to the clerk's office.
Q. Who took them there?
A. Ourselves, the comissioners; I bring one tally-sheet and James Casby the other.
Q. Did all three of the commissioners go to the clerk's office?
A. You mean when we made out those papers? Yes, sir; and Cyrus Strother brought the poll-list.
Q. What took place when you got there; did you see Mr. Clover?
A. I brought in the papers here at the office.
Q. To whom?
A. I brought them to Mr. Clover in the clerk's office, and handed him the original.
Q. Of each paper?
A. No, sir; there was an original copy, two tally-sheets, made out one by each party, and a duplicate copy was handed to the clerk of the court; but the tally-list couldn't be found.
Q. Where was the tally-list?
A. I saw it in the possession of Cyrus Strother up to five minutes of Mr. Clover demanding the tally-list.
Q. Where did you last see it?
A. In the court-room, in the possession of Mr. Cyrus Strother, in his side-pocket, sticking out right here.

Q. Did Clover ask for it?
A. Yes, sir.
Q. What reply was made to him, if any?
A. The reply was made, "I throwed it down on the table."
Q. Who said that?
A. Cyrus Strother. He said, "I threw it down here on the table."
Q. What reply did Clover make to that, if any?
A. I don't exactly remember his words.
Q. Was anything more said by Strother than that?
A. Yes, sir.
Q. What else did he say?
A. I asked him, just before we came in with the papers, where the tally-list was and he said, "I have got it here," at the same time showing it to me in his side-pocket of his coat. I asked him the question because I was anxious to keep the papers together.
Q. Did you see him throw any papers down on the table in the clerk's office?
A. No, sir; I did not.
Q. Were you with him all the time after he told you he had the tally-list in his side-pocket and up to the time he said he threw it down on the table?
A. Yes, sir; I was.
Q. Were you in his immediate presence?
A. Yes, sir.
Q. Let me understand you well. You say it was the tally-list or poll-list?
A. I mean poll-list.
Q. What conversation took place, if any, between Strother and Clover after Strother had made the remark that he had thrown the paper down on the table?
A. Mr. Clover didn't pay any attention to him.
Q. Do you recollect any conversation that took place between them upon that subject after the remark was made by Strother?
A. No, sir; I don't.
Q. Was that paper found?

A. I never saw it again. I don't know.

By Mr. GAINEY:

Q. Were you commissioner in the eleventh ward on the day of the election?
A. Yes, sir.
Q. You were the democratic commissioner there?
A. Yes, sir.
Q. And Mr. James Casby and Cyrus Strother were the republican commissioners?
A. Yes, sir.
Q. Were you present at the poll throughout the day?
A. Yes, sir.
Q. All the time?
A. Yes, sir.
Q. Until the vote was tallied?
A. Yes, sir.
Q. Do you know of any persons voting at that poll without registration-papers?
A. No, sir.
Q. Was there any person who presented an affidavit there who voted thereon?
A. There was one person tried to vote on an affidavit, but the republican commissioners refused him.
Q. Where did he live?
A. He lived in the eleventh ward, in this parish.
Q. Did you come back with the ballot-boxes to the court-house here?
A. I did.
Q. With the tally-sheets and poll-list locked up in that box?
A. No, sir; they were not locked up in the box.
Q. Who carried them?
A. I carried one and James Casby carried the other.
Q. What did you carry?
A. Tally-sheets, one of them.
Q. And I understand you to say Strother carried the poll-list?
A. Yes, sir.
Q. What became of that poll-list?
A. I can't tell you what became of it; the last time I saw it it was in the possession of the republican commissioner, Mr. Strother.
Q. When did you see it last?
A. Within five minutes of the time Mr. Clover called for the papers.
Q. That was where?
A. In the clerk's office.
Q. Did the republican commissioner hand that poll-list to the supervisor?
A. He did.
Q. What was his answer?
A. "I threw it on the table among those papers;" that was the answer of the commissioner.
Q. Do you belong to any secret political organization in this parish?
A. I don't.
Q. Have you heard of any organization existing here known as "bull-dozers" or "regulators?"
A. No, sir; I have not.
Q. Do you not know, from report and otherwise, that a great many colored men have been hung, shot, and otherwise maltreated in this parish by these regulators and bull-dozers?
A. Not a great many. I have heard of three or four instances, but I didn't hear it was done by these parties.
Q. Who did you hear it was done by?
A. Some unknown persons; none were designated.
Q. How did you ascertain it was done by unknown persons?
A. It was so reported in the neighborhood.
Q. What was the report in the neighborhood? Wasn't it that the bull-dozers had done it?
A. No; it was said to have been done by unknown persons.
Q. Now have not you heard your neighbors say that these outrages upon these colored people had been perpetrated by bull-dozers, or regulators?
A. Well, I think I have in one or two instances.
Q. Do you not know that a great many of the colored people throughout the parish were very much intimidated by these parties of bull-dozers?
A. No, sir; I don't know any such a thing.
Q. Do you know of any colored men being brought to the polls to vote the democratic ticket by white men?
A. No, sir; not at the poll I was at.
Q. Did the colored men voting at your poll vote the democratic ticket openly?
A. Yes, sir.
Q. How did the republican colored men vote? Did they vote their ticket openly?
A. Yes, sir; they did.
Q. You say you are not a bull-dozer?
A. No, sir. I am not.
Q. You do not belong to any other secret political organization?
A. No, sir I don't.

There can be but little doubt that the papers relating to this poll were purposely "lost or carried away."

POLL 14.

Henry Raymond is the republican commissioner who complains of poll 14, ward 12:

"That on the said day of election, at or near the said poll, there were threats' menaces, violences, and other acts of intimidation, which tended to prevent, and did prevent, a fair, free, peaceable, and full vote of all the qualified electors of said parish. The facts relating thereto are as follows: It was not safe for a colored man to vote the republican ticket. He heard that a large democratic meeting had been held the night before the election to force colored men to vote their ticket, and to make them do so or leave the country, and if they refused to leave that they must stand the consequences. The republicans of East Baton Rouge were generally afraid, in dread of their lives and of bodily harm from the democrats. He says that he is afraid to return to the parish for fear of bodily harm on account of his politics, he being a republican. He says that the majority of colored men in the parish were forced to join the democratic clubs and vote the democratic ticket."

The utter want of specific statement as to what transpired on the day of the election will be observed.

A. V. Lange swears that he made a republican speech in this ward. He says:

"We fired, I suppose, about four or five cannon, calling the people to assemble, notifying them. We took them on surprise, and we fired cannon, and the people immediately gathered the moment that they heard the cannon."

He says there were democrats present, and they paid particular attention to the speeches and made no disturbance. He says that himself and the other speakers were cheered by the republicans when they concluded. He says that this meeting was held to rally the republicans of that ward to attend a republican barbecue to be held in Baton Rouge.

(See testimony of Rev. R. F. Patterson, Presbyterian clergyman from the North, as to this ward and the parish generally, page 49.)

The first democratic-conservative club in the parish was organized in this ward. It contained ninety-seven colored men, some of whom had always been democrats.

(See testimony as to this ward on pages 48, 91, 93, 95, 98.)

The following affidavit was before the returning board:

STATE OF LOUISIANA,
Parish of East Baton Rouge:

Before me, Charles E. Doyle, a justice of the peace, duly commissioned and qualified in and for the second ward, parish and State aforesaid, personally came and appeared W. L. Larimore, P. A. Klinepeter, D. A. Robertson, C. A. Roberts, George Hill, jr., J. H. Werners, G. Babin, L. T. David, Peter St. Romain, O. Sicard, W. T. Larimore, George Garig, William Sharp, J. A. Stokes, W. Z. Riley, David Zehner, A. Tibadeaux, A. W. Stearns, G. A. Klinepeter, Patrick Kellehar, Rev. R. F. Patterson, D. H. Penny, Thomas E. County, who, being duly sworn, depose and say they were present and voted at the election, poll No. 1, ward 12, in this parish, on the 7th of November, 1876, the day of the late general election in this State. The election was quiet and peaceable. There was no disturbance whatever, no violence and no intimidation of voters to induce them to vote the democratic ticket; all voted as they desired, and without hinderance.

W. J. Sharp, George Garig, G. A. Klinepeter, P. A. Klinepeter, W. Z. Wiley, D. H. Penny, L. T. David, Thomas E. County, Patrick Kellahar, (his x mark,) G. Babin, J. A. Stokes, D. A. Robertson, G. W. Hill, J. J. H. Weiners, R. F. Patterson, David Zehner, Charles A. Roberts, Peter St. Romain, O. Sicard, W. T. Larimore, W. L. Larimore.

CHARLES E. DOYLE, the above-named justice of the peace, testified as follows:

By Judge NEW:

Question. In what ward do you live?
Answer. The second ward.
Q. Is that in this city?
A. Yes, sir.
Q. You are a magistrate, are you not?
A. Yes, sir.
Q. Did you attend at any voting-places the day of election in this city?
A. I voted in the second ward. I was around at all polls in the town here.
Q. State how the election went off.
A. Peaceably and quietly, as far as I saw, sir, at each poll here in town.
Q. Have any complaints been filed with you or made before you on account of any difficulties on the day of election?
A. Not any, sir.
Q. During the period of registration, say between the 28th of August and the 28th of October, what was the state and condition of the city and parish, so far as known to you, as to a quiet and orderly state of things?
A. It was very quiet so far as I know. I was in the house most of the time. I have been sick for a long time. I didn't hear of any difficulties that I can remember.
Q. You have no recollection of any complaints made to you, or during that period?
A. I know that there has been none made to me directly.
Q. What do you know on the subject of colored men voting the republican or democratic ticket of their own free will, or on account of intimidation, or what upon the subject do you know?
A. I have been called upon to make affidavits from republicans and democrats, colored men, and they all testified that they all went to the poll and voted without intimidation: no trouble whatever.
Q. Were these affidavits made before you for the purpose of being used at New Orleans?
A. Some were printed blanks and some were written out; some I wrote out. Those for the republicans—we had no blank form for them—about as many republicans as there were democrats.
Q. They testified before you that they voted the republican ticket of their own free will and without any intimidation?
A. Yes, sir.
Q. And affidavits of like import as to the democratic ticket were made by colored democrats?
A. Yes, sir; so they said. This was outside of the parish, and the same in town.
Q. About how many such affidavits were made before you?
A. As far as I can recollect, there may have been some three hundred, probably about three hundred.
Q. Mostly from the country?
A. Yes, sir.
Q. About equally divided as to politics?
A. Yes, sir; very near. I think there was two or three more democratic affidavits than there was republicans.
Q. You have been confined to the house so that you have not been circulating through the parish?
A. Just got out previous to the election—about a week or so.
Q. What is your politics?
A. Republican, sir.

We find, upon examination, that over three hundred citizens of this parish made affidavit before the returning board that the election was in all respects fair, free, and without intimidation. More than half of these affidavits were made by colored voters. Lieutenant William Gerlach's sworn statement was furnished to the returning board. Lieutenant Gerlach favored the election of Hayes. His statement before the board was as follows:

BATON ROUGE, *November* 16, 1876.

Hon. L. PASTREMSKI, *Mayor*, Dr. J. W. DUPREE, *City:*

GENTLEMEN: In compliance with your request of this morning, I take pleasure to furnish you the following account of my personal observations of the manner in which the election was conducted here on the 7th instant, and how the canvass of the votes has been conducted since.

I was present on the morning of election day when a report was made to my commanding officer, Lieutenant Charles Brooks, of a difficulty about appointment of commissioners at the Murphy school-house poll, and I accompanied him to a conference between leaders of both political parties. I saw and bear witness to the fact that the representatives of the democratic party did all in their power to make a fair arrangement of the matter possible. Before a conclusion was arrived at I proceeded with Dr. Dupré, democrat, and C. Le Sage, republican, to the third ward polling place, to investigate a report made by one Shields, (colored,) who stated that he had been roughly handled, and ejected from the room where the ballot-box was located, by one Duncan, although he (Shields) was a United States deputy marshal.

We rode out there (six miles from the city) at a very rapid gait. While *en route* Le Sage stated that upon the least sign of intimidation he would, as supervisor, close the polls. To such a proceeding Dr. Dupré objected, as Le Sage had accompanied us simply in his private character as a representative of the republican party. Upon my remarking that such a course was not expected when Colonel Brooks directed me to investigate the facts jointly with him, Le Sage, and Dr. Dupré, and that I would, if necessary, remain and see peace kept there until I could get further instructions, by sending back a mounted orderly I had with me, Le Sage abandoned the idea. Upon our arrival at the polls I found everything perfectly peaceable. Excepting Le Sage, who carried a pistol, and my orderly, I saw no armed men there. There were no arms in the house where the ballot-box was located. All persons present were sober and orderly. After careful investigation, particularly among colored men present, and after hearing the statement of the republican commissioner, whom I saw alone, I became satisfied that the story of the negro Shields was false. On the opening of the poll he had entered the room where the ballot-box was located, and was removed therefrom by order of the commissioners, (who were enforcing the rule that no voter should at any time be within thirty feet of the box,) by one Duncan, who was acting officially, as supervisor or constable. Upon asserting that he (Shields) was a deputy marshal, he was requested by the republican commissioner and Duncan to return, and assured that he should not be molested, but left nevertheless, stating that he was going to the barracks to report them and send the military after them. I was treated by all present with the utmost courtesy. No one attempted to prevent a free and full investigation, nor could I perceive any displeasure on account of my calling aside colored men and examining them alone. La Sage assured me himself that he was convinced Shields had made an utterly false report. In returning and going, I watched closely all roads in sight, and I failed to see any pickets anywhere. Every colored man I met assured me that he had not been molested going to or coming from town. I was particularly struck with the friendly feeling that existed among the whites and negroes gathered near the polls, and the republican commissioner assured me he apprehended no trouble. Upon inquiry he further told me that, as most of the supporters of the republican ticket had been ordered by their leaders to town to vote, but few republican votes would be cast there. Upon returning to town I was met by stories (told by radical politicians) that an express had heralded our coming to the men at the third ward, that a man had been shot there, &c. The gait at which I rode going to the place made the former impossible, and I could not find the wounded man, who was said to be in town, in spite of my making diligent inquiry. I have seen an article in the New Orleans Republican of the 15th instant relative to affairs in the third ward, and I am free to say that the statement therein made is utterly false, to the best of my knowledge.

After returning from the country and reporting to my commanding officer, I visited frequently every voting place in the city. Everywhere voting was quietly progressing. Excepting attempts to coax black men to vote the democratic ticket no attempt was made to influence their action. I failed to see any ground for the complaint made to me repeatedly by republican politicians that it was dangerous for a man to vote the republican ticket. The utmost care appeared to have been taken to preserve the peace, and the authority of the United States was nowhere questioned. On the contrary, when it became necessary to confer with civil powers, they showed the utmost willingness to do what was correct and fair. Upon a complaint being made by Deputy Marshal McAlpin that he was annoyed in the performance of his duty near the court-house voting place by the city police stationed about there, they were at once withdrawn by order of the mayor, and when, by some misunderstanding of orders, they again went into the hall, the mayor and chief of police went in person and superintended their removal.

One thing was quite apparent, the democratic side worked hard, by all fair means, to induce colored men to vote their ticket, while but little effort to the same end was perceptible on the part of their opponents. I remained near the different polls until late at night, and convinced myself by actual observation that the count was progressing fairly, and that no danger need be feared of any interference by unauthorized parties. About one a. m. on the morning of the 8th I was called from my bed and directed by my commanding officer to go to the court-house and see what action was required to protect the deputy marshal and officers of election there, it having been reported to him that they were in danger of being interfered with. Upon arriving there I found the deputy marshal, McAlpin, quite excited. I told him he need not fear anything. Upon this he remarked that a crowd could come in and kill him before any aid could be had from the garrison; that he had heard parties say in the yard "their majority here won't do them much good," (referring to republican votes cast there.) Beyond this and the fact that some members of the democratic party had been there to witness the count, I could find no reason for his fears. To assure him, however, I requested the chief of police to station some men near to prevent the approach of unauthorized parties, and he complied promptly by detailing picked men for that duty. I myself remained until after four a. m., when I left, sending a sergeant to take my place; he, in turn, was relieved by nine a. m. Neither myself nor the non-commissioned officers on duty could see any, even the most remote cause for uneasiness on the score of the safety of the election officers or ballots. The count was peaceably completed at the other places in town. I again, by order, was present during the greater part of the time while Mr. Clover was compiling the returns made by local commissioners. He was treated with perfect courtesy by all men of the democratic party who had business with him. They made every effort to comply with his directions, and in spite of very impolite treatment they received at the hands of some of Mr. Clover's subordinates, (I was present when this occurred several times,) they kept their tempers and acted very fair indeed.

While on this duty I saw the only real case of intimidation which has come to my personal notice since I have been in Baton Rouge. Mr. Guy Samuels, a native of Virginia, and now a planter near Port Hudson, was approached by a negro, when outside of the court-house, where he, Samuels, had been on duty in connection with election matters in his ward. The negro used the most abusive language imaginable. Mr. Samuels assured him that any fears on account of political opinions or actions he might have were groundless, and invited him to come and gather his crop, offering him a place to sleep in his own dwelling while there, and promised to protect him. All this had no effect, and the negro continued his threats and abuse, his manner showing that he relied on my presence there for impunity from the punishment at Mr. Samuels's hands he rightly deserved. While on duty guarding Mr. Clover and the deputy marshal from apprehended dangers, I was always unarmed. At no time was there, as far as I could perceive, any necessity for my presence. I am convinced now that under any ordinary circumstances my uniform as United States officer is sufficient protection against any violence, in performing any duty, such as assisting a marshal in making an arrest or the like.

I have above given simply a statement of what I saw myself. I have purposely avoided making any remarks on the conduct of the officers sent here to conduct the election, although it appeared strange to me that they should be on the most intimate terms with leaders and candidates for office on the republican side, and consult with them often in the course of their official labors. The following facts should, however, be well known:

While on duty at the court-house, I was approached in a very confidential manner by one Baranco, colored, who had, if my memory is correct, acted in some capacity at the engine-house poll, and who claims to be a deputy United States marshal. He informed me that they (the radicals) had fixed the democrats by locking up tally-sheets and other papers in the ballot-boxes in places where a democratic majority was cast. I was also informed later by Mr. Clover that he had completed his returns so far as he could under instructions, excepting some remarks he kept in his head, which he would add after he got safely in the city, (New Orleans.)

That the statement I have here made may be correctly judged, I will state that I have never been an active partisan of any political party. I have been in the United States Army continuously since 1856, and a reference to my testimony given before a congressional committee in New Orleans in 1875, with a letter published in the appendix to their report, will show that I have always pleaded for the rights of the negro.

Going back a short time when the canvass was in full blast, I attended a democratic meeting held here, followed by a barbecue. I there noticed that the negroes were fully impressed with the arguments there advocated; that they liked and believed the promises made to them regarding schools and other privileges. I have been assured by several negroes that they voted the democratic ticket because they were satisfied their masters' (employers') interests were their own, and because they did not like men put on the republican ticket.

Many more reasons were given me in detail for similar action (turning democrat) by negroes who approached me confidentially, asking advice how they should vote at the approaching election.

Giving you my free consent to use this statement in any manner you desire, I am, gentlemen, your obedient servant,

WM. GERLACH,
Second Lieutenant Fifth Infantry, United States Army.

Sworn to and subscribed before—

F. A. NEPHLER,
Justice of the Peace.

We call attention again to the anxiety of Sage and Shields for an excuse to throw out this poll.

See also the testimony of Gerlach before this subcommittee, page 23. Also see Lieutenant Holmes's testimony before the House committee at New Orleans.

There were a little over five hundred colored members of democratic-conservative clubs in this parish. In every club colored men were the leading officers. No one can read the testimony without being convinced that the colored democratic voters not only cast their ballots in good faith, but did it with enthusiasm.

We refer to the testimony of Zebulon Lange and Edward Plunket, both colored, on pages 113 and 114, as giving an intelligent account of how the colored people felt and how the canvass was conducted with reference to the colored vote.

After the right of suffrage was conferred upon the colored people, men from other sections of the country, most of whom had been unappreciated at home, notwithstanding their loud protestations of devotion to the Union, went among the colored people asking and receiving office at their hands. Those men were not only thus placed in office without the consent of the white race, but, discovering that the latter must in the very nature of things soon exercise a large influence over the colored people, they devoted themselves exclusively to the work of keeping in office and their colored constituency organized for united work at the ballot-box. The result was that these office-holders had no other interest in the country than to procure office, and it was so manifest even to them that no distant day would find the negro with his eyes open, that it made the scramble intense and bitter for place, each one fearing that the harvest would be gone before he would be provided for.

The courts were presided over by strangers, in many cases without either capacity or character. As illustrative of this fact we here insert such portion of the testimony of George W. Buckner as is relevant:

By Mr. BEBEE:

Q. Who was the parish judge preceding the time of election?

A. Judge Davis was, until three or four months, when Governor Kellogg appointed a man named Shorter.

Q. Was Davis's conduct satisfactory to these men?

A. I know that it was not.

Q. Did they urge any objections?

A. Yes, sir; there was a good deal of objection urged against Mr. Davis while he was here. He was not a candidate at the last election. While he was sitting as judge there was a good deal of objection.

Q. Can you indicate what the objection was?

A. As to his moral character, he was not at all recognized by any decent man. That was one objection against him. Another objection was, that nobody considered him at all learned in the law—he was not fit for the place. His judgments were biased and founded mostly on prejudice.

Q. Did he hold more than one office?

A. Yes, sir; he was parish judge, member of the police jury, chairman of the finance committee, and as chairman of the finance committee he approved his own bills against the parish and had them paid. He was an internal-revenue officer, and connected with the school board.

Q. Did he hold these offices at the time?

A. Yes, sir; all at the same time.

Q. Did you ever hear any objection to his official conduct as a member of the police jury?

A. Yes, sir; there was a good deal of opposition to him. I was at that time attorney for the parish, and I know of a good many acts and tried to prevent them, to the best of my ability. I know there was a good deal of opposition to him—several of his acts.

Q. Did you ever hear anything with reference to his public conduct as a member of the police jury?

A. Yes, sir. In the first place he was parish judge, with a salary of $2,500. The law provides, under the head of parish judge, that they should have that salary, and no more—the very words of the statute, I believe—"and no more." He was making bills against the parish for the examination of criminal cases; as parish attorney I objected to his bills. My objection was overruled. The attorney-general expressed the opinion, by a letter, as to what he thought about it, the parish judge charging fees, and said that he didn't think that he had a right to charge. It was then that Mr. Davis, or Judge Davis at that time, had an ordinance passed by the police jury, reported the ordinance himself, in which he gave the right to committing magistrates to charge a fee. He came under that head himself, and under that drew his money, under that ordinance of the police jury.

Q. These matters were matters of public notoriety throughout the county?

A. Yes, sir; everybody that knew of the condition of affairs at that time knew that these things were true.

Q. You say that the colored men expressed dissatisfaction?

A. All parties and all colors. Davis and his *confrères* took $2,600 to run the par-

ish, and none of them never owned a cent in the parish. The president of the jury didn't own a cent; they run the expenses of $3,700.

Q. How long had Judge Davis been judge?

A. He was elected two terms.

Q. You say from $2,600 to $3,700?

A. Yes, sir; I have a memorandum here—no; the parish expenses were $20,700. I made a mistake; it was $20,700 before Judge Davis and Underwood took charge. When they took charge they increased it to $37,500.

Q. Your statement of $2,600 should have been $20,700 under the old police jury, to $37,500 under the new?

A. Yes, sir.

Q. How long had Judge Davis been a resident of this parish before he became parish judge?

A. I don't know that he had resided here at all. He came here and was a clerk in the internal-revenue department, and never gave up his position; he was a clerk until he left here.

Q. How long after he came before he became parish judge?

A. I think the first election after he arrived here. I think so; I am not positive. I may be mistaken, but I think so.

Q. Do I understand you to say that there was objection made to him by the voters, white and black, especially by voters who had been colored republicans, on account of his moral character?

A. Yes, sir; I heard several. I can name one, because I recollect the circumstances attending this more than anything else. I had known him all my life as a boy. I heard that somebody had shot at the judge. I heard that it was a man by the name of Polect. The next morning I met him and asked him if he had shot at the judge. He said, "No; I have not shot at him; but, the son of a bitch, I ought to have done it;" and then he told me that the judge had taken his wife from him.

Q. How?

A. To live with her.

Q. Was he a married man himself?

A. He was, sir.

Q. Was that all you heard about it?

A. I heard afterward—there was a lady who lived adjoining Judge Davis, and who rented the property to Judge Davis. She is now living in Nashville, Tennessee. I boarded at her house, and I heard her state a conversation that she had with Mrs. Davis. That is all the information I have with reference to Judge Davis and his family affairs.

Q. This man that said he ought to have shot at him, was he a white man or a colored man?

A. A colored man.

Q. Was this alleged conduct on the part of Judge Davis with reference to this man's wife a matter of current notoriety through the parish?

A. Yes, sir; everybody in the parish knew who came to town and talked with the people. It was publicly known in the town of Baton Rouge; everybody knew it, I suppose.

Q. Was his own wife living with him at the time?

A. She was part of the time with him, and he sent her away. She came back in September of last year; she came back immediately after the difficulty in New Orleans. She was near Cincinnati, and when she heard of the difficulty, without saying to anybody at all, she got aboard the boat and came to Baton Rouge and landed in the night, and when she came to the house—she got a man to go with her—she arrived at the house and found the judge in his dishabille with this negro woman; this woman I have spoken of. A few days after that, if I am not mistaken it was the day afterward, she took morphine and attempted to kill herself.

Q. Was that a matter generally talked of in the place?

A. I believe everybody knew it. It was no secret at all.

Q. What became of this colored woman?

A. She went off with the judge.

Q. Did her husband and herself live together afterward?

A. No, sir; there was a divorce suit filed by one of the members of the bar—I think Mr. Greves—I think he was the member of the bar that filed the suit.

Q. For divorce as between the colored man and his wife?

A. Yes, sir; to be tried before Judge Davis.

Q. Was it tried?

A. I don't know what became of it. I don't know whether it was tried or not.

Q. You never heard?

A. No, sir. I didn't pay any attention to it.

Q. Was any other matter talked of in the community about the judge's conduct with women other than his wife?

A. This negro woman she had a sister, and she gave birth to a child, and everybody understood it also as being a child of Judge Davis. As to whether this was so I am not prepared to say.

Q. Did members of the republican party criticise this conduct?

A. Yes, sir.

By Judge NEW:

Q. The woman who had the child was a sister of the colored woman?

A. Yes, sir; own sister, sir.

Q. Was there alleged misconduct on the part of other parish officers than those you have named?

A. To make it brief, there was in every case that I know of here, every officer that I know of; there was always some charge made against him for misconduct in their offices; some were grievous and some were not. The clerk of the court, who was a candidate for re-election; he would get on the boat and go to New Orleans and stay four or five weeks, sometimes six or eight weeks, and there would be many things that we would have to do, and we would have to wait. I recollect in my own professional business I had to wait to send a deed to Indiana.

Q. Have there been schools through the parish for the accommodation of the white and colored people?

A. Wherever I have been, in every ward, with the exception of two or three wards, I heard complaints all the time that they had no schools.

Q. Did the colored people attribute the responsibility and blame to the republican party?

A. Entirely.

By Mr. GAINEY:

Q. You have a most remarkable memory, Mr. Buckner?

A. Not particularly.

Judge NEW. Mr. Gainey, that remark was entirely uncalled for. Confine yourself to the examination of the witness.

Mr. GAINEY. I intended the remark as a basis for my question. How long after Mr. Davis came into this city before this charge alleged against him of stopping with this colored woman took place?

A. That I could not tell distinctly; I could state to you, though, that this colored woman lived in the same yard where Judge Davis had his office. The judge's residence was right here on this street, and the colored woman had a room right back of Judge Davis's office. That is the time that she was living with her husband. I heard, a year before this became public, I heard that Judge Davis was living with this woman; kept her, were the words that they used.

Q. How long had he been living in this community before you heard any reports of that character?

A. I don't know. The truth is I didn't know Judge Davis at all until he came into public life. He may have been clerk for some time without my knowing it. I think, if my memory serves me, that it was about a year and a half after he came here that this occurrence happened.

Q. After Judge Davis's arrival here, and before these reports were scattered about him, was he ever received in society at all?

A. Well, sir, I was boarding, and Judge Davis's wife used to go over to my landlady's. I never spoke to her; nor did I ever visit Judge Davis, except on business. I heard this landlady speak of her as being an excellent lady, and the neighbors gave her that name.

Q. Did you ever hear of her being out as other ladies are usually?

A. I never heard of her being invited. I know that she did go to different gentlemen's houses. I think she visited a gentleman who is now in the room—his family. I think the ladies called on her. I am not a married man and don't know much about those things.

A large proportion of the parochial offices, such as clerk of the court, sheriff tax-collector, police jurors, &c., were held by colored men, most of whom of necessity were wholly unfitted for those positions. Can it be wondered at that the white people became dissatisfied and asked such men to resign? Would a northern community have been more tolerant?

About the time this state of things had become as bad as it could be, a new element or cause of disorder made its appearance. The stealing of hogs, cattle, cotton in the seed, &c., became very frequent in all the parishes embraced in this report. The defiance and boldness of the guilty parties were such as to provoke to the last degree those who sustained losses. The stealing of cotton in the seed—that is, before it had been ginned—was carried on so extensively that small stores were established by unscrupulous men at various points in the parishes for its purchase. For a time, the courts and law-officers were appealed to for redress. It was impossible, in most cases, to obtain conviction. The juries would generally be composed, in part at least, of persons in sympathy with the offenders. The belief became prevalent among those who were the sufferers that the courts and officers thereof winked at the packing of juries in the interest of these evil-doers. It was while the public mind was thus agitated and incensed that the parish judge and some other officers in this parish were requested to resign, and did resign in 1875.

In the latter part of the year 1874, the people most interested determined that their property should no longer be taken by persons having no right thereto. Companies called regulators or bull-dozers were formed, and thereafter, until early in the year 1876, they made themselves active in lynching those then engaged in stealing, or who had been guilty of it. These companies were made up of young men in a large degree, and, as is always the case when unlawful and unauthorized punishment is meted out by self-constituted conservators of law and order, excesses were committed which cannot be justified. These chastisements were always summary, and often very severe, in some instances to the extent of taking life. The stores of democrats, white men, engaged in purchasing stolen cotton, were burned. Among the democrats whose stores were thus destroyed in this parish are Nicholas Wax, W. R. Bates, T. D. Schloss, T. B. Brown, and Mr. Ligor. After this, as retaliatory, several cotton-gins were burned. It will be found, upon examination of the testimony, that it conclusively appears that politics was not involved in the lynchings which occurred in this parish. There was no political excitement during that period, and no election exciting any interest, except that for mayor of the city of Baton Rouge, in April, 1876, when the democratic candidate for mayor was elected by a majority of 345 votes, the city before that having been republican by several hundred. The democratic candidate for mayor was supported in the most earnest manner by a large number of colored men. It is not pretended that there was the slightest intimidation of the colored vote at this election. This was the beginning of the first considerable organized break in the ranks of the colored republican voters in this parish, and occurring, as it did, immediately preceding the presidential canvass, was of great aid to the democratic party throughout the parish, and contributed largely to its success in November. Of this there can be no doubt whatever. The democratic candidates for electors fairly received a majority of 612 in this parish.

WEST FELICIANA.

The registration in this parish was commenced, conducted, and completed, and the revision thereof made, without any challenge or complaint by the supervisor or any other officer or person, and the inquiry, so far as this parish is concerned, is therefore limited to the period subsequent to the revision of the registration. All the preliminary provisions prescribed by the laws of the State governing the conduct of elections appear to have been observed, except that the polls for two wards, the eighth and twelfth, were not established within the territorial limits thereof, and the commissioners appointed to hold the election for those wards opened and conducted the polls at the parish site, some twelve or fifteen miles distant from the usual voting-place in the eighth, and about nine miles from that in the twelfth ward. The law provides that there shall be at least one poll for each ward, and the supervisor saw fit to construe this provision as requiring only the establishment of a poll for the ward, at his option, at any place in the parish, either within or without the ward limits. This construction of the law we regard as clearly violative of its true intent and meaning. As the consequence of this, there were four polls established within half a mile of each other. Three were held at the court-house, (for the first, eighth, and twelfth wards,) and one, (for the ninth ward,) at Bayou Sara, a few rods distant from the other three, while the voters residing in the eighth and twelfth were compelled to travel long distances to voting-places outside of their respective wards. Notwithstanding this irregularity, the polls for both these wards were counted and compiled by the returning board.

The vote as returned for the eighth ward poll was 146 republican and none democratic. The return for the twelfth ward was republican, 213; democratic, 1. With the exception of this action, the supervisor seems to have complied with the various requirements of the laws of the State in the performance of the duties devolved upon him in preparing for the election. On the day and at the places designated the election was duly held by the officers appointed to conduct the same. The commissioners of election for each of the polls concluded the canvass and compilation, and made returns thereof in full conformity with the various requirements of the law. In no case was any statement or protest made by any commissioner, or any intimation given by them or others of any acts of violence, fraud, intimidation, riot, tumult, disturbance, bribery, or corruption; but, on the contrary, the returns were made up in duplicate, and delivered, one set to the supervisor, and the other to the clerk of the district court for the parish, with nothing charged or intimated as to anything unlawful having transpired. Indeed, nothing official or otherwise, calling into question the fairness or lawfulness of the election at any poll in the parish, was charged or suggested until the 14th day of November, 1876, a week after the election had been held, and five or six days after the returns thereof had been deposited by the commissioners, one set with the supervisor and one with the clerk of the district court, and after such returns had been compiled, consolidated, and returned by the supervisor of election to the returning board. A certified copy of the "consolidated statement of votes, parish of West Feliciana," made December 28, 1876, by the clerk of the district court for the parish, the lawful custodian of such consolidated statement, &c., is given with the evidence. The certificate of the clerk, of the same date, is also given, that "no affidavits of riots, tumults, acts of violence, intimidation, and disturbances, bribery, or corrupt influences were attached" to the statement of votes returned by the commissioners of election, or presented for filing in his office; and he further certifies that "no protest of the supervisor of registration was filed or offered to be filed in connection with said statements of votes." In further proof that the returns were filed by the supervisor with the returning board without protest, we submit the admission of that officer, as testified to by Samuel J. Powell, (see pages 137 and 138 of testimony:)

SAMUEL J. POWELL sworn by the chairman.
Question. What is your age?
Answer. I am fifty-two years old.
Q. Where do you reside?
A. I reside in Saint Francisville.
Q. How long have you lived here; and what is your profession?
A. I have been here since 1848, and my profession is that of an attorney at law.
Q. Have you ever, since the election, conversed with D. A. Weber, registrar of this parish, about the election in this parish?
A. I met Mr. Weber in New Orleans, in the week following the election, in the rotunda of the St. Charles Hotel. I was passing through the rotunda and saw him standing some five or six feet at one side—he and Mr. Duncan. I bowed to them and they bowed to me. Mr. Weber advanced to me, and said, "I have done something for which you fellows will give me no credit." Said he, "I have filed my return without any protest," and asked me if I did not see such an announcement in the Picayune of that morning. I told him that I had. He said, "I now intend to go home and not have anything more to do with this business; pick up my gun and go in the swamp and hunt ducks."

On the 14th of November, however, D. A. Weber appears to have made what he calls a protest as to the polls for wards 2, 3, 4, 5, 10, and as to a part of the votes cast at the poll for the ninth ward. This was done after he had compiled and consolidated the commissioners' returns, sworn to the consolidation, procured the district clerk's certificate thereto, and filed his return with the returning board. No duplicate of this pretended protest was ever made and filed with the district clerk; and it does not even appear that it was sworn to. It will be observed that this so-called protest was not as to the registration or revision of registration, matters relative to which it was within his power to protest, if facts warranted him in doing so, but was as to the election, relative to which his protest could in no wise authorize the State board to act.

The supervisor, as to matters happening on election day, could only forward such statements as might be made by the commissioners of election, corroborated by the affidavits of three citizens, &c. His protest could go for nothing, in the absence of statements, &c., from the commissioners, and, there being no such statements, there was clearly no power in the returning board to exclude any poll or vary the declared result in the parish. The board was bound, notwithstanding this "protest" of the supervisor, to compile the vote as returned by the commissioners, consolidated by the supervisor, and certified by the clerks of the court, and according to which the electoral ticket headed by John McEnery received 1,248 votes, and that headed by William P. Kellogg, 777 votes. Instead of thus declaring, however, the returning board, assuming to act upon the protest of D. A. Weber and *ex parte* affidavits made at the custom-house in New Orleans several weeks after the election, threw out the said polls 2, 3, 4, 5, 9, and 10. The vote at these several polls was as follows: Poll 2: democratic, 102; republican, 35. Poll 3: democratic, 89; republican, 33. Poll 4: democratic, 140; republican, 80. Poll 5: democratic, 235; republican, 3. Poll 9: democratic, 123; republican, 2. Poll 10: democratic, 322; republican, 1—the aggregate thus rejected being: democratic 1,011, republican 154; changing the result in the parish from 1,248 democratic, as returned, to 238, and from 777 republican, as returned, to 624, and making the majority in the parish 386 republican, instead of 471 democratic, as returned by the commissioners, consolidated by the supervisor, and certified by the district clerk.

In 1874, the returning board, composed then of the same men as now, rejected polls where the commissioners had made no statement or protest of intimidation, &c., and such action was condemned as "arbitrary, unjust, and illegal" by a committee of the House of Representatives, of which Hon. GEORGE F. HOAR was chairman and of which Hons. WILLIAM A. WHEELER and CHARLES FOSTER were members, and the committee was emphatically sustained by the judgment of both Congress and the country. This recent repeated and flagrant violation of the law, in utter disregard of their official oaths, proves these men to be wholly unfit for the positions they have so wantonly abused.

As there was nothing in the law authorizing the board to reject the votes thrown out, so a review of the testimony will show there was nothing in the facts to justify or mitigate their conduct. In order to obtain the fullest possible information, the subcommittee proceeded to the parish and went into a thorough examination of the facts bearing upon the election. A large number of witnesses, white and colored, of each political party and from every ward in the parish, were subpœnaed and examined. From the testimony, it is clear that there has long been an utter failure to administer the law for the punishment of crimes, and that, as a resulting consequence, crimes of all grades, from murder to petit larceny, have been of frequent occurrence. In January, 1875, the committee to which we have referred reported to the House as one of the features of the then situation in Louisiana, with regard to which they were "all agreed," that—

"Throughout the rural districts of the State, the negroes, reared in habits of reliance upon their masters for support, and in a community in which the members are always ready to divide the necessaries of life with each other, not regarding such action as very evil, and having immunity from punishment from the nature of the local officials, had come to filching and stealing fruit, vegetables, and poultry so generally, as Bishop Wilmer stated without contradiction from any source, that the raising of these articles had to be entirely abandoned, to the great distress of the white people."

The evidence herewith submitted shows that the condition in this regard grew worse and worse; that finally, in the fall of that year, 1875, the nightly practice of stealing cotton from the fields and disposing of it in the night-time to unscrupulous persons, who in many instances established stores at convenient localities to receive the stolen property, and of stealing cattle, hogs, &c., led to the formation of bands of armed men, who at night rode from plantation to plantation to protect the cotton-fields, &c., from depredation. These bands took the law into their own hands and dealt out summary, and often severe, punishment to parties proved or suspected to have been guilty of theft or of having knowingly purchased stolen property. Merchants were notified not to purchase cotton in the seed—that is, cotton before it had been ginned—and if such notices were disregarded, their stores were burned. This led to retaliatory measures in the way of burning the gins, gin-houses, &c., belonging to the planters. This condition continued without abatement down to the spring of 1876, and while it has not yet entirely ceased, still there is, and was for some months prior to the late election, a comparatively quiet and materially improved state of affairs.

The armed organizations referred to, and which were called regulators or bull-dozers, were entirely non-political; and, while composed mainly of whites, their acts were not infrequently participated in by colored men, and in the parish under consideration the leader of the organization, Colonel Frank Powers, was a prominent republican, holding a responsible office by the appointment of Governor Kellogg and conducting a republican newspaper. As refuting the pretense that these organizations were operating for the purpose of intimidating colored republicans, the fact is clearly proved that both white and colored democrats were punished by them. Colored democrats were in some instances severely whipped, some white democrats were driven from the parish, and the stores of others were destroyed by fire. Witnesses who had thus suffered appeared before the subcommittee, and themselves referred the treatment they had received to causes other than their political affiliations. A reference to the testimony will show that the subcommittee examined a large number of colored witnesses as to whether the actions of the regulators and bull-dozers in this parish were by their race thought to have any political object or purpose, and that in every instance they stated there was no such idea among them; but that they all understood and believed the "regulating and bull-dozing" was in punishment of stealing. Both colored and white republicans concurred in this statement.

The testimony of Brevet Major Bascom and Lieutenants Jamar and Fornance, of the United States Army, who were stationed in the parish; the postmaster at Saint Francisville; James Wells and Charles Spencer, northern men and soldiers of the Union Army during the rebellion; Thomas T. Moore, a republican and northern man; District Judge Hewes; C. J. Howell, clerk of the district court, and others, fully corroborates that of some fifty or sixty colored democrats residing in various parts of the parish in this regard. Leading republicans were conspicuously identified with these organizations and their deeds, and it was entirely an after-thought with them to utilize the actions of the regulators for political-intimidation capital.

The supervisor of registration, in his so-called protest, assigns as ground therefor, as to ward 2, "intimidation," and by way of specification asserts that Dr. William Ball, white democrat, discharged five men from his plantation for refusing to sign a pledge to vote the democratic ticket. He does not give the names of the discharged men, nor does he name the witnesses to prove his statement. Dr. Ball died since the election, and before the subcommittee reached the parish. His manager and others testified that no men had been discharged from the plantation; that about thirty were employed, some of whom voted the republican and some the democratic ticket. Not one of the five men claimed to have been discharged were produced or sworn in support of the protest, and yet upon this flimsy and unsupported pretext the returning board rejected this entire poll, the vote at which was 102 democratic and 35 republican. As to ward 3, the protest is also on the ground of intimidation. The specification is that "the United States supervisor and republican canvasser with tickets were driven from the polls" by armed men, &c., and Valentine Emory and Howard Thornton, jr., are named as witnesses. An affidavit purporting to have been made by Howard Thornton was before the returning board, but in it he says nothing about any such conduct having occurred, while Emory, it appears, never testified on the subject at all. One Cornelius Smith, in his testimony before the returning board, states that he was a United States supervisor at that ward, but he was not driven away. Neither of the two republican commissioners sustained the statement in the protest, and there was absolutely no testimony in its support before the returning board. On the contrary, the testimony of J. D. Smith, one of the commissioners, James Vessels, Anderson Gale, William Austin, Adam Munson, Dan Joseph, and others, utterly disproves it, and establishes the fact that the election was in all respects quiet and fair. The poll, however, was rejected by the returning board. Its vote was, democratic, 89; republican, 33.

The protest as to wards 4 and 5 is merely "general intimidation and discharge from employment." Neither specification nor names are given. The only proof against these wards seems to have been that they gave 375 democratic and only 83 republican votes. Probably that was proof enough for the returning board. At all events, these wards were thrown out.

As to ward 10 the protest is "intimidation;" the specifications are, "Littleton Cotton and R. J. Hogan, prominent republican leaders, threatened with death, and actually assaulted by prominent democrats because they refused to pledge themselves to vote the democratic ticket." Littleton Cotton filed an affidavit before the returning board, but in it failed to sustain this specification. In what he does state he is flatly contradicted by a score of witnesses who voted at that poll, including the colored republican, Jesse Dunbar. An affidavit purporting to have been made by Hogan was also before the board, but he flatly contradicted it in his testimony given at New Orleans before this committee, and stated substantially that that affidavit was not true, and that he was deceived as to its averments when he made it. There was also submitted to the returning board an affidavit of his dated three days before the one charging the democrats with intimidation, in which he as squarely charged intimidation upon the republicans. Such was the testimony upon which this ward was thrown out. Its vote was democratic 322, republican 1.

The "protest" as to the ninth ward went only to a certain number of the votes, and was not made on any ground contemplated by the law; still it was thrown out entire. Vote, 123 democratic and 2 republican.

In the ninth and tenth wards, it will be observed but 3 republican votes were cast as against 445 democratic. In view of the fact that under the law an elector could vote anywhere in the parish, this raises no presumption of fraud or intimidation. A reference to the certified returns will show that at the poll for the eighth ward 146 republican and no democratic votes were cast. In the eleventh ward the vote was republican 171, democratic 8. In the twelfth ward it was 213 republican, democratic 1. These wards, where large numbers of republicans and few or no democrats voted, were all counted, while, where the reverse was the case, they were in every instance thrown out. The democrats residing in the eighth and twelfth wards, instead of going from nine to fourteen miles to the court-house where the polls for their wards were established, voted at the tenth-ward poll, which was much nearer and more convenient. Thus the vote at this poll represented the democratic vote of the three wards, and in rejecting it the returning board disfranchised the 322 democratic voters thereof, while the republican votes cast at the polls at the court-house for the eighth and twelfth wards, numbering 359, were counted. At the tenth-ward poll one republican voted. At the poll for the eighth ward no democratic vote was cast, while at that for the twelfth but one democrat voted. Jesse Dunbar, the only republican who voted at the tenth ward, testified as follows:

Question. How old are you?
Answer. Thirty-two.
Q. In what ward do you live?
A. I don't exactly know.
Q. In what ward did you vote?
A. In the tenth ward.
Q. What ticket did you vote?
A. I voted the radical ticket.
Q. You have always been a republican, have you?
A. Yes, sir.
Q. Did any one undertake to interfere with or prevent you from voting the republican ticket at that poll?
A. No, sir.
Q. Your vote was the only one cast at that poll for the republican party?
A. Yes, sir; so they say.
Q. How long were you there on election-day?
A. I never staid there any longer than the time it took me to shove my ticket in the box, and I went home.
Q. Those who were there, did they know you voted the republican ticket?
A. Yes, sir.
Q. Did any one find fault with you about it?
A. No, sir.
Q. Were you maltreated in any way on account of that?
A. No, sir.
Q. Was it known in your neighborhood, before you voted, and after you voted, that you were a republican?
A. Yes, sir.
Q. Who were you working for?
A. Mr. Tom Davis, on Mr. Doherty's place.
Q. What party does he belong to?
A. Democratic party.
Q. Were there other colored men working for him?

A. Yes, sir.
Q. Who are you working for now?
A. I am staying on the same place.
Q. Did Mr. Davis know how you voted?
A. Yes, sir.
Q. He did not turn you off because you voted the republican ticket?
A. No, sir.
Q. Did he complain about it to you?
A. No, sir.
Q. Have you met with him since?
A. Yes, sir; I was at his house this morning.
Q. How did he treat you?
A. Just as before.
Q. How did he treat you before?
A. Just as he would anybody else.
Q. Do you know of any colored men who were scared into voting the democratic ticket?
A. No, sir; I didn't have no talk; I only told them I was going with the republicans, and I didn't want to have nothing to do with the democratic ticket.
Q. Did the men voting the democratic ticket do so of their own free will?
A. Yes, sir; they had it up there, and they said that was the ticket they was going to vote. I only seen them; I never tarried there long.

In addition to the foregoing a number of others who voted at the poll in this ward testified to the perfect fairness with which the election was conducted. Neither of the two republican commissioners made any protest or statement of intimidation or other unlawful conduct. But it was necessary, in order to carry the parish, for the republicans to throw out this vote—a necessity which, with the returning board, "knew no law."

The poll for the ninth ward was held at Bayou Sara, about half a mile from the court-house in Saint Francisville, where the three polls for the first, eighth, and twelfth wards were held. The absurdity of the charge of intimidation at this poll is apparent in view of the fact that the Federal troops under Captain Bascom were stationed at Bayou Sara, and within about a quarter of a mile from where the election was held. And, too, let it be borne in mind, that if, in defiance of the troops, there had been intimidation, the voters had only to go a few rods to the court-house where the polls for wards 8 and 12 were held, at which 359 republican votes were cast and only 1 democratic. In regard to these polls the evidence clearly indicates a pre-arranged plot to have the republicans vote at polls 8 and 12 for the purpose of rejecting all the democratic votes cast in the ninth and tenth wards. By this scheme 444 democratic votes were rejected, involving only the loss of 4 republican votes.

A large amount of testimony was taken as to what causes operated upon the minds of colored voters to induce them to change and vote with the democrats. They gave as reasons that their school moneys had been stolen or not applied to maintaining schools; that the local affairs of the parish had been badly managed; that they had lost confidence in the republican leaders; that bad government had brought on hard times; that they believed their interests were to act with the resident property-holding whites, &c. It was also developed that, by co-operating with them and associating in club organizations, public parades, meetings, &c., the whites won their confidence and secured their support. Clubs were formed in each ward. Colored men were made officers, invited to speak, and sent out to canvass for the party and organize other clubs, &c. By these means there were established some twelve or fifteen clubs with a colored membership aggregating nearly or quite one thousand voters. Colored members and officers of these clubs were before the subcommittee and fully established the fact that the colored voters voluntarily, cheerfully, and enthusiastically supported the democratic-conservative party. With the large accessions thus secured, the white residents of the parish were confident of success, and, so far from having any motive to interfere with the lawful course of the canvass, were most deeply interested in having the election pass off without any cause or pretext for challenging its fairness or questioning its result.

Much testimony was also taken with regard to homicides and various other outrages committed in the parish and alleged to have been on account of politics. By reference to the testimony of the coroner and others it will be seen that nearly thirty homicides have occurred in the parish since April, 1875. The following is a detail of the cases given from the coroner's record, with extracts and memoranda made by him:

Detail of cases from coroner's record.

Name.	Date.	Race.	Verdict of jury.
James O. Long	Apr. 4, 1875..	White ..	Accidental drowning.
Margave Dawson	May 6, 1875..	Colored .	Heart disease.
William Welsh	May 24, 1875..	...do	Do.
Isaac Nelson	July 19, 1875..	...do	Steamboat accident; scalded.
James Lilage	July 23, 1875..	...do	Gunshot wound by the hand of Henry Hamilton, colored.
Adam Gairs	Sept. 13, 1875..	...do	Heart disease.
Stephen Jones	Oct. 10, 1875..	...do	Gunshot wound by the hands of Charles Beck, colored.
Mile Waltors	Nov. 8, 1875..	...do	Burned during a fit of epilepsy.
Jack Russel	Dec. 8, 1875..	...do	Gunshot wound at the hands of a party or parties unknown.
Fort Williams	Dec. 13, ——	...do	Gunshot wound by the hands of Luke Morgan, colored.
Unknown	Jan. 1, 1876..	White ..	Accidental drowning.
William White	Jan. 17, 1876..	Colored .	Knife wounds by the hands of Henry Griffin, colored.
William Garden	Jan. 21, 1876..	...do	Gunshot wound in the hands of Isaac Washington, colored.
Joseph Williams	Feb. 1, 1876..	...do	Apoplexy.
Henry Claiborne	Feb. —, 1876..	...do	Gunshot wound in the hands of George Wallace, colored; accidental.
Unknown	Feb. 10, 1876..	White ..	Accidental drowning.
Lotta Morgan	Feb. 11, 1876..	Colored .	Accidental fall, breaking neck.
Nelson Stewart	Feb. 20, 1876..	...do	Pistol-shot wound at the hands of Joe Brazel, colored.
Nancy Williams	Feb. 24, ——	...do	Apoplexy.
M. H. White	Apr. 12, 1876..	White ..	Gunshot wound at the hands of Ephraim Smith, colored.
Ruffin Jones	Apr. 19, 1876..	Colored .	Accidental drowning.
Max Avonson	May 13, 1876..	White ..	Gunshot wound in the hands of a party of unknown negroes.
Edward Robinson	May 19, 1876..	Colored .	Gunshot wounds at the hands of Charles Jackson, colored.
Major Hamilton	May 21, 1876..	...do	Accidental drowning.
Willis Nellunes	May 22, 1876..	...do	Gunshot wounds by the hands of Israel and Jeff Chase, colored.

Detail of cases from coroner's record—Continued.

Name.	Date.	Race.	Verdict of jury.
Willis Forrester	May 22, 1876..	White ..	Accidental fall from a horse.
Washington Williams	June 6, 1876..	Colored .	Gunshot wounds in the hands of Sterling Shaffer, colored.
Sterling Shaffer	June 6, 1876..	...do	Gunshot wound in the hands of Washington Williams, colored.
Edmund Smith	June 10, 1876..	...do	Accidental drowning.
William Worrel	June 17, ——	White ..	Do.
Gilbert Carter	July 12, 1876..	Colored .	Gunshot wound at the hands of a party or parties unknown.
Clem Fenderson	July 27, 1876..	...do	Gunshot wound at the hands of a person unknown while trying to escape from the constable at Bayou Sara.
Mathew Edwards	July 31, ——	White ..	Apoplexy.
M. A. Jones	Aug. 1, 1876..	Colored .	Gunshot wound by the hands of Nathan Pitman, colored.
Ephraim Armstrong	Aug. 10, ——	.. do	Gunshot wounds at the hands of party unknown.
Isaac Mitchell	Sept. 27, ——	.. do	Owing to the fact that the witnesses have been bribed or persuaded to absent themselves, and being obstructed by the sheriff in compelling their attendance, we must return a verdict: gunshot wound at the hands of a party or parties unknown.
August Preacher	Sept. 29, ——	.. do	Accidental drowning.
T. C. West	Nov. 6, ——	White ..	Gunshot wound at the hands of a party or parties unknown.
Mahala Hogan	Sept. 6, 1876..	Colored .	Heart disease.
George McKern	Sept. 9, 1876..	White ..	Railroad accident.
Unknown	Nov. 25, ——	Colored .	Accidental drowning.
Fritz Steiger	Oct. 2, 1875..	White ..	Congestive chill.
Jack Raymond	Nov. 1, ——	Colored .	Accidental drowning.
Dora Ford	June 17, 1875..	.. do	Heart disease.
Clementine Allen	Aug. 20, 1876..	.. do	Was kicked by a horse.
Mrs. Tadlock	Aug. 25, 1876..	White ..	Apoplexy.

RECAPITULATION.

Heart disease	5	Colored, killed by colored, gunshot wounds	11
Apoplexy	4	Colored, killed by colored, knife wounds	1
Congestive chill	1	Whites, killed by colored, gunshot wounds	2
Burns	2	Colored, killed by parties unknown	5
Killed by horses	2	White, killed by parties unknown	1
Accidental fall	1		
Railroad accident	1		
Drowned	10		

Total number of inquests and views held since April 4, 1875:
White 12
Colored 34
46

Dated West Feliciana, November 28, 1876.

L. S. McCRINDELL, *Coroner.*

It is impracticable to review all the testimony taken bearing on each of these cases, but brief attention may be given to a few that have been most conspicuously paraded as having had political significance. The case of the killing of Gilbert Carter has received perhaps more publicity than any other, and the evidence taken by the subcommittee with reference to it has been as full as opportunity and circumstances admitted. The facts, as established by the testimony of Major Bascom, Lieutenant Jamar, Ben Clark, Nace Johnson, and others, show that Gilbert Carter was the mover and leader in a plot to organize a club of colored men sworn to kill certain white persons and the women and children of their families, and to burn their houses, capture wagons loaded with provisions, &c. One of the members revealed the plot to one of the white men whose life was to be taken. He, with others, went to Major Bascom, in command of the Federal troops, and requested that a Federal officer be sent with them to bear testimony as to their proceedings, they being then organized to surprise the colored club at a night rendezvous fixed for its meeting. Lieutenant Jamar was permitted to go, upon the assurance that it was intended only to arrest the leaders and turn them over to the proper legal authorities. The party went, but the negroes, having become alarmed, did not rendezvous as they had agreed; and the whites then separated, a part of them, with Lieutenant Jamar, returning. The other portion of the party, however, went to the cabins of Carter and Vessels, the alleged leaders, and arrested them. Vessels escaped, but Carter in attempting to escape (as his captors claim) was shot and killed. The next day Vessels gave himself up and made a full confession of the plot. Other members also, on examinations before Major Bascom, and in affidavits, confessed their participation. The party who arrested Carter had no warrant, and, while we regard their act in firing upon and killing him as unlawful and unjustifiable—an outrage to be utterly condemned—we find nothing in the entire transaction that sustains the claim that it was in any way a political matter. Indeed, among the negroes belonging to the conspiracy there were both democrats and republicans. The following is an extract from the testimony of Captain Bascom, in command of the United States troops, to whom full confessions were made by several of the participants in the conspiracy:

By Mr. BEEBE:

Q. Do you know anything of an alleged conspiracy in the parish for the purpose of killing any of the whites; did you ever hear of anything of the kind?

A. I did; the date I cannot fix just now. My first notification of it was two of the citizens coming to me and stating that they had heard of such an organization, and bringing to me a colored man who claimed to have attended the meeting. There was to be another meeting on Wednesday night following, I think it was, and they were going to see if they could surprise the meeting, and I, at their request, so that they could have an outside party as a witness if there was any occasion, I sent Lieutenant Jamar out with them.

Q. Do you remember the name of the colored man whom they brought with them?

A. His name was Ben Clark.

Q. Was he the only colored man you examined in reference to it?

A. No, sir; I examined three or four afterward—Isaac Vessels. There were three or four that I examined and talked with; took them off to one side in a room

alone, and I forwarded their statements, the substance of them, at least, to department headquarters.

Q. You say you examined these parties aside from others; were there any whites present when you examined them?

A. No, sir; nobody but myself and the witness.

Q. Were they assured of safety by you?

A. They were. I was careful to tell each man that if he had an object in telling the story that it would be of no use, because the thing would not be used there and not be known. I tried to persuade them if they were telling a false story to give me the secret. They were all very frank and very free in their statement.

By Judge NEW:

Q. Do you remember whether one of the colored men was named Nace Johnson?

A. Yes, sir; I summoned one or two others, whose statements I took no notice of, because they didn't attend the meeting, but they had heard of it from the others.

Q. In the examination you made, were colored men free from intimidation, or fear, or constraint of any kind?

A. They apparently were. I endeavored to find out if there was anything of the kind. Their manner did not indicate it. They came in and were around town alone. They were sent for after the gentlemen found me, and they came in freely, one at a time, and talked very freely.

The facts with reference to the killing of Isaac Mitchell, as proven before the coroner's jury, and as shown by the testimony herewith submitted, most positively negative the charge that it was in any sense on account of politics. The only witness whose testimony could positively fix the guilt upon the perpetrator of the murder was the wife of the murdered man, and she, with others whom it was thought could throw light upon the deed, were spirited away by the assistance of leading republicans, and, when finally followed by the process of the coroner to New Orleans, were released by the republican authorities at that place. Whatever the cause of or motive for this murder, it certainly was not for any political purpose in aid of the democratic- conservative party. The testimony of the coroner is as follows:

The next case is Isaac Mitchell; the inquest was kept open from September 26 to October 6. I went out there on the 27th—that was Friday, I think—and on my way out I met Mr. E. L. Weber's carriage coming out, and in his carriage there was two colored women. I went on to the place which was owned by Mrs. Weber, and I took measures to obtain witnesses. There was two persons I found there who didn't seem to know anything about it, and I was informed that the witnesses who had seen it had gone to town; that was Amy Mitchell and Lea Green, they had gone to town. I asked when they would be back, and they said they didn't know, and I was unable to take testimony that day. I adjourned the inquest to the following day, which was Saturday, and left word for them to come and give their testimony. I never was under the necessity of subpœnaing witnesses. I left word for them to come to Bayou Sara. In the evening, when I came back home, I went to Mr. Weber and asked him what right he had to take witnesses away; he said he didn't take them away. I said, "They were in your carriage, for I saw them." He said, "I loaned my carriage, it is true, but I don't know to whom." I asked him if he was in the habit of lending his carriage to people he didn't know, and he said some one asked him for the carriage and he told him to take it. He added, "I don't charge my memory with such things." I then said to Mr. Weber that it was a very unnatural thing for a wife to leave her husband after being killed, and I would like him to explain why she went off in his carriage. He said, "I don't know; maybe they wanted to go to town to do some shopping, buy some trimmings." He supposed they went to town for that purpose. At first he pretended that he didn't know they had gone to town. I then asked him if they had come back, and he said he didn't know. I afterward learned they did come back to attend the funeral.

The following day they didn't make their apppearance, and on Saturday evening, they same day, I was informed that they wouldn't attend because they hadn't been subpœnaed. I immediately issued subpœnas and put them in the hands of one of the jurymen to serve on these parties. The subpœnas were served, and Lea Green made her appearance, but Amy Mitchell and Julius Green didn't make their appearance at all; so I took the testimony of Lea Green and adjourned the inquest over to Monday. Then I put the subpœnas in the hands of the sheriff himself, and he made return that he couldn't find Amy Mitchell or Julius Green, and consequently I was unable to take their testimony that day. I didn't hear anything more of them, I think, until the 17th of October, when I heard that Julius Green was over the river and Amy Mitchell was in New Orleans at a hotel called the Conti Verandah, on Conti street. I went to Dr. Kaufman, the sheriff, and told him I had been unable to get the witnesses, that he had my subpœnas and couldn't serve them; but if he would give me a deputy sheriff I thought I could have them served. He appeared to be willing, and he gave me an order on the clerk of the court to swear in Mr. Spencer as deputy sheriff to serve my paper. I sent Mr. Spencer to New Orleans, and he went to this house and saw the parties, Amy Mitchell, Lea Green, and another party, which I afterward learned was Thomas Stewart. He served the subpœnas on Amy Mitchell and Stewart. Amy Mitchell said she wouldn't come unless the person brought her there told her to go, when this man Stewart spoke up and remarked, "Weber isn't coming here any more." She then said, "He will be down Thursday." Thomas Stewart said he would come to Bayou Sara, but he didn't. Mr. Spencer got back to Bayou Sara without the witnesses, on the 20th of October, I think it was. I then issued writs of arrests and attachment, and sent Mr. Spencer right back to New Orleans. When he arrived there—in the mean time Dr. Kaufman met me on the street, and says he, "Doctor, you have gone back on me." Says I, "How is that?" "Well," says he, "you have sent writs of arrest for those parties in New Orleans, and I have telegraphed to the chief of police to arrest Spencer, because he is not a deputy sheriff." Says I, "How is that?" and without any explanation, he said he had gone and canceled his oath, because he found out that Spencer had really no authority. When Spencer arrived in New Orleans with the writs he put them in the hands of the criminal sheriff, and the sheriff arrested these parties and brought them to the steamboat; and just before the boat started the chief of police arrested Spencer and brought him to the central station, and there he was shown a letter from Dr. Kaufman. Spencer was turned loose, and the prisoners also. He came back to Bayou Sara. Being satisfied that the witnesses were intimidated and every effort of mine was impeded, and probably that the witnesses didn't want to give their testimony, I closed the inquest; and from such testimony as was elicited the jury returned a verdict that Mitchell came to his death by the hands of some party unknown, and owing to the interference of the sheriff was unable to get the testimony which would have enabled the jury in discovering who had committed the act.

Q. Where has Amy Mitchell been since then?

A. She is in New Orleans; I don't know; that is the last place I heard she was. Julius Green came back about a week ago. I asked him why he staid away; he knew I wanted him. He said he was afraid, and he dodged me. I asked him what he was afraid of, and he said, "I didn't know nothing to tell, and I didn't see any use of staying."

Q. You say that Amy Mitchell has been in New Orleans ever since?

A. I don't know that positively.

Q. Has she been in the parish since then?

A. No, sir.

Q. Where is Lea Green?

A. She is here; she gave her testimony. I had to subpœna her regularly; she refused the verbal summons.

Q. Do you remember what her testimony was on the subject?

A. Yes, sir; she said, as near as I can remember, that she was on her way to church when she heard shooting in front of her, about a half a mile ahead, in the same house, it seemed to her, or the next house to Mitchell. When she heard the shooting she ran back to Mr. Smith's quarters, where they had a church, and she met Julius Green, who asked her if she was hurt and who had been firing. She said no, and the next day she went to the place and spoke to Amy Mitchell, and asked her who killed her husband, and she said she didn't know who they were.

Q. Is that the substance of her testimony as you remember?

A. Yes, sir; she said she didn't know anything at all about the killing, and she said there was nobody at the house except Amy Mitchell.

The killing of Ephraim Armstrong is another case that was made to figure before the returning board as an outrage perpetrated by white democrats for a political object; but the evidence conclusively shows that Armstrong was a democrat, and thoroughly known as such throughout the section in which he lived. (See the testimony of William Gardner, Henry West, both colored, and others.) The testimony of the coroner who held the inquest relative to this case is as follows:

"Ephraim Armstrong, colored, August 20, 1876. The testimony didn't point to any one; party unknown. I held the inquest open several days to try to find out who the persons were. I saw in the Ledger, the republican organ of the parish, an editorial that they were aware of who killed Armstrong, and I summoned Mr. Weber, the editor, and left the inquest open several days; I summoned every one. He said in the article that the man who killed Armstrong rode a dun horse, and the horse was seen at Dr. Leonard's. I summoned Mr. Weber, and he wouldn't make his appearance. I went to his house, and he said he received the information from J. W. Armstead. I summoned Armstead, and he said Weber received no information from him, and he expressed himself that Weber lied; so I couldn't find out. From the circumstantial evidence, my impression was this: that this man Armstrong was drinking; he bore a very good character—very good negro—but when he was drinking he was rather uneasy. On the evening he was killed he was seen going out the Baton Rouge road, which was not his way home, two miles to the left of his house; he was seen there before sundown; he was killed between eight and nine o'clock that night. It is supposed that he turned back to come to town, and, being under the influence of liquor, got off his horse and probably stopped some person, who, fearing that he was about being waylaid, shot him. The witness who testified here a little while ago said that when Armstrong was drunk that he wasn't very select in his language."

Another of these cases is that of Jack Russell. Instead, however, of his killing having been on account of politics, it is proven that it resulted from a quarrel he had with an emigrant who was passing through the parish on his way to Texas. Politics had not the remotest connection with the affair. Indeed, in none of the cases that have occurred in the parish where colored men have been killed has there been a single one where political differences as between white democrats and colored republicans have in any way been connected therewith; and of the number of homicides of colored men that have occurred nearly all have been committed by the negroes themselves. As matter of fact, it is believed a careful examination will show that more white men have been killed by negroes than negroes by whites. M. H. White, a white man, was killed by Ephraim Smith, colored. Max Aronson, white, was killed by a band of unknown negroes, and, just on the eve of the last election, a party of negroes, on their way to a republican club meeting, fired into the house of T. C. West, white, the democratic nominee for sheriff, and killed him. The democrats had to fill his place on their ticket by the nomination of another man. No retaliation or punishment followed the killing of West, and the outrage was submitted to rather than to give the least cause for nullifying the result of the then impending election. Yet, if the murdered man had been a colored nominee on the republican ticket and had been killed by white democrats, who can doubt that the republicans of that State would have pointed to the act as proof of the brutality of the entire white element of the parish? The killing of West under the circumstances may be reasonably attributed to a political cause; but it by no means follows that all of the republicans of the parish are responsible therefor. The participants are alone guilty, and the white people of West Feliciana acquit the mass of the colored republicans of the parish of blame.

In conclusion, we submit that, notwithstanding the disturbed condition of the community on account of other than political causes, the proof fully establishes that the election was peaceable, fair, and orderly, and that the democratic-conservative electoral ticket received the full majority, as shown by the returns of the commissioners and the consolidated returns of the supervisor, and that the action of the returning board in rejecting the polls heretofore named was without just cause or authority, and in gross violation of the law, as well as of the rights of the electors of the parish and State.

EAST FELICIANA.

There are eight wards in this parish. Whole vote cast for presidential electors, 1,736, all of which were for the democratic electors.

We here insert a certified tabular statement of the votes cast for electors, by wards, in this parish:

Statement of votes cast in the election precincts of the parish of East Feliciana, Louisiana, for electors of President and Vice-President of the United States, at the general election held November 7, 1876, under the provisions of "An act to regulate the conduct and to maintain the freedom and purity of elections," &c., approved November 20, 1872, and the amendments thereto.

Number of polls.	John McEnery.	R. C. Wickliffe.	L. St. Martin.	F. Poche.	A. De Blanc.	W. A. Seay.	R. G. Cobb.	K. A. Cross.
1	235	235	235	235	235	235	235	235
2	92	92	92	92	92	92	92	92
3	397	398	398	398	398	398	398	397
4	135	135	135	135	135	135	135	134
5	474	474	474	474	474	474	474	473
6	124	124	124	124	124	124	124	124
7	161	161	161	161	161	161	161	161
8	118	118	118	118	118	118	118	118
Total	1,736	1,737	1,737	1,737	1,737	1,737	1,737	1,734

STATE OF LOUISIANA,
Parish of East Feliciana:

I hereby certify the above and foregoing to be a true and correct compilation of all the statements of votes for electors of President and Vice-President of the United States at the election precincts of the parish of East Feliciana, at the general election held November 7, 1876, under the provisions of "An act to regulate the conduct and to maintain the freedom and purity of elections," &c., approved November 20, 1872, and the amendments thereto, rendered to the clerk of the court by the commissioners of election, on file in this office; that no affidavits of riots, tumults, acts of violence, intimidation, disturbance, bribery, or corrupt influences were attached

to said statements of votes, or presented for filing in said office, and no protest of the supervisor of registration was filed or offered to be filed in connection with said statements of votes at any time in said office under section 26 of the aforesaid act of the Legislature of the State of Louisiana.

Given under my official signature of office the 9th day of January, A. D. 1877.

[SEAL.] CHARLES KILBOURNE,

Deputy Clerk Fifth Judicial District Court,
State of Louisiana, Parish of East Feliciana.

The consolidated return of James E. Anderson, supervisor of registration, showing the vote as above, was filed with the returning board November 13 without remarks. No protest, or paper purporting to be a protest, was filed by him with the board until November 23, which was received by the board in a separate package. He does not allege in his protest that anything occurred during the period of registration or revision of registration to prevent a fair and full registration. He was absent from the parish during the last nineteen days of the period fixed by law for registration. No voters were registered during those nineteen days.

Anderson says in his protest that he was unable to remain in the parish longer on account of the insecurity of his life; that an attempt was made to take his life. He returned before the election, not in time to renew registration, but in time to appoint election officers. He appointed for each poll, as commissioners, two republicans and one democrat, all of whom served.

The proof shows that it was and is the better opinion of those who investigated the alleged attempt to take his life that he did the shooting himself. Captain Benjamin H. Rogers, of the United States Army, Colonel Frank Powers, and J. P. Monyhan, the two former republicans and the latter a democrat and sheriff of the parish, gave the subject a careful investigation. Captain Rogers swears that he never could fully satisfy himself whether Anderson was shot at or not; says that if it had been any other man than Anderson he might not have been so much in doubt; but says, "I could not believe him under oath, in any way, shape, or form." He further says, "I doubted that he was shot at for this reason, that he is such a trickster that I would not place any confidence in him in any shape or manner. I think he is a man who would be liable to shoot at his own coat in order to make political capital out of it." Says that Colonel Powers expressed the opinion that it was a "put-up job" by Anderson himself, and that that was his (Rogers's) impression at the time. Captain Rogers further testified as follows: "I never did think the democratic party had anything to do with it." He says there was some testimony before the parish judge that looked like a certain man of Anderson's own party might have done it. The man here referred to is P. Charles Butler, an outlaw, and the dread for years past of the parish, especially of the colored people. Monyhan expresses the belief that Anderson did the shooting.

The supervisor says he did not affix his protest to his consolidated return at the time of mailing the latter, because his life would have been in danger if he had done so at that time. We do not believe this to be true. No one but himself would have known that he had made a protest. And why postpone writing it for ten days? In all that he has to say in his protest he mentions but one name beside his own—that of Lieutenant W. S. Davies, of the Thirteenth United States Infantry. He says that Davies was shot at. Davies, in answer to interrogatories before returning board, distinctly asserts that he does "not believe that there was anything political in the matter." He also testified before this subcommittee, and did not even allude to having been shot at.

No statements by commissioners of election, as provided for in section 26 of the election law of Louisiana, as to occurrences on the day of the election, were filed with the supervisor, returning board, or clerk of district court. The registered vote of the parish was 1,004 white, 2,127 colored. It was proven by the clerk of the supervisor of registration that of those names appearing on the registration lists two or three hundred should have been stricken off because of deaths, removals, &c. In other words, the list of 1874 was not revised. It does not appear what number or proportion of those whose names should have been erased would be white, and what colored. Nor, of those who failed to register on account of absence of the supervisor, what proportion white and what colored. No republican tickets were sent into or used in the parish, save perhaps one or two which were written. The republican party voluntarily abandoned the contest before the day of the election, and purposely withheld tickets from the parish. This was proven. The canvass was quiet, although the democrats worked with more energy and hope of success than at any time since 1868, when Seymour carried the parish by a majority of 767; the colored vote then, as now, being largely cast with the democrats. Notwithstanding the considerable colored majority, some democrats have been elected at almost every general election. This is true not only as to parish officers, such as clerk, sheriff, &c., but for parish judge, Legislature, &c. This, too, over the regular nominees of the republican party. It required the co-operation of several hundred colored voters to accomplish this. It is no new thing for colored men, in large numbers, to vote the democratic ticket in this parish.

Rev. John A. Reiley, of the Presbyterian Church, a gentleman of large property, a most pronounced and outspoken republican, removed from New Jersey to this parish ten years ago. He voted for Hayes and Wheeler, but not for the electors, because there were no printed tickets, and he could not recall the names of the electors. Mr. Reiley was one of the republican commissioners of election at Clinton, the parish site. He testified as follows about the democratic parish ticket:

By Mr. NEW:

Question. You say you voted the democratic parish ticket, but you felt no particular zeal. How am I to understand you?

Answer. I mean what I say. I felt no particular zeal for a republican parish ticket. I voted very heartily for the candidates on the parish ticket because I was interested.

Q. Did you feel any considerable zeal for the democratic parish ticket?

A. Yes, sir; that is what I say.

Q. You did not vote the democratic parish ticket, then, because there was no republican ticket?

A. No, sir; they were the men of my choice. They were the men I had selected before the ticket was made up.

Q. You would not have voted a republican parish ticket if it had not had those names upon it?

A. If I had been making a republican parish ticket I would have put those same names upon it.

The democratic parish ticket being thus supported by leading white republicans colored men were easily persuaded to give it their support. The result was that no republican parish ticket was nominated. This gave the democratic ticket, parish, State, and national, a strong send-off early in the canvass. The testimony clearly discloses the fact that there are quite a number of colored men in this parish who have always been democrats. In the past, there have been frequent and serious dissensions among the republicans, and the colored republicans have been very frequently voting a mixed ticket. It appears from the concurrent testimony of witnesses of both colors and both parties that there has been an increasing and loud complaint among the colored people about official corruption generally, but more especially about high taxes and misappropriation of the school funds. These had become and are such crying evils that every witness, colored and white, tells the same story, and tells it with such look and emphasis as to leave no doubt that his feelings are intense on these subjects.

The democrats were not slow to discover the situation, and they went to work with a determination to win. Places were appointed for public speaking in every neighborhood. Democratic-conservative clubs were formed in every ward, and the original colored democrats were among the most active. They were posted and put forward. They, in fact, constituted the advance—organizing clubs and making speeches at the club meetings and elsewhere. They devoted their time almost exclusively to the work. Old-fashioned barbecues were gotten up, addressed by speakers of both races. The colored people turned out in large numbers. At the close of the canvass there were democratic-conservative clubs in every ward, the colored membership numbering in the aggregate eight hundred and sixty-three. The republicans seemed to have lost all hope early in the canvass. It may be that some colored men, upon going to the polls and finding no republican tickets, fell in with the current, thus swelling the democratic vote, who would have voted the republican ticket if their leaders had provided one.

It was proven that Anderson admitted upon several occasions that the election was fair, and he congratulated democrats upon their victory.

The canvass was conducted in the most orderly manner.

In this connection, we wish to call attention to the testimony of Mr. J. W. Mann, a most estimable gentleman, and recognized as one of the best citizens in this parish. Mr. Mann is a large planter near Port Hudson.

By Judge NEW:

Question. Where do you reside?

Answer. About four miles from Port Hudson.

Q. How long have you lived there?

A. Seven years.

Q. Are you a native of this State?

A. No, sir.

Q. Of what State?

A. Massachusetts.

Q. Were you in the first ward most of the time during the late campaign?

A. All of the time.

Q. You may state the condition that society was in during the period of registration, say from the 28th of August until the registration was completed, or so much of the registration as was done up to the time of the election.

A. As far as I know it was quiet and peaceable.

Q. What are your politics?

A. I am a republican.

Q. Did you vote on the day of the election?

A. Yes, sir.

Q. How did the election go off?

A. It went off very quietly.

Q. Are you acquainted with some of the colored people in the ward?

A. I am acquainted with some that are near me on plantations. I am not extensively acquainted.

Q. Do you know whether any of those that you are acquainted with belonged to democratic clubs?

A. No, sir; I could not say certain of any.

Q. Do you know whether any of those known to you voted the democratic ticket?

A. Yes, sir.

Q. You may state whether, during the canvass, you talked with any of them, or heard them express themselves as to the reason why they were going to vote the democratic ticket—how they talked about it; have you heard any expressions from them?

A. They thought that they could get a better government and more security under Nicholls's administration, provided he was elected—those that I talked with.

Q. You may state whether they made complaints about the State government that they had.

A. They did, sir.

Q. Do you remember whether the matter of the misappropriation of the school fund was talked of, or the failure to have schools?

A. That was one grievance.

Q. Anything else that they mentioned as a grievance you may state.

A. Well, they didn't think that they were secure enough in their rights.

Q. In what respect?

A. Sometimes for stealing they were molested not by law—when they were caught stealing, or something of the kind.

Q. They did not like the idea of being summarily dealt with; is that it?

A. Yes, sir.

Q. Now you may give to the committee your opinion whether, from what you saw among the colored men of your acquaintance who voted the democratic ticket in the ward—whether they did it of their own free will, and voted because they wanted to make a change.

A. Those that I know did vote it I thought voted it from their own free will.

Q. Is it not a fact that several colored men of that ward who had been active in politics before as republicans were very active this time as democrats?

A. I don't think there was any very active as democrats. I know some used their influence that way.

Q. Do you know Henry Rivers?

A. Yes, sir.

Q. How was it with him as to activity?

A. The most activity I saw him do was on election day, distributing votes.

Q. Did he act like a man who was in earnest?

A. I didn't see much of him. I saw him doing it—going to his friends with them.

Q. Your politics were known to the colored people who were acquainted with you?

A. Yes, sir.

Q. Were any of them in your employment?

A. Yes, sir; I employed about thirty or thirty-five.

Q. Did you hear any complaints from any of those in your employ of intimidation or threats, politically?

A. I did in one case. I can describe it and you can judge.

Q. Tell what it was.

A. There was one man on my place that was accused; he and some others were getting up a club and resisting those democratic freedmen who were joining democratic clubs. They would do something to them for joining democratic clubs. That was the report that came to me. They were told that they had not better come and attend this democratic meeting. One of them lived with me, and came and asked me about it. I told them that they should not make such remarks as that, but if they were asked to attend a democratic meeting it was no more than right that they should do so. That is the fullest extent of any intimidation that I know of.

Q. That is the only thing said to you by any colored men in the ward who was making any sort of complaint at all?

A. That is the only one that complained to me.

Q. Some of these men who were working for you had been working for you for a considerable period?

A. Some had been working for me for seven years—ever since I have been here.

Q. Did some of these men vote the democratic ticket?

A. One did, I know.

Q. Did he ever make any complaint of any intimidation or threat?

A. No, sir; and he was very free to talk to me; I think he would, if there had been anything said to him.

Q. Did he ever tell you that he had heard of any threats or intimidation toward other colored persons?

A. No, sir.
Q. Now, you may state whether, in your opinion, if republicans had desired to vote in that ward on the day of election—whether, from your knowledge of the condition that the ward had been in during the campaign, and from the way that the election did go off, and whatever facts you may predicate an opinion on—whether they could have voted peaceably and without interference?
A. I think they could.
Q. Do you know of any preconcerted arrangement or purpose on the part of republicans to have no ticket in the field that day?
A. No, sir; I do not.
Q. Had you any knowledge or information before the day of election that there would not be republican tickets?
A. No, sir; I was looking for one on the day of election, and I didn't find any.
Q. Do you know whether other republicans than yourself—whether there were colored republicans who went away without voting?
A. Yes, sir; there was. I met some of my men returning.
Q. Did they give you some reason why they were returning without voting?
A. Yes, sir.
Q. What was that?
A. They didn't find the right kind of tickets at the polls. They didn't say what kind.
Q. You knew them to be republicans, though?
A. Yes, sir.
Q. Do you know, or did you hear, in your ward of any difficulties between whites and colored men, in which it was claimed or alleged that politics had anything to do with it?
A. No, sir; I don't know of any.
Q. Have any such cases in your ward come to your knowledge or information?
A. No, sir; I should think it would come to my knowledge.
Q. If there had been you think you would have heard of it?
A. Yes, sir; I should think so.
Q. There are white democrats in that ward who employ colored labor, do they not?
A. Yes, sir.
Q. Have you heard of any colored men being turned off by their employers on account of not having voted the democratic ticket?
A. No, sir.
Q. Nor on account of refusing to vote the democratic ticket?
A. No, sir.
Q. Nothing of the kind?
A. No, sir.
Q. Have you known any colored men to be turned off since the election by their employers on account of having failed to attend the election and vote the democratic ticket?
A. No, sir.
Q. You have known no change in your ward in that respect either before or since the election?
A. No, sir.
Q. Is it not a fact that democrats in your ward, both before and since the election, have employed colored labor without regard to the politics of the men?
A. Yes, sir; I know that they do.
Q. You do that still, do you not?
A. Yes, sir.
Q. Although you are a republican?
A. Yes, sir.

By Mr. JOYCE:

Q. Did you vote at the last election?
A. Yes, sir.
Q. What ticket did you vote?
A. I voted the democratic State ticket, and I voted for Hayes and Wheeler for President and Vice-President.
Q. Do you reside in this parish?
A. Yes, sir.
Q. Did you vote for Hayes and Wheeler; did you vote a ticket with the names of the republican electors for the State on it?
A. No, sir; I could not find the electors. I didn't know them and could not find them.
Q. So you put in a vote with Hayes's and Wheeler's names on it?
A. Yes, sir.
Q. Of course that didn't amount to anything?
A. Yes, sir; I knew it did not.
Q. Aside from that you voted the democratic ticket?
A. Yes, sir.
Q. Has there been any republican club in your ward?
A. Yes, sir; there has been.
Q. When?
A. I think there was in 1874 and 1872; every year, I think, but this.
Q. Did you belong?
A. No, sir; I never belonged to it.
Q. Never belonged to any one of them?
A. No, sir.
Q. Has there been any republican club in the ward this year?
A. I think not.
Q. Do you know whether there was or not?
A. No; I don't know.
Q. Why didn't you go to work and get up one?
A. I am not a politician, and don't follow that business at all.
Q. What do you call a politician?
A. Any one who would get up a club and be active in it, I would call a politician.
Q. Is not that the duty of every man?
A. No, sir; I don't think it is.
Q. Can you give any reason in the world, except the one you have given, why you didn't go to work and get up a club in your ward?
A. Republicanism is not popular here. That is one thing.

By Judge NEW:

Q. Would you have apprehended any personal violence to yourself, or injury to your property in that ward, if you had attempted to organize a republican club? Do you think you would have been mistreated by the democrats of the ward if you had attempted it?
A. I hardly think I would.
Q. It was not from any apprehension of the kind that you did not do it?
A. No, sir; I never did it.
Q. Now, when you say that the republican party is not very popular, I will ask you whether it is not a fact that in your ward there has been a great change among the colored people upon that subject, as expressed at the late election?
A. Yes, sir; there has a great many voted the democratic ticket that used to vote the republican ticket. I suppose there was, because very few of the colored people voted the democratic ticket before.
Q. Did you attend any republican meetings anywhere in the parish?
A. No, sir.

Your committee investigated with great thoroughness the unlawful acts, lynchings, killings, &c., which are noted in the protest of the supervisor and affidavits and answers filed before the returning board. It is impossible to embrace within any reasonable compass a critical and detailed account of all that is alleged and the testimony taken before this subcommittee. The following are the leading cases, and comprise nearly all:

The name of Thomas H. Jenks figures more prominently before the returning board as a witness against the white people of this parish than that of any other person. He says that Jerry Norman, colored, was shot at church by a band of regulators in August, 1875. The proof is that he was shot by one Eugene Thompson, white, at whom Norman had fired the day before, the ball entering a sack of meal upon which Thompson was sitting. It was an old fend, not involving politics, and the killing was not done at church, nor in the presence of but one person, a colored man, who testified before the committee. He also says that Dr. Wood passed sentence of death on two colored girls, and that the sentence was executed by one hundred armed men. The proof is that a party of colored men were in the act of hanging these girls because they believed them to be guilty of stealing some clothing from a colored family, and Dr. Wood, hearing of it for the first time, hastened to the spot and saved their lives.

Jenks says further:

"On the 7th day of November, instant, I visited the fifth, seventh, and eighth polls in said parish, heard the democrats tell the colored people that there were no republican tickets, and that they must vote the democratic ticket or not vote at all. This was openly said, and notorious."

William Kneeland swears that he went with Jenks to those polls, and that the latter said that everything was going on quietly; also says that Jenks expressed no surprise that there were no republican tickets. (See page 435.)

L. B. Rheaves swears that he saw Jenks at the eighth poll in company with Kneeland. Jenks told him that he had gone to that parish at the request of J. W. Patton, the chairman of the democratic State central committee, to see that the election went off right.

D. J. Wedge swears as follows:

By Judge NEW:

Question. Are you acquainted with Thomas H. Jenks?
Answer. Yes, sir; I have known him since 1868; I believe fifteen years, I reckon.
Q. You may state whether you met with him during the last canvass in this town.
A. I met him here. He came here and sent up to my house for me. I was at home. I think it was Friday.
Q. State what interview you had with him.
A. The day before I received a dispatch from Colonel Patton, stating that he had been appointed United States deputy marshal, and he was passing by here, and that he would make a favorable report if things were right. I knew his politics to be republican. I knew that he had been acting with the republican party ever since he had been a voter, and I felt a little suspicious of him. However, I went to the hotel to him. He told me that he had just seen Colonel Patton, and that he was sent up here by Colonel Patton, and his object in coming up here was to make a favorable report for the democratic party. About that time Captain Rogers and Lieutenant Davies came into the parlor, and said, "Sh—sh—I would not have these men to hear us talking together for anything in the world. I don't want them to hear any conversation that I have with you;" and we walked out of the gallery of the hotel, out of the way and hearing. He said that he knew the election would be perfectly quiet and all right, but he thought I had better go over to the printing-office and have some republican tickets printed. He says, "It will look better." I told him that I could not work on both sides, and if he wanted anything of the kind he would have to do it. It was not my business to put a republican ticket in the field, but he could use his own judgment about it. The next day I saw him. That is all that was said on that subject. He staid there until election day, and I was with him on that morning. Captain Rogers came to me and said that he did not believe that the man was a United States marshal; that he was a fraud. I went up to Mr. Jenks and examined his commission, and saw that it was all regular, and told Captain Rogers that he was. On the day of election he staid around the polls. I was with him until about eleven o'clock, and he told me that he wanted to go into the country, and if I would get him a horse and buggy he would go. I did so, and got Mr. Kneeland to go with him, and proposed to go to any polls that I wished. He decided to go to the seventh, the —— Creek school-house, and back to this place.
Q. What ward is that school-house in?
A. That is in the eighth. He came back about four o'clock, I should think. I saw him as soon as he alighted from the buggy, and had a talk with him. He said everything was perfectly peaceable and quiet. He had never seen a more fair election in his life. I told him that it had been so here. He remained until suppertime, until the gong rang, and expressed himself perfectly satisfied. He said that a man that had seen as much as he had would be bound to make a favorable report.
Q. Is that the last you saw of Mr. Jenks?
A. No, sir; he went to Baton Rouge, and I went down in the carriage with him. We slept in the same room all night, and I took breakfast with him the next morning. He was waiting for a boat.
Q. Who else went to Baton Rouge with the same party?
A. Mr. Anderson and Mr. Jones. Mr. Jones drove the carriage.
Q. That is the gentlemen who testified yesterday about going down?
A. Yes, sir; that is the one.
Q. Is there anything else you know upon that subject?
A. That is all.

Joseph Jones testified as follows:

By Judge NEW:

Question. Are you acquainted with Thomas H. Jenks?
Answer. I am, sir.
Q. Do you know whether he was in the parish on the day of election?
A. He was, sir; I took him to Baton Rouge, I think the next day, on his way to New Orleans.
Q. Did he have anything to say upon the subject of election in your presence?
A. Yes, sir.
Q. What did he say?
A. Mr. J. E. Anderson was the supervisor of registration for this parish and Mr. Thomas H. Jenks was deputy United States marshal. I took them down in a carriage, on their way to New Orleans; Mr. Jenks taunted Mr. Anderson and laughed at him, and told him he was afraid "we were gone up." That is the expression that he used. Mr. Anderson says, "No, never mind, that is all right," and put it off, and didn't like to talk about the election to Mr. Jenks. When we got to Baton Rouge he still taunted him, and said, "If everything goes on all over the State as it has in East Feliciana, we are gone up." Anderson remarked that he didn't care a damn about this parish; all he wanted was for Hayes to be President; and they talked over the fairness of the election, and both told me, coming down in the carriage, and after we got to Baton Rouge, that they had never seen a more peaceable, fairer, or more quiet election in any country. They repeated it several times, and it was a joke. Mr. Jenks took occasion to ridicule Mr. Anderson.

Mr. Jenks was well known to the tax-payers of this parish of both colors. T. A. Moore testified of him as follows:

By Judge NEW:

Question. You live here?
Answer. Yes, sir; practice law.
Q. How long have you lived here?
A. Since 1867.
Q. What is your occupation?
A. I am a lawyer.
Q. Were you acquainted with Thomas H. Jenks?
A. I was.
Q. Did he ever live here?
A. Yes, sir; he came here as a tax-collector. He came here in May or June, I think, as tax-collector under appointment from Governor Warmoth, and he remained until, I think, in April, 1871; somewhere in the neighborhood of two years.
Q. Do you know whether he got into any legal troubles as tax-collector?
A. There were some rumors around that he was a defaulter, and a few days afterward he disappeared, and then it was found that he was a defaulter to the State and parish of $20,000 in the suit of James Graham, auditor, for the benefit of the State and of the parish jury for the benefit of the parish; also criminal proceedings against him.
Q. Were there any judgments rendered?
A. Yes, sir; one at the suit of the State, under the name of James Graham, auditor, for the benefit of the State of Louisiana, against Thomas H. Jenks, judgment for $10,322.22; and the case of the police jury against Thomas H. Jenks, judgment was rendered for $10,072.56, I think.
Q. What were the dates of these judgments?
A. The judgment in the case of the State was the 14th of January, 1872, and I think on the same day in favor of the parish.

Jared W. Harrell (white) says he was cursed for being a damned nigger-loving radical, by men who came to his house armed with shot-guns, and threatened to hang him. Says, also, that they stripped his servant woman and whipped her almost to death. The proof is, that he was and had been for a long time living in open and notorious adultery with this colored servant woman. It had become the standard and stereotyped scandal of the community, and his own wife had sent word to some young men of the neighborhood that she wanted their intimacy broken up. They did not need a second invitation. Harrell had always been a democrat, and nothing to the contrary was ever heard until his affidavit was filed before the returning board.

Henry Smith, (colored,) ex-sheriff, says that Colonel Hardy, of Clinton, said to him in July, 1875, that it was the intention to get rid of him, Rea, and other leading republicans in that parish. The proof is, that what was said by Colonel Hardy was not in those words, nor as a menace or threat, but that great dissatisfaction existed on the part of the people with such men as Smith, Rea, and other radical officials.

G. J. Reily, son of Rev. John A. Reily, says that on the evening of a democratic barbecue held at Clinton, a large body of white men rode by his father's house and threatened to kill a colored man named Charles Wilson; saying that if they could get rid of him they would be able to control the rest of the colored men on the place, and make them vote the democratic ticket. Mr. Reily had no personal knowledge of this matter, although he very carefully refrains from saying so. His father referred to this also, and was frank enough to say that all that was known upon the subject was, that a colored woman overheard some such talk by a party of men passing by early in the evening on horseback. No effort was ever made to harm Wilson. In view of this fact, it is very possible that the woman misunderstood or misinterpreted what was said, and that these men were talking about trying to secure Wilson's co-operation in order to obtain the votes of the other colored men.

It was in proof that this Mr. G. J. Reily had been active in the work of flogging colored men for stealing.

Ezekiel Glover (colored) says that on the Saturday night before the election he was whipped by some white men for distributing republican papers. It is in proof that afterward, in the presence of Captain Rogers, Mr. Wedge, and others, he said that he did not know why he was whipped, but that politics had nothing to do with it. One witness swore that he heard Glover was whipped for killing another man's hog.

Henry Johnson (colored) says that Captain Lanier, democratic candidate for clerk, said that no torture would be worse than would be received by any one who voted the republican ticket. Captain Lanier swore that he never gave expression to any such sentiment, in public or in private.

The same man says that S. A. Norwood said to him that there would be but one ticket in the field in that parish, and that the democratic ticket. Joseph A. Norwood, an active democrat, is no doubt here meant, for there is no such man as S. A. Norwood in the parish. Joseph A. Norwood swears that he never made such a declaration to Henry Johnson or any other person.

William Alexander (colored) says that on the day of the election he was met by Joseph A. Norwood, who handed him a democratic ticket and told him he must go up to the poll and vote it. Norwood swears that Alexander asked him for a ticket, and he gave him one, at the same time telling him that there was no other kind, and that Alexander replied that that was the kind he wanted.

Alexander Smith (colored) says that Colonel Hardy made a speech in which he said that if the colored men did not vote the democratic ticket, the bull-dozing and killing would go on for forty years. Colonel Hardy swears that what he said was this: "That disorder would continue to prevail under this government we had, and that we would have to look for a good governor to get order and peace; that we had no guarantee of peace under the government we had; that it had been a failure; and that if that government was continued there would be no peace or order in the parish."

Alonzo Brooks (colored) says he was told by Fred Woods that if the colored men did not vote the democratic ticket they would be killed after the election, and that no colored or white republicans would be allowed to remain in the parish. Mr. Woods swears he never said anything of the kind. This is the Dr. Woods who saved the lives of the two colored girls.

Alexander Pool (colored) says that on the day of the election he was met by Mr. John A. White, who gave him a democratic ticket and told him to go up and vote it, which he did, fearing for his life.

Mr. Pool swore before this subcommittee that he had never voted a straight-out republican ticket in his life, but he did upon one occasion vote a straight democratic ticket; that he always votes for the men he believes to be the best fitted for the office, and that he knows of a great many other colored men who have been in the habit of doing the same thing; swore that "the election before the last was a mighty split ticket;" swore that he voted the democratic ticket at the late election, and in so voting voted his own honest sentiments and convictions.

Edgar A. Rigby (colored) says that he was told by Lewis C. Moore that they intended to kill every d——d radical leader in the parish. Moore swears that he never made any such declaration.

Rigby further says:

"When I was up there about four or five weeks ago, I saw a man, Aaron Robinson, who had been a republican leader, but was then a democrat; he told me not to stay there; that it was not safe for me to do so. He said that he had been forced to join the democratic party and make speeches for them, to save himself and many others, so that they could live there in peace. That he made the democratic speeches as light as possible, and he would tell people whom he could trust, after these meetings, that they must come there to protect themselves from harm, but that he hoped that before election they would have protection and be able to vote as they pleased, and that if the colored men had half a chance, even with the bad fix they were in then, they would carry the parish by 700 or 800 for the republican party."

Aaron Robinson here referred to was, as has been already stated, one of the colored democratic leaders and speakers in this parish. He positively denies Rigsby's statement, as follows:

By Judge NEW:

Question. Are you acquainted with Edgar A. Rigsby?
Answer. Yes, sir.
Q. In what part of the parish does he live?
A. He don't live in the parish at all.
Q. Where does he live?
A. In New Orleans, I reckon.
Q. Where did he live during the campaign?
A. In New Orleans—I suppose so; he was there the last I heard of him; I saw him down there.
Q. Was he up here during the campaign at all? Did you see him last summer or fall?
A. Yes, sir; I think I saw him once during the campaign.
Q. Where at?
A. In town, here, sir.
Q. Did you tell him not to stay here; that it was unsafe for him to do so?
A. I did not, sir.
Q. Did you give him to understand that it would be unsafe for him to remain in this parish and that he had better leave?
A. I did not.
Q. Did you state to him that you had been forced to join a democratic club and make speeches for them?
A. I did not.
Q. Did you say that you had been forced to join the democratic club and make speeches for them?
A. I did not.
Q. Did you say that you had been forced to join the democratic party and make speeches for them to save yourself and many others, so that you could live in peace?
A. I did not.
Q. Did you ever utter any such sentiment?
A. I never told any living man that.
Q. Did you ever say anything to him that had any such meaning?
A. No, sir; not to my knowledge.
Q. Did you ever say to him that you made democratic speeches as light as possible, and that you would tell people whom they could trust after these meetings—after the meeting at which you spoke?
A. No, sir.
Q. Did you say to him that you told people whom you trusted that they must go there to protect themselves from harm?
A. No, sir.
Q. Did you tell him that you told the people that you hoped before the election they would have protection to enable them to vote as they pleased?
A. No, sir.
Q. Did you say to him that if the colored men had half a chance, even with the bad fix that they were in, they would carry the parish by seven or eight hundred for the republican party?
A. No, sir.
Q. Or by any majority?
A. No, sir.
Q. Did you say to him that the colored voters did not get any protection, and they had to vote the democratic ticket or not vote at all?
A. No, sir; he asked me what I thought about the colored people voting the democratic ticket, and I told him that I believed a majority of them had come to the conclusion that it was just as good to vote the democratic ticket, or better than to vote the republican ticket. That is what I said to him.

See page 271 for an account of a murderous assault made by republicans upon Mr. Robinson just after election.

Wesley Smith, colored, says he voted the democratic ticket at Clinton, and is certain he would have been killed if he had not voted it. The Rev. John A. Reiley swears that he is certain that five hundred republican tickets could have been voted there without any danger. Smith says the democrats at the Clinton polls were all armed with pistols. He testified before this subcommittee, and then swore that he did not see a pistol exhibited. He says that he was not permitted to put his ticket in the box himself, but swears that the usual practice has always been for one of the commissioners of election to receive the ticket and put it in the box. He admits that he did not indicate that he wished to put it in himself. Why he was so anxious to deposit the ballot in the box when he was voting it against his will he does not explain. He says that persons came from Wilkinson County, Mississippi, and assisted the democrats of East Feliciana in intimidating the colored republican voters, and raiding through the parish. He now swears that he never heard of anything of that kind, and that this was put into the affidavit without his knowledge. Says that John Butler, one of the commissioners of election, ordered him to open his ticket. This is shown by the testimony of Mr. Butler to be without the shadow of truth. Butler testified as follows:

By Judge NEW:

Question. Where do you live?
Answer. I live in town.
Q. Is there any John Butler living in this town?
A. No, sir.
Q. Do you know of any other John Butler living in this ward?
A. No, sir.
Q. Did you hear Wesley Smith testify a few evenings since?
A. I did.
Q. Are you the gentleman who was sitting to his left, and to whom he pointed when he spoke of John Butler?
A. Yes, sir; I am the one.
Q. Were you a commissioner in the last election in this ward?
A. No, sir; I was not.
Q. Did you state to Wesley Smith, on election day, in this ward, when he was at the polls—did you tell him to open the ticket so and come right around me here?
A. I don't recollect seeing him on that day. I have tried to study it up since that day, since he pointed me out.
Q. Did you use that language to any one?
A. No, sir; I didn't say that thing to any one. I used a portion of it.
Q. What did you say?
A. I was standing in front of the box. The commissioners asked me to assist them, so as to facilitate matters and get through quicker. I did say to several of them to open their register papers and they could go and vote faster. They came in on my right and passed out on my left.
Q. Did you tell any one to open their tickets?
A. No, sir.
Q. It was the registering papers?
A. The registering papers.
Q. Did you hear any of the commissioners of election make any such remark to him or any other person?
A. No, sir; I did not.

Q. Did you say to him or any other person, "Open your ticket, and take the ticket in one hand and the registering paper in the other, and pass right around me?"
A. No, sir; I did not.
Q. Did you hear any of the commissioners make use of any such language?
A. No, sir; I did not.

Smith further says that colored republicans were whipped and killed repeatedly during the last canvass. He now swears that he never heard of any one being either whipped or killed during the canvass. He swears that the affidavit was read to him, and he has no recollection of anything of that kind being in it. Says he could not have made such a statement to the party who wrote the affidavit, "because I (he) never heard of any killed on that account."

Upon the subject of persons being whipped, the following questions were propounded to this witness and answers given:

By Judge NEW:

Q. Do you know of any colored men having been whipped on account of their political opinions, of your own personal knowledge?
A. No, sir; I don't know of it myself.
Q. Well, do you know of any facts or circumstances or the surroundings to any praticular case of whipping which makes you believe that the whipping took place on account of the politics of the man who was whipped?
A. No; I don't know of any man being—really, to tell you the truth, being whipped about his political opinions. They have been whipped for stealing.
Q. They were whipped for stealing?
A. Yes, sir.
Q. Did you make any complaint of that at the time?
A. No; I did not make any complaint, because I didn't care anything about it.
Q. Is it not a fact that there has been a good deal of whipping in this parish on account of stealing?
A. Yes, sir.
Q. Is that the fact?
A. Yes, sir.
Q. If this man that you heard of being whipped was whipped on account of stealing, why did you attach any importance to that and put it in this affidavit?
A. That question was not asked me in that respect, whether a man was whipped about stealing or his political opinions or not.
Q. You say in this affidavit, "I know that Henry Lawson, Charles Williams, Allen Meyer, Austin Sloan, and Dangerfield Sloan, all colored men and voters, were whipped."
A. But about what?
Q. If you did not believe they were whipped on account of their political opinions, why didn't you tell him so?
A. He didn't ask me.
Q. Why didn't you say to him, "But these men were not whipped on account of politics?" If you knew that was the fact, why didn't you put that in your affidavit?
A. I didn't think that was for me to correct. I didn't know he wanted to find out what they were whipped about.
Q. He would not have known they were whipped if you had not told him.
A. He asked me if I knew of any man being whipped in the ward or in the parish, and of course I told him.

It will be found, upon examination of the testimony, that Smith's statements as to what he heard Captain Fuqua, Mr. Kernan, and others say is fully met by the evidence of those involved.

Aaron McKenzie, before the returning board, made affidavit to the following:

"That the employer of affiant, Henry Clay East, told him that the report had been circulated in town that affiant had made a complaint that he had been whipped, and that the bull-dozers threatened to visit affiant for circulating said report; but that he (affiant's employer) had got said bull-dozers to defer their visit on condition that he would get affiant to promise not to mention to any one the circumstances of his whipping."

Mr. East, as to this, testifies as follows:

By Judge NEW:

Question. In what ward do you live?
Answer. The eighth ward.
Q. State if you are acquainted with Aaron McKenzie. He is a colored man?
A. Yes, sir; he lived on my place last year.
Q. State whether you ever said to him that a report had been circulated in town that he had made a complaint that he had been whipped, and that the bull-dozers had threatened to visit him for circulating the report, but that you had got the bull-dozers to defer their visit on condition that you would get him to promise not to mention any circumstances of his whipping.
A. I did not.
Q. Did you ever say anything to him that was substantially that?
A. I never did.
Q. Did you have any conversation with him on the subject of his whipping?
A. He was up at my house the next morning after he had been whipped. He came up and told me that he had got whipped the night before. I asked him what he was whipped for, and he said because he had not been at work. There was a rumor that he was accused of stealing. I was sick at the time, afflicted with the rheumatism.
Q. You had no conversation of this kind with him?
A. No, sir.

George T. Norwood made affidavit before the returning board to the following:

"Deponent says that on the day a public meeting was held in Clinton, during the recent political campaign, he heard a white man named J. W. Robbins threaten a colored man that he would find out the name of every negro who voted the republican ticket and make him smell hell after the election."

Mr. Robbins swears as follows:

By Judge NEW:

Question. What ward do you live in?
Answer. The sixth ward.
Q. Are you acquainted with George T. Norwood?
A. Yes, sir.
Q. Do you remember to have said at any time during the late campaign, or at any time, to George T. Norwood or any other person, at the town of Clinton or elsewhere, that you would find out the name of every colored man that would vote the republican ticket and "make them smell hell after the election?"
A. No, sir; I did not say so.
Q. Did you ever say anything that was in substance that?
A. No, sir.
Q. Your name is J. M. Robbins?
A. It is.
Q. Is there any such man, to your knowledge, in the parish as J. W. Robbins?
A. No, sir.
Q. Are you the only one of the mame of J. M. Robbins?
A. Yes, sir.

By Mr. JOYCE:

Q. What ticket did you vote?
A. Democratic ticket.

There were no whippings at any time in this parish on account of politics, and during the canvass there were but two of which we could hear of any kind: one the case of Ezekiel Glover, already spoken of, and the other Ananias Richardson, who entered the storehouse of Rev. John A. Reiley, and, without permission, helped himself to meat out of the pork barrel. All persons having property, without regard to party, were, it seems, foraged upon alike.

John Marston testified as follows:

"Mr. Parson Reiley told me that he had lost most of his crop of 1874, and a good deal of the crop of 1875, by negroes stealing it, and that the regulators had saved his crop of 1876. This is the conversation I had with Mr. Reiley a short while ago. He was very much in favor of the regulators."

Rev. John A. Reiley was chairman of one of these lynching organizations, and assisted in organizing it. (See page 411.) White men were regulated and run out of the parish for stealing. Joseph A. Norwood tells of one Robinson thus driven off because he had stolen hogs from a colored man, and of one Brown compelled to leave the parish by the regulators on account of stealing cattle from a colored man.

As a further specimen of the utter recklessness with which affidavits were prepared to order for use before the returning board, we invite attention to that of James Law, colored. In his affidavit he says: "I have heard of many instances of colored men in said parish having been whipped and shot for attending republican meetings."

When examined before this subcommittee he said he did not know of but one republican meeting being held in the parish, and had heard of but one case where blows were struck, and of no case where a colored man was shot for attending republican meetings.

The following testimony by Law shows how anxious he was to sustain the affidavit which he had made before the returning board:

By Judge NEW:

Question. Take the year of 1875. Can you state any case in that parish where a colored man was shot on account of having attended a republican meeting; if so, who was it?
Answer. What we understand—we understand a man to be a republican when he attends a republican meeting and votes the republican ticket.
Q. State any one in the year 1875, in that parish, who was shot on account of having attended a republican meeting.
A. I know of the sheriff, Henry Smith; he is a republican, and attended republican meetings all the time, and figured conspicuously.
Q. What republican meeting did he attend on account of which he was shot in the year 1875?
A. There was no republican meetings in 1875.
Q. What republican meeting at any time prior to 1875 was Henry Smith shot for attending?
A. They were shot because they were republicans.
Q. You do not know of his being shot on account of his having attended a republican meeting?
A. Well, not outside of his being a republican.
Q. Why did you state in your affidavit that it was on account of having attended republican meetings that republicans were shot?
A. I just told you that that was an error.
Q. This, then, is not true?
A. That portion is not true. That is an error that crept in.

It would seem from the following answer to an interrogatory propounded to Thomas D. Carnly before the returning board, that Law had seriously thought of casting his fortunes with the democratic party:

"Answer of Thomas D. Carnly.

"To interrogatory 1. James Law had a conversation with witness during the recent campaign. Witness asked him if he would join the democratic party. Law replied, 'They will not receive me.' Witness replied, 'You are responsible for it, because you sold out both parties at the previous election.' Witness knows that at least twenty leading colored democrats told him that if Law joined their club they would quit the party; they had no confidence in him. This was said to me as president of the third ward club."

Law shot a colored man a few years since at Port Hudson, in a political campaign. Law was a bolter at that time from the regular republican organization.

Z. S. Sparkman (white) says that in the summer of 1875 an armed body of men called him out of his house and told him they had heard that he was a radical, and that he must leave the parish within ten days; that in the fall of 1875 the same men came to his house and took therefrom "his three young children by a colored woman, whom affiant was living with," and notified him that he must take them out of the parish. The proof, by the brother-in-law of Sparkman and others, is, that he was living in adultery with the colored woman, and had been for years; had three children by her, as he admits. It was determined to put a stop to his shameless conduct. His brother-in-law swears that he was one of the party who visited him; that he was not touched, but was very plainly informed that he must reform his ways in this regard; and that if he did not he must leave the parish. It was proven that Sparkman had always been a democrat, and that his affidavit before the returning board was the first intimation received by anybody that he had changed his political creed.

P. Charles Butler (white) says he is a republican, and that no republican ticket was put up or voted for because of terror and intimidation. This is the same Butler already mentioned. It was proven that he had shot some twenty-three men, killing several of them; has shot at and wounded two men within the last six months. About two years ago, at a convention of his own party, not being satisfied with the proceedings, he commenced firing into the assembly, and before he finished he had lodged bullets in eight colored men.

The last man killed by Butler was George Hicks, a democrat, killed on the 18th of July, 1876, during the canvass.

He was in jail at Clinton when this subcommittee left there, having been arrested on account of his threat to kill some one. He says he is "a republican, and desired at the last election to be a candidate for sheriff, but did not run because he was told he would never be allowed to hold the office if elected."

The killing of John Gair and his sister-in-law, commonly called Babe Matthews, both colored, in October, 1875, are the cases most frequently mentioned in affidavits filed before the returning board. We examined with the utmost thoroughness these cases, and find that it conclusively appears that politics was in no manner involved.

We believe that these excesses are the result of the bad government which bad men have given to the State of Louisiana. John Gair was killed in October, 1875, by a large party of men, numbering near one hundred. It was charged that at his instigation his sister-in-law attempted to poison Dr. J. W. Sanders, of Clinton. The sister-in-law was working at the house of Sanders as a house-servant. Sanders, after taking a drink of water, was sick, and the symptoms were pronounced to be those of arsenical poisoning. The girl was suspected and was accused of putting arsenic in the water, and she confessed that such was the fact. She made affidavit as follows:

STATE OF LOUISIANA,
Parish of East Feliciana:

Personally appeared before me, the undersigned authority, Catherine Mathews, colored, who, being duly sworn, doth depose and say: About one week ago, or more, she was in the town of Baton Rouge, on a visit to her sister, the wife of John Gair; that while there a young colored man by the name of John George, who formerly resided in this parish, gave her some poison in a small vial, and requested her to poison Dr. Sanders; saying that John George told her it was a made-up thing between her brother-in-law, John Gair, and Bob Ray to use the poison to poison and to kill Dr. Sanders; that he told her to put it in the water for him; that

she used said poison as directed, and that she is sorry for what she has done; that she committed the act because John George told her that Gair and Ray wanted her to do it.

Sworn to this 11th day of October, 1875.

CATHERINE MATHEWS.

(Written in her own handwriting.)

Sworn to and subscribed before me this 11th day of October, 1875, and signed,

T. B. LYONS,
Parish Judge.

Warrants were sued out for John George and John Gair. The deputy sheriff, with a posse, went to Baton Rouge, where George was supppsed to be, and where Gair was then living. They failed to find George, but arrested Gair on the 12th day of October, 1876, and on their way with him to Clinton, just after entering East Feliciana Parish, the party of men referred to, about sundown, undisguised, made their appearance, overpowered and disarmed the deputy sheriff and his posse, and shot Gair, the latter protesting that he was innocent. That the deputy sheriff and his party acted in good faith, and were in no way in collusion with the men who killed Gair, is very clear from the testimony. That evening, Babe Matthews, who in the mean time had been in custody, was hung to a tree in the court-house yard at Clinton, at about nine o'clock. We used every possible industry to learn the names of the guilty parties, and obtained a large number, but not all. Gair had formerly resided in the parish of East Feliciana. He was an active republican, and for a time was the leader of his race in that parish. He was a man of violent temper, and had become very odious to the white people of the parish. Before removing to Baton Rouge he had lost his rank and influence in a great degree among his people, on account of party divisions and his defeat for office. He drank to excess at times, and was at such times often demonstrative and violent in his conduct. Upon one occasion, not long prior to leaving the parish, the town of Clinton was in quarantine because of yellow fever. Gair had been away, and upon his return forced himself by the guards, and upon entering the town talked with great bitterness, making threats that he would burn the town.

Upon another occasion, when defeated for the Legislature on account of a division in the republican party, he again threatened to burn the town of Clinton. Whether Gair was guilty of procuring the poisoning of Dr. Saunders, we do not know. That he was believed to be guilty, we do not doubt. A chemical analysis was made of the contents of the stomach by physicians, and arsenic declared to be present. The analysis was by no means as thorough as it should have been, although we have no reason to doubt but it was made in good faith, and by the best medical assistance at hand. It was not shown that there had been any ill-feeling between Gair and Saunders, unless, perhaps, on one occasion, which was not of such character as to reasonably provoke Gair to attempt the life of Saunders.

We do not believe that the killing of Gair was because of his being a republican. He had removed from the parish of East Feliciana, and he was killed at a time when there was no political excitement whatever, nor had there been for twelve months.

There was no evidence of his ever having had any personal difficulty growing out of politics with any white man. There is no evidence that Gair had been in the parish after his removal.

A few colored men in this parish testified that they voted the democratic ticket, not because they preferred its success but for the reason that they apprehended some sort of evil would befall them if they did not. We believe from the evidence that they could have voted a republican ticket with entire safety. It may be that in the absence of such a ticket some colored republicans were prevailed upon, against their own inclinations, to vote the democratic ticket. It is not difficult to see how this might be true in any community where one party had abandoned the field at the beginning, and when the other was therefore having it all its own way. It would not be remarkable if under such circumstances some votes were secured by the prevailing party against the secret desire and choice of persons voting.

In this connection we wish to call attention to the fact that Captain Rogers, of the United States Army, a republican, stationed in this parish, gives it as his best judgment that about two-thirds of the colored vote, if uninfluenced by others, would be cast for the republican party. The registered democratic vote is placed in Sherman's report at 1,004, and the republican vote at 2,127. Subtract from the latter number two-thirds of the same, and there would remain 709 colored votes which would be democratic. This added to the democratic registered vote would make 1,713 votes, which is within 23 votes of the number cast for the democratic electors. It will be seen, therefore, that the democratic vote is not any larger than it would be entitled to on a full vote. This cannot be denied, for in addition to the 1,736 votes cast for the democratic candidates, there were 443 democratic votes cast at a side ballot-box by persons who had failed to register. But these votes are not included in the 1,736. If the republican party permitted the election to go by default, they cannot justly complain.

The following is a list of the homicides in this parish since January 1, 1874:

York Nelson, colored, killed by a pistol-ball in the hands of an unknown party, on the night of August 27, 1875. Coroner swears that the rumor was that Nelson was killed by a colored man on account of jealousy.

Alfred Brown, colored, killed by a pistol-shot in the hands of J. Polk Sandel and Seborn Richardson, on the 7th day of March, 1876. Brown was a boy about fourteen years old. The killing was wanton, unprovoked, and inhuman, deserving the greatest possible condemnation. The people, white and black, used every industry to secure the arrest of the guilty parties. They were arrested and put in the Baton Rouge jail. They broke jail and are now at large.

Emory G. Curtis, killed near his residence by a knife in the hands of one George Burgess, colored, on the 22d day of August, 1875.

Dan White, colored, by five pistol-shots in his body, in the hands of unknown parties, on the 5th of April, 1876, on the plantation of J. Nelson Worthy. Rumor charged that he was shot because suspected of stealing hogs.

Joe Johnson, killed by gunshot in the hands of unknown person, on the 28th of September, 1875, near the town of Jackson. Joe Johnson was found dead with a sack of cotton in the seed under his head.

George Hicks, killed in the town of Jackson, on the 18th day of July, 1876, by a pistol-shot, said to have been inflicted by P. C. Butler.

Lewis West, killed by a pistol-shot in the hands of Frank Norsworthy, on the 7th of December, 1875. Personal difficulty; "something about penning up cows over at Thompson's Creek, in West Feliciana."

John Layer, colored, accidentally killed by Adam Anderson, colored, on January 21, 1875.

Infant child, colored, drowned in a cistern by a young nurse, colored, on the plantation of Thomas McKown, on the 30th of April, 1875.

Infant child of Miss Martha Jackson, on the plantation of B. Kent, on the 23d day of June, 1875, by cause unknown.

Maurice Jackson, found dead about one-quarter of a mile from the Clinton and Port Hudson road, about sixteen miles from Clinton.

Charles Rogers, colored, by wound in the forehead, received from unknown parties, near Clinton.

Scott J. Worthy, death caused by the kick of a mule on the 10th of November, 1874.

Robert Thompson, colored infant, on the Pond place, on the 20th October, 1874, accidental smothering by his mother.

Charlotte Crosby, colored, in the town of Clinton, on May 16, 1874, of heart disease.

A. B. Kent; cause, suicide, on January 2, 1874.

Hezekiah Wilson, colored, on the 27th day of December, 1874, killed by a pistol-ball from the hands of Irene Harrison, colored, accidentally discharged.

Joshua Butler, colored, and Joseph Perry, colored, killed on the night of January 15, 1875, by pistol-ball, by one Lawson Blount.

George Washington, colored, killed on the Robinson plantation, on the night of the 9th of September, 1876, by gunshot in the hands of some person unknown.

John Gair, October, 1875.

Catharine Mathews, 1875.

What has been said about the causes of disorders in East Baton Rouge and West Feliciana parishes applies to this as well. Over one thousand affidavits from this parish were filed before the returning board, from both white and colored, declaring the election to have been fair and without intimidation.

We close our report as to this parish by quoting from the testimony of J. G. Kilburn, who was elected judge.

Judge Kilburn was upon the ticket so warmly commended by Rev. John A. Reiley.

Judge Kilburn's testimony is as follows:

CLINTON, LOUISIANA, *January* 9, 1877.

By Judge NEW:

Question. What is your profession?

Answer. A lawyer.

Q. How long have you lived in this parish?

A. Since 1857.

Q. What do you know of the expulsion, so to speak, of Gair, Ray, and Smith? Ray and Smith, I believe, were sheriffs at one time. I would like you to give us, as clearly as you can, a brief statement of what you know about the conduct of those three men; what you know, and so on, without any further questions upon that point at present.

A. I think the expulsion of those men from this parish was on account of their conduct as citizens and office-holders.

Q. Take the case of John Gair. Under what circumstances did he leave the parish? I have made use of the word expulsion; I do not know whether he was expelled or not; I do not know how that may have been. What have you to say of the circumstances under which he left the parish?

A. Immediately before he left the parish there were a number of men arrested here in different parts of the parish on the charge of assault and battery and brought to this place. They were generally bound over to keep the peace. They were not carried to the magistrates of their own wards, but they were brought to this town for crimes that they were said to have perpetrated in other parts of the parish, and over which the justice of the peace in the ward had jurisdiction. It was generally thought, it was understood here, that they had been brought here to make fees for the justice of the peace here at that time, and that Ray and Gair were in with him for that purpose. It was an extraordinary proceeding to bring people here on those charges. Those were the only cases of criminals being tried in this city for crimes having been committed out in the different wards. At one time there were four or five men brought here from different parts of the parish. Two or three were charged with having a difficulty with Clark, the recorder, and Clark took jurisdiction over that; and then it was shown and proved as it were, that Clark had combined with these people to make the charge against them, so that he could make fees. They claimed that Ray and Smith and Gair were in the ring to make money. They generally charged six or seven dollars a case; and if the accused could pay they were released. They had a difficulty or two growing out of one or two of those cases; there was one or two fights; I don't remember now between what parties. But Gair had rendered himself rather obnoxious on account of his talk, and in one instance he was charged with wanting to fire the town if they attempted to arrest him, instead of submitting. He was, however, arrested and fined; but he walked out in the street and defied the authorities, and threatened to burn the town out, and to do a great deal of damage. Smith and Ray had rendered themselves obnoxious to the people by their incompetency in office, and so on.

Q. Do you know whether they had any trouble between themselves?

A. On one occasion there was a fight between Smith and Ray. Ray was sheriff and Smith was deputy sheriff; and Ray cut Smith with a knife. Smith went to the jail and got a shot-gun and came to the court-house and run Ray out of his office. Soon after that he went before the parish judge and made an affidavit against Smith, and a writ was handed to Adam Sensley to be executed. I think Adam Sensley was coroner, and he was ordered to arrest Smith; and he attempted to arrest Smith, and Smith laughed at him and told him to read the writ. Sensley was unable to read it and told him to come to a store and he would have it read over; and Smith told him no; he wouldn't do any such a thing; that he must read it himself. Then John Gair and the balance of them still kept on making a great deal of noise on the street, and came up about that time where Sensley was and stopped all proceedings by telling Sensley that he was too damned officious anyhow. John Gair used rather violent language, made a great deal of noise upon the street, and the result was that Smith was not arrested. The next day he came up and gave himself up and wanted to appear to answer to the charge against Ray. He was tried afterwards, and in his own testimony he stated that he thought Ray hurt him accidentally. The conduct of those men was such that it made the execution of the law a complete farce. No one had any confidence in them. The men became very obnoxious, and the culmination of that was the bringing of these men charged with offenses of assault and battery in other parts of the parish here, charged by Gair and Smith and Ray, and making money out of those persons so charged. Smith couldn't read or write; Sensley couldn't read or write. Gair could read and write, and spoke very well. I knew him when he was quite a boy. I employed him to do work for me. He worked very well.

Q. What kind of work did he do?

A. Carpenter-work. When we was with me he learned to read, in 1867. He read very well. Ray could barely write; he was a very ignorant man.

Q. What were his habits?

A. His habits were bad. They would get drunk and riot and carry on in the most outrageous manner.

Q. What was Ray's age at the time he figured here?

A. Twenty-eight or twenty-nine years; about the same age as Gair.

Q. And Smith; how old was he?

A. I knew him as a boy belonging to Colonel Fugur; I think twenty-six or twenty-eight years.

Q. What have you to say as to the matter of the late canvass in this parish of the election?

A. In the late canvass there was first a primary election held for candidates before the white people of the persons who wished to be candidates. I think there were some nine hundred votes cast at that primary election. Every white man and a great many colored men were very anxious that law and order should be fully restored and that all violations of the law should be settled according to law. That was the general desire expressed. Men who wished to be elected to office were compelled to have the necessary qualifications to make them proficient in carrying out the objects of their offices. They wanted to see all this bull-dozing and so on stopped, and that all crimes should be punished by the law; we should have courts established and men elected to offices who would punish offenses proven to have been committed. There was a general condemnation of the late state of affairs and disorder expressed by both white and black. The primary election was held for candidates for office, and all who desired to vote voted at that election. There were some few colored men, but principally white men voted; nine hundred, I believe, in all. And I know that all men elected by that primary election were conservative men, men who would see that all offenses were settled by law. Then we commenced the canvass; and it seemed to me that every man in the whole community became at once a politician and seemed to think it was important to carry the election and elect those men. We had barbecues and political speaking, and used all means publicly and privately to induce white and black to come with us and vote for the

men nominated at that time. I don't think that those meetings, one of which was held here while General Nicholls was here and a barbecue here and at Jackson, was in any way disturbed. The speeches were all conservative. General Nicholls's arguments and those of other speakers were addressed to both white and black; and their advice was for the people to be quiet and orderly, and to elect their men to office, so that all this disorder, which forced as it were the people to take the law in their own hands on account of the incompetency of the officers, should be stopped, and that all offenses should be punished in accordance with law. Those speeches were made over and over again. We dwelt largely upon our future prosperity to guard against that condition of affairs. And General Nicholls promised to the negroes schools, and that they should have small taxes to pay, and that no man should have any taxes to pay over what was reasonable. There were illustrations of many cases of the present taxation amounting almost to confiscation of a man's property, and many of the colored men were sufferers; and, after realizing their position, they became very eloquent and enthusiastic in their support of the democrats; and, in fact, a great many of them in their speeches advocated the very points initiated by the white canvassers. I did not attend very many public meetings myself, but I heard of them; and at those I did attend I saw no threats or intimidation; in fact, everything was very conciliatory.

Q. State what interest the colored men of property and influence in the parish seemed to take in the canvass, and the effort they made to establish the new order of things spoken of.

A. Every colored man I know of who had property in the community was as anxious as I was or anybody else; at least, seemed to be desirous of restoring that state of affairs, and have good order and good government.

Q. Is it not the idea the colored people of the parish, and the white people, too, had become tired and disgusted with the condition of things that had existed here so long?

A. Yes, sir; I know it to be so.

Q. State whether the colored people and the white people freely communicated with each other upon that subject.

A. They did.

Q. In their every-day walks of life?

A. Yes, sir. We talked about it over and over again—on our plantations, in our houses, and everywhere else—in the streets and anywhere.

Q. Is there anything else, judge, that you desire to say?

A. I don't think there is.

Q. State how the nomination of Governer Nicholls was received by the colored people of this parish, and his speeches and the pledges he had made; how did they seem to receive them?

A. Upon hearing of the nomination of Governor Nicholls and the publication of the remarks he made at Baton Rouge, there was great anxiety among the colored people to hear Governor Nicholls speak. The active colored men in my employ, and other colored men that I am acquainted with, seemed anxious to hear Governor Nicholls speak. There was a large barbecue given here, and a large assembly attended it. He made his speech, and I heard universal gratification from the colored men. He assured them if he was elected governor he would be governor of all the people, and he would carry out the laws without preference to either white or black.

Q. What would you estimate the colored attendance at that barbecue?

A. Fully fifteen hundred. I would place it at that.

Q. State whether the entire parish was represented by the colored people.

A. It was. They came in with their clubs, mostly on horseback, some on foot. It was the largest congregation I have seen.

Q. State whether families of them came.

A. Yes; women and children. There was a general gathering of white and black.

Q. State whether there was a large attendance of women and children with them.

A. I think so. I saw a great many. Everybody was invited to come.

Q. Is there anything else you wish to state?

A. Well, I heard a witness on the stand speak; I think it was Mr. Norwood. He was questioned as to some men who were made to leave the parish on account of some talk before the election—white men. I happen to know one of the parties, having acted as attorney for him. Some time before the election, three white men, two named Robertson and one named Wilkins, were charged with the killing of a colored man charged with stealing hogs. They were arrested and brought before the parish judge. Judge Lions acquitted them for want of evidence. The killing was committed by Robertson and Wilkins when they attempted to arrest Wilkins, charged with hog stealing. One of the Robertsons was re-arrested and remained in jail; and one of the family of Robertson brought a note addressed to Robertson, which they said was left at their house one night, which I read. It was to the effect that Robertson and Wilkins must leave the parish or they would be punished. This was signed, "Headquarters of the regulators." I don't know who they were. Robertson was at large on bond not to leave the parish before his trial came on, on the hog-stealing question. The other Robertson and Williams were sent to the penitentiary for one year for stealing the hogs. From the colored men I learned that the other Robertson and Williams were democrats, and voted at the primary election as democrats. I merely speak of that case because I happened to know it. I know of no case of intimidation or violence to any man, and of no threatening of violence on account of politics. I know I and my friends, and I know a large number in this community, were extremely anxious that law and order should be restored and all charges and offenses should be punished by the law only.

WEST BATON ROUGE.

We did not examine witness as to West Baton Rouge Parish, there having been no change made by the returning board in the vote there cast. The following tables give the votes cast for presidential electors at the several polls in that parish:

Statement of votes, poll No. 1, parish of West Baton Rouge.

Statement of votes cast at poll No. 1, election precinct of the parish of West Baton Rouge, for electors of President and Vice-President of the United States, members of Congress, State and parish officers, for senators and representatives, and for and against certain proposed amendments to the constitution of the State of Louisiana, at the general election held November 7, 1876, under the provisions of an act to regulate the conduct and to maintain the freedom and purity of elections, &c., approved November 20, 1872, and the amendments thereto. (The names of all candidates, except for electors, are omitted in the statement below, by order of the committee, as the same would be a useless incumbrance of the record.)

Names of persons voted for.	For office of—	No. of votes.
Samuel J. Tilden	For President	43
Thomas A. Hendricks	For Vice-President	43
John McEnery	For presidential electors	43
Robert C. Wickliffe	do	43
Louis St. Martin	First disitrict	43
Félix P. Poché	Second district	43
Alcibiade De Blanc	Third district	43
William A. Seay	Fourth district	43

Statement of votes, poll No. 1, parish of West Baton Rouge.—Continued.

Names of persons voted for.	For office of—	No. of votes.
R. G. Cobb	Fifth district	43
R. A. Cross	Sixth district	43
Rutherford B. Hayes	For President	2
William A. Wheeler	For Vice-President	2
William P. Kellogg	For presidential electors at large	2
J. H. Burch	do	2
Oscar Joffrion	For sixth district	

Number of ballots in the box, 45.

STATE OF LOUISIANA,
Parish of West Baton Rouge:

Personally appeared before me, the undersigned authority, Alfred Courtade, Hubert Hebert, and Robert Brown, duly appointed and qualified commissioners of election for poll No. 1, election precinct of the parish of West Baton Rouge, for the general election held November 7, 1876, who, being duly sworn, depose and say that they received the ballots cast at the said poll on the day above mentioned; that they have counted the said ballots so received in the ballot-box at said poll in all things according to law; and that the foregoing is a true and correct statement of the votes cast at the said poll on the said day,

ALF. COURTADE,
HUBERT HEBERT,
ROBERT BROWN,
Commissioners of Election, Poll No. 1, Parish of West Baton Rouge.

Sworn to and subscribed before me this 8th day of November, 1876.
[L. S.]
L. F. BAUGNON,
Supervisor of Registration, Parish of West Baton Rouge.

CLERK'S OFFICE, WEST BATON ROUGE.

A true copy:

T. LANDRY, *Clerk.*

Statement of votes, poll No. 2, parish of West Baton Rouge.

Statement of votes cast at poll No. 2, election precinct of the parish of West Baton Rouge, for electors of President and Vice-President of the United States, members of Congress, State and parish officers, for senators and representatives, and for and against certain proposed amendments to the constitution of the State of Louisiana, at the general election held November 7, 1876, under the provisions of an act to regulate the conduct and to maintain the freedom and purity of elections, &c., approved November 20, 1872, and the amendments thereto. (The names of candidates, except for electors, omitted in statement below; deemed unnecessary, for reason already stated.)

Names of persons voted for.	For office of—	No. of votes.
R. B. Hayes	President	195
Wm. A. Wheeler	Vice-President	195
Wm. P. Kellogg	For presidential electors.	195
J. H. Burch	do	195
Peter Joseph	First district	183
L. A. Sheldon	Second district	188
Morris Marks	Third district	179
A. B. Levissee	Fourth district	182
O. H. Brewster	Fifth district	182
Oscar Joffrion	Sixth district	195
Samuel J. Tilden	President	181
Thomas H. Hendricks	Vice-President	181
John McEnery	Presidential electors	181
Robert C. Wickliffe	do	181
Louis St. Martin	First district	181
Félix P. Poché	Second district	181
Alcibiade De Blanc	Third district	181
W. A. Seay	Fourth district	181
(K. A. Cross omitted entirely by oversight.)		
R. G. Cobb	Fifth district	181

"K. A. Cross received 181 votes. The omission to give it in the above table was by the clerk of the court in copying the statement filed with him by the commissioners."

Number of ballots in the box, three hundred and seventy-seven, (377.)
Number of ballots rejected, one, (1.)
Reasons for rejection of ballots: One ballot rejected on account of being blank.

STATE OF LOUISIANA,
Parish of West Baton Rouge:

Personally appeared before me, the undersigned authority, William I. Woodruff, N. E. Leroy, and L. C. Arthidore, duly appointed and qualified commissioners of election for poll No. 2, election-precinct of the parish of West Baton Rouge, for the general election held November 7, 1876, who, being duly sworn, depose and say that they received the ballots cast at the said poll on the day above mentioned; that they have counted the said ballots so received in the ballot-box at said poll in all things according to law; and that the foregoing is a true and correct statement of the votes cast at the said poll on the said day.

WM. I. WOODRUFF,
N. E. LEROY,
L. C. ARTHIDORE,
Commissioners of Election, Poll No. 2, Parish of West Baton Rouge.

Sworn to and subscribed before me this 8th day of November, 1876.
[L. S.]
L. F. BAUGNON,
Supervisor of Registration, Parish of West Baton Rouge.

CLERK'S OFFICE, WEST BATON ROUGE, *November* 14, 1876.

A true copy:

T. LANDRY, *Clerk.*

Statement of votes, poll No. 3, parish of West Baton Rouge.

Statement of votes cast at poll No. 3, election precinct of the parish of West Baton Rouge, for electors of President and Vice-President of the United States, members of Congress, State and parish officers, for senators and representatives, and for and against certain proposed amendments to the constitution of the State of Louisiana, at the general election held November 7, 1876, under the provisions of an act to regulate the conduct and to maintain the freedom and purity of elections,

&c., approved November 20, 1876, and the amendments thereto. (The names of all candidates, except for electors, are omitted in the statement below as unnecessary, for reason already stated.)

Names of persons voted for.	For office of—	No. of votes.
Rutherford B. Hayes	President of United States	392
William A. Wheeler	Vice-President of United States	392
Samuel J. Tilden	President of United States	118
Thomas A. Hendricks	Vice-President of the United States	118
William P. Kellogg	Elector at large	393
J. H. Birch	do	393
Peter Joseph	Elector, first district	10
L. W. Sheldon	Elector, second district	10
Morris Marks	Elector, third district	10
A. B. Levissé	Elector, fourth district	10
O. H. Brewster	Elector, fifth district	10
Oscar Joffrion	Elector, sixth district	393
John McEnery	Elector at large	120
Robert C. Wickliffe	do	120
Louis Saint Martin	Elector, first district	120
Félix P. Pochó	Elector, second district	120
Alcibiade De Blanc	Elector, third district	120
W. A. Seay	Elector, fourth district	120
R. G. Cobb	Elector, fifth district	120
K. A. Cross	Elector, sixth district	120

Number of ballots in the box, 513.
Number of ballots rejected, 1.
Reasons for rejection of ballot: One ballot rejected on account of being "Court citation as witness."

STATE OF LOUISIANA, *Parish of West Baton Rouge:*

Personally appeared before me, the undersigned authority, Charles E. Morrison, Gustave Dubroca, and George Matthews, duly appointed and qualified commissioners of election for poll No. 1, election precinct of the parish of ——, for the general election held November 7, 1876, who, being duly sworn, depose and say that they received the ballots cast at the said poll on the day above mentioned; that they have counted the said ballots so received in the ballot-box at said poll in all things according to law; and that the foregoing is a true and correct statement of the votes cast at the said poll on the said day.

CHAS. E. MORRISON,
G. DUBROCA,
GEORGE MATTHEWS,
Commissioners of Election, Poll No. 3, Parish of West Baton Rouge.

Sworn to and subscribed before me this 8th day of November, 1876.
[L. S.]
L. F. BAUGNON,
Supervisor of Registration, Parish of West Baton Rouge.

CLERK'S OFFICE, WEST BATON ROUGE, *November* 14, 1876.

A true copy:
T. LANDRY, *Clerk.*

Statement of votes, poll No. 4, parish of West Baton Rouge.

Statement of votes cast at poll No. 4, election precinct of the parish of West Baton Rouge, for electors of President and Vice-President of the United States, members of Congress, State and parish officers, for senators and representatives, and for and against certain proposed amendments to the constitution of the State of Louisiana, at the general election held November 7, 1876, under the provisions of an act to regulate the conduct and to maintain the freedom and purity of elections, &c., approved November 20, 1872, and the amendments thereto. (The names of candidates, except for electors, are omitted in statement below as unnecessary, for reason already given.)

Names of persons voted for.	For office of—	No. of votes.
William P. Kellogg	At large, presidential elector	5
J. H. Burch	do	5
John McHenry	do	27
Robert C. Wickliffe	do	27
Peter Joseph	First district	----
Lionel Sheldon	Second district	----
Morris Marks	Third district	----
A. B. Levissé	Fourth district	----
O. H. Brewster	Fifth district	----
Oscar Joffrion	Sixth district	5
Louis Saint Martin	First district	27
Félix P. Pochó	Second district	27
Alcibiade De Blanc	Third district	27
W. A. Seay	Fourth district	27
R. G. Cobb	Fifth district	27
K. A. Cross	Sixth district	27

Number of ballots in the box, 32.

STATE OF LOUISIANA, *Parish of West Baton Rouge:*

Personally appeared before me, the undersigned authority, William Harrison, Robert Cade, and Stephen Vancourt, duly appointed and qualified commissioners of election for poll No. —, election-precinct of the parish of West Baton Rouge, for the general election held November 7, 1876, who, being duly sworn, depose and say that they received the ballots cast at the said poll on the day above mentioned; that they have counted the said ballots so received in the ballot-box at said poll in all things according to law; and that the foregoing is a true and correct statement of the votes cast at the said poll on the said day.

R. CADE,
STEPHEN COURT,
WILLIAM HARRISON,
Commissioners of Election, Poll No. 4, Parish of West Baton Rouge.

Sworn to and subscribed before me this 8th day of November, 1876.
[L. S.]
L. F. BAUGNON,
Supervisor of Registration, Parish of West Baton Rouge.

A true copy of the original as filed in my office.
November 14, A. D. 1876.
T. LANDRY, *Clerk Court.*

Statement of votes, poll No. 5, parish of West Baton Rouge.

Statement of votes cast at poll No. 5, election precinct of the parish of West Baton Rouge, for electors of President and Vice-President of the United States, members of Congress, State and parish officers, for senators and representatives, and for and against certain proposed amendments to the constitution of the State of Louisiana, at the general election held November 7, 1876, under the provisions of "An act to regulate the conduct and to maintain the freedom and purity of elections," &c., approved November 20, 1872, and the amendments thereto. (The names of candidates, except for elector, are omitted in statement below as unnecessary, for reason already given.)

Names of persons voted for.	For office of—	No. of votes.
William P. Kellogg	At large, presidential elector	317
J. H. Burch	do	317
John McEnery	do	70
Robert C. Wickliffe	do	70
Peter Joseph	First district	5
Lionel A. Sheldon	Second district	5
Morris Mark	Third district	5
A. B. Levisee	Fourth district	5
O. H. Brewster	Fifth district	5
Oscar Joffrion	Sixth district	317
Louis St. Martin	First district	70
Felix P. Pochó	Second district	70
Alcibiade De Blanc	Third district	70
William A. Seay	Fourth district	69
R. G. Cobb	Fifth district	70
K. A. Cross	Sixth district	70

Number of ballots in the box, 389.

STATE OF LOUISIANA,
Parish of ——:

Personally appeared before me, the undersigned authority, J. O. Molaison, Richard Douse, and Augustin Leclercq, duly appointed and qualified commissioners of election for poll No. 5, election-precinct of the parish of ——, for the general election held November 7, 1876, who, being duly sworn, depose and say that they received the ballots cast at the said poll on the day above mentioned; that they have counted the said ballots so received in the ballot-box at said poll in all things according to law, and that the foregoing is a true and correct statement of the votes cast at the said poll on the said day.

J. O. MOLAISON,
RICHARD DOUSE,
AUG. LECLERCQ,
Commissioners of Election, Poll No. 5, Parish of West Baton Rouge.

Sworn to and subscribed before me this 8th day of November, 1876.
[L. S.]
L. F. BAUGNON,
Supervisor of Registration, Parish of West Baton Rouge.

CLERK'S OFFICE, WEST BATON ROUGE, *November* 14, 1876.

A true copy.
T. LANDRY, *Clerk.*

All of which is respectfully submitted.

J. D. NEW,
GEORGE M. BEEBE,
Majority of Subcommittee.

Report to the whole committee of the subcommittee to which was referred the investigation of the Louisiana election in the Shreveport or fourth congressional district of that State.

Mr. E. R. MEADE, from the subcommittee appointed for the Shreveport or fourth congressional district of Louisiana, submitted the following report:

To the Hon. WILLIAM R. MORRISON, *Chairman, &c.:*

The subcommittee appointed for the Shreveport or fourth congressional district of Louisiana reports:

That said district comprises the parishes of Bienville, Bossier, Caddo, De Soto, Natchitoches, Red River, Winn, Sabine, Rapides, Vernon, and Grant.

That changes were made by the returning board in the vote of Webster, Bossier, De Soto, Vernon, and Natchitoches Parishes, and the vote in Grant Parish was entirely rejected.

The question involved in Grant Parish has been examined by your committee in New Orleans, so, therefore, this subcommittee presents the result of its labors and investigations in the five parishes of Webster, Bossier, De Soto, Vernon, and Natchitoches, which were visited by your committee, or the immediate vicinity thereof.

Before leaving New Orleans we diligently endeavored to obtain from the returning board copies of papers on which they had predicated their action respecting the polls in this district. For this purpose we delayed eight days, and although it was pretended that sixteen clerks were engaged in this particular service, yet the amount of incomplete work actually performed could have been done by an expert copyist in less than twenty-four hours. As further delay by us was impracticable we therefore commenced our labors under some disadvantages in lack of the official returning-board data.

It has been understood by this committee that an inquiry into the various questions of law, constitutional and statutory, will be considered in general committee; we therefore, except by incidental and necessary reference, omit such inquiry in this report, confining our attention so far as possible to the facts elicited.

One hundred and ninety-eight witnesses were examined, and a much larger number was subpœnaed. As many of these witnesses, we ascertained, would but accumulate the evidence already taken by us there, their testimony was omitted for want of sufficient time, and also from our desire to reduce our reported testimony to as comprehensive a size as possible. The testimony taken is herewith reported in full.

WEBSTER.

In this parish polls 1 and 5 were rejected for the alleged reason that the tally-sheets were not footed at the polling-places, but at the parish-seat of Minden, and also, that at each of these polls the regular commissioners were aided in their duties, in the case of poll 1 by a person not named, and at poll 5 by a Mr. Goodwill. No protest or objections were made by any commissioner of election, and the supervisor of registration makes no protest respecting registration or revision of registration, while the protest as to election filed bears date of verification November 13, at Shreveport.

The vote at these polls was as follows:

	Rep.	Dem.
Poll 1	73	185
Poll 5	121	251

No suggestion of fraud or unfairness anywhere appears, nor were any charges of intimidation made with respect to these polls, or to the parish generally.

The Hon. A. B. George, a State senator holding over, representing the twentieth district, including this parish, testified before this committee that he was present on election-day at poll 5, and that everything there was conducted fairly and properly—he himself saw the tally-sheets; that the supervisor of registration of the parish was present, as well as all the commissioners of the election for that poll, viz, Fort, Webb, and Dr. Harper; that Webb was incompetent to act as such commissioner, and Dr. Harper not in condition, so that Alfred Goodwill was asked to assist in making up the tally, there being five democrats and five republicans present as witnesses; that the election throughout the parish was remarkably quiet; that there was no intimidation, no force, and no bribery, so far as the knowledge of witness extended.

T. B. Neal, a prominent merchant in the parish, testified that the election at poll 1 was peaceable, and that on the counting of the votes one of the commissioners, Commissioner Lewis, was taken sick, and John A Colbert, United States supervisor, was sworn in in his place, and assisted in making out the tally-sheets, and that the count was entirely fair, and the election peaceable and without disturbance; that the fairness of the election at this poll, as well as poll 5, has never been questioned by any one, and that the returns made to the supervisor of registration were also without question.

F. M. Turner, clerk of the district court, produced the original returns as filed with him by the commissioners of election of the various polls in the parish.

The returns from poll 1 were all in due form, signed by all the commissioners, before Morrow, supervisor of registration, and no protest or remarks accompanied the same.

At poll 5 also the returns were made out by the commissioners of election, and sworn to before the supervisor of registration. No protest accompanied the returns of this poll, or remarks of any kind. The supervisor of registration, the clerk also testified, had never filed with him any protest respecting the recent election, and to the best of his or their knowledge, the election was full and fair, and that the supervisor of registration had expressed himself to him that such was the case.

Witnesses further testified that at poll 4 the returns were only signed by one commissioner, and never had been signed by any one else. This was a republican poll.

Bowling Webb, republican, a commissioner of election at poll 5, stated that Goodwill acted for the commissioners, at their request, in the presence of all parties; that he saw all that was done, and that it was fairly and honestly performed; that Commissioner Fort kept a tally-sheet.

Goodwill himself testified as to the part he took in the counting of the votes at poll 5 at the request of the commissioners, and that he performed the service fairly and honestly and to the best of his ability. Goodwill's general character is indorsed by a large number of citizens of the parish.

R. C. Drew canvassed the parish, and was at box 5, where the conduct of the election and canvass of votes was entirely fair.

J. A. Colbert, the United States supervisor at poll 1, testified that he took Lewis's place as commissioner when the latter became sick; that he was duly sworn and installed into office, and that everything at this poll was fair, peaceable, and honest.

Respecting the general condition of the parish, W. H. Bury testified that there was no intimidation of any kind, except of radical negroes toward democratic negroes.

At poll 4 several parties, other than the commissioners, handled the ballots; James F. Taylor canvassed the parish; and that, during the period of registration and the day of election, it was entirely peaceable, and everything was conducted fairly, and, as he termed it, squarely. He was United States supervisor of election, and was cognizant of Goodwill having acted at poll 5 at the request of all parties.

Referring to Silverstein, who had made an affidavit for use by the returning board, which appears in the Sherman report, witness stated that he was a man of bad character, and who had been impeached in their courts. R. C. Drew also testified to the bad character of Silverstein.

W. W. Carlos was the democratic candidate for the Legislature, and canvassed the parish previous and up to the day of election; that the election was a peaceable and quiet one.

His own majority, he had heard, was 5 or 8, but he had been counted out by the returning board.

A. L. Lewis, who was the clerk for the supervisor of registration, testified to the tally-sheets and ballot-boxes having been handed over to the clerk in due form.

Nolan Lewis, a constable at poll 1, testified that the election was fair and peaceable.

—— McDonald also impeached Silverstein in the general reputation of the latter, and speech of people respecting him.

Elijah Powell, Methodist presiding elder; Calvert Simmons, preacher; Dave Morton, O. Barrow, P. Johnson, Charles Harris, Thomas Patterson, and Levi Morrow, all colored men, testified to having voted the democratic ticket; that the registration and election were peaceable and fair, and that they voted the democratic ticket freely and voluntarily.

On the other hand, the minority committee produced but two witnesses, to wit, Isaac Silverstein, above referred to, and Basel Prince, a colored republican, who both attended a democratic torch-light procession at Minden. They both hurrahed for Hayes. During the proceedings, by some remarkable coincidence, both got hit about the same time by some one in the crowd, whom they did not distinctly identify, and this appears to have been the substance of the intimidation they were cognizant of in that parish.

BOSSIER.

In this parish polls Nos. 1 and 3 were rejected by the returning board. These polls are commonly distinguished as Atkins Landing and Red Land respectively. A protest accompanies the consolidated return of the supervisor of registration in the case of Atkins Landing, on the ground that none of the commissioners came with the box to the supervisor, and that only one tally-sheet was compiled. Other irregularities are in a general way charged. At the Red Land box the protest charges gross frauds; that three democratic commissioners officiated, and that the republicans were denied admittance to the room during the counting of the votes. Both of these polls were largely democratic, and all the others in the parish appear to have had a republican majority. The change produced by the rejection of these polls is shown by the following statement:

	Rep. electors.	Dem. electors.
Poll 1	49	108
Poll 3	29	172

Your committee deemed it important that a very thorough investigation should be had respecting these polls, and especially as on visiting their neighborhood we found it asserted that no foundation whatever existed in point of fact for the action of the returning board in throwing out the same.

Henry W. Ogden, a gentleman of prominence in the parish and chairman of the democratic parish committee, was called as a witness and testified that he had made protest to the supervisor of registration against the receipt of votes from the five polls numbered 1, 2, 4, 5, and 8, all upon the alleged grounds that the returns had not been delivered in the time contemplated by the statute; and in the case of poll 2, that the same had only been signed by two of the commissioners of election. He said there was a democratic majority at Atkins, but thought it his duty to protest.

At poll 2 only two commissioners had signed the returns, and one was the parish judge, holding office by Governor Kellogg's appointment. This parish judge had said to witness that it mattered not how the election went, the republicans would count it in. The judge's name was Fort, and he had kept the ballot-box of his precinct in his possession until the 10th of November following the election, and when the votes were counted more ballots were counted out of the box than there were voters on the list—520 votes appearing, and only 508 voters to correspond with the same. Witness had called the attention of the supervisor of registration to this discrepancy, but he had declined to note the same in his returns.

At poll 4, —— votes had been cast, and the list of voters only called for ——. Witness had also called Supervisor Hutton's attention to this discrepancy, with the same result as in the preceding instance.

The republican candidate for clerk of the district court was one of the commissioners of election at this poll, and, although witness called the supervisor's attention to the circumstance, yet he was unable to effect any change.

The box at poll 5 was not delivered on time, and the general statement and information in the parish was, that box No. 3, at Red Land, which had been protested against by the supervisor, was the only one received in the time contemplated by the statute.

In the case of poll 8, besides the returns not having been received in time, one of the commissioners was the republican candidate for recorder, and he alone signed the returns. The committee have detailed this portion of the evidence in order to mark the different action of the supervisor of registration respecting the polls having republican and those having democratic majorities.

This witness further testified that the only intimidation heard of in the parish was that practiced by republican toward democratic colored voters by statements and threats similar to the following: That they would not be allowed to work for part of the crop in case of the success of the democratic party; that the democrats would put them back to slavery; or that they would be deprived of the privilege of voting.

Colored republicans voted their ticket openly, the democrats having throughout the campaign assured everybody that they should vote as they pleased.

The witness also makes the remarkable disclosure, which is afterward corroborated by the clerk of the court, that he saw the consolidated statement and protest of the supervisor, Hutton, as made out, and that it contained no charge against poll No. 3, known as the Red Land box, and it only contained at that time a protest respecting the box at Atkins Landing, but that a sufficient blank occurred underneath for the purpose, and that the supervisor had undoubtedly, and as the witness stated positively, interpolated the protest against the Red Land box after he had made the verification.

G. B. Abercrombie, the clerk of the district court, a republican, testified that he had received, as was his duty to do, all the returns and boxes, and in the main corroborated all that had been stated by Ogden respecting the time of receipt of such boxes. He had sworn the supervisor of registration to the consolidated statement prepared for the returning board, and had himself assisted in preparing a copy of the same for the witness Ogden, and that no mention was therein made of any objection to the Red Land box, which must have been interpolated above the jurat after it had left the witness's hands.

The committee would here note that the statement filed with the returning board bears the signature of witness Abercrombie as the person before whom the statement was verified by the supervisor.

Dr. W. Macon Swann, a republican, who was constable of the parish and deputy United States marshal, testified that there was no trouble in the parish during the registration or election, except in one instance, where wings of the republican party "intimidated each other." He corroborates Ogden in regard to boxes Nos. 2 and 5, where he was personally present during election day; and further testified that instructions were given to mass the colored voters at certain polls on election day, both for the purpose of making it appear there had been intimidation elsewhere toward them, and also that polls which were to be rejected upon any pretense should be made up as largely as possible of democratic votes.

Sam. Furness, a republican commissioner at Atkins Landing, testified that the election there was quiet and peaceable, and that the statement of returns was entirely fair and honest.

E. M. Hall, constable at Atkins poll, testified that everything passed off very quietly on election day, and that there was no disturbance except a little difficulty between two colored men.

J. Robinson testified to the same effect. Henderson Neal, a colored republican, testified to the same effect; so also did John Moore, a colored democrat. John P. Jones and one or two other republicans (colored) testified to having witnessed a good deal of intoxication at the Atkins poll on election day.

John G. Allen, an old resident of the parish, and a voter at the Red Land box, having had read to him the protest of Supervisor Hutton, testified, that as to republicans having been locked out of the room where the counting took place on the night of the election, there was not one word of truth in the statement; that there was no fraud in the returns; the election was peaceable and fair as, to quote his language, "we are here to-night," referring to the session of the committee. That he kept a tally sheet for the democratic parish committee, and that there was an honest and fair count. J. J. Swindle testified to the same effect. The testimony of Edward Lass, a colored man, was to the same effect.

Only some three or four witnesses were examined respecting this parish by the minority of the committee, and as their testimony was of a general character, and had no bearing upon the points in controversy, reference thereto is omitted.

Your committee became satisfied that no just cause of complaint or protest existed with regard to this box, No. 3, at Red Land, although not entirely satisfied that all the occurrences at poll No. 1, Atkins Landing, were in accordance with a strict construction of the law governing elections.

The complaints respecting this last poll were far from being as strongly corroborated as those respecting other polls in the parish, which the supervisor had entirely omitted to make mention of in his returns, although advised thereof.

NATCHITOCHES.

VOTES REJECTED.

Although the secret proceedings of the State returning board have not been fully ascertained, it is understood that the votes of wards 5 and 6 of this parish were thrown out in the canvass on the ground of intimidation. That the effect of such action may be seen, the following statement is made showing the actual vote of each of the two wards:

	Rep.	Dem.
Ward 5 gave for electors	2	150
Ward 6 gave for electors	5	193
Both wards	7	343
Democratic majority in the two wards		336

NO PROTESTS.

The testimony shows that no protest was made by the commissioners of election or supervisor of registration, or either of them, at the time or in the manner, or at any time or manner, as is required by the law of Louisiana, to authorize or empower the returning board to reject these votes.

(See testimony of F. W. Freeman and T. L. Matley, commissioners of election, ward 5; of A. H. Basto, commissioner of election, ward 6; and of John La Place and T. J. Bolt, parish clerks of registration.)

The report of the open proceedings of the returning board, published by the visiting committee, also shows that the returns from this parish, when opened by the board and passed to the clerk for compilation, were not accompanied by any protest.*

Before considering the testimony in its general scope and effect, there are several particulars brought out or alluded to in it which the committee think it pertinent to notice in their relation to the purposes of this inquiry.

VIOLENCE AND MURDER.

The testimony of Mr. E. A. Breda, republican, coroner, treasurer, and police juror of the parish, discloses a lamentable condition of affairs exisiting there as regards lawlessness, violence, and bloodshed. Numerous cases of capital crime have occurred in the parish, and, except in two or three instances, have gone unpunished. Circumstances could hardly be stated showing a more lax administration of law, and calling more loudly for change and reform of government. But in all this dark picture, the responsibility of which must rest upon those who have had control of the State for the last few years, but a single outrage, as shown by the testimony of Coroner Breda, was attributable to political causes, and that the sequel to a long newspaper quarrel between two editors, which became a bitter personal feud, leading to a challenge to a duel, and finally culminating in a street encounter and the killing of one of the antagonists. Neither in point of time nor as regards their several causes could any of these affairs have had connection with or influence upon the election of 1876 in the parish, and especially in the wards in question.

THE WHITE CAMELIA, ETC.

The witness, Mr. Breda, also testified to a democratic organization, existing in 1868, of which he was a member, called "The White Camelias," the objects of which he considered, after a time, so objectionable that he abandoned it, and, after a long probation, in 1872 joined the republican party, (not for naught it would seem.)

As finally stated by him, after long cross-examination, and as fully explained by Mr. David Pearson in his testimony, the object of the order seems to have been to organize a white men's party, to operate by ordinary party methods, and maintain the government in the hands and control of white men. It existed but a short time, and was dissolved years ago; and whatever its character or the object of its introduction into the testimony, could have had no influence upon recent elections, nor relevancy to the subject of present inquiry.

Mr. Breda also speaks of threats of violence to himself and other prominent republicans. These appear to have been mere rumors, at second or third hands, to which he attached but little importance. (The matter of the desperado Horton will be noticed in another place.) The greatest discomfort his party relations brought upon him seems to have been the loss of accustomed prominence and enjoyment at barbecues, after joining the republicans. He does not allege any hinderance or molestation in the free exercise of his political rights; nor anything affecting the late election in wards 5 and 6.

TAX ASSOCIATION AND SHOT-GUNS.

In 1874 a tax association, as it was called, was formed in the parish, and embraced in its membership leading men of both parties and races. It had no connection with party or party politics, but had for its object to protect its members and the people from spoliation, to which they were subjected under the name and form of taxation.

Mr. Isaac Ezenac, one of the republican witnesses, speaks in rambling terms of an organization, in 1874, which rode about the country armed with shot-guns and pistols. He states neither object nor action, except the riding about; but seems to attempt to connect the movement with the tax association, and that with hostility to republicans, as a party effort. All the testimony on the subject controverts that idea, and Mr. Pearson in his testimony explains the occasion and character of the shot-gun raid. Rumors got abroad that a body of negroes were arming and about to attack the town. The country people armed, mounted, and rode in to protect their parish capital and friends. As soon as they found that the reports were unfounded they returned to their homes, without harm or attempted injury to any one. In any view, this all had nothing to do with the election of 1876 in wards 5 and 6, which Mr. Ezenac even says was fair, peaceable, and free from intimidation.

THE MAYORALTY CONTEST.

The testimony of Mr. T. A. Simmons, one of the witnesses introduced on the part of the republicans, discloses a contest over the office of mayor of Natchitoches and the other municipal offices. It shows the lamentable condition the State government has been in, both as to its legislative and executive proceedings, as affecting the interests of localities; but does not appear to have been strictly a party contest, as between republicans and democrats, or to have had any special bearing upon the late election in the parish, more particularly the remote wards 5 and 6, as it affected only the city and not the parish at large.

THE MEETING AT CAMPTI.

Rayford Blunt, a colored man from South Carolina, and republican candidate in the Natchitoches district for the office of State senator, held a meeting at Campti some days before the late election, which he alleges was broken up by the interference of one Hynes or Hymes, a democrat. On the other hand, it was asserted that Blunt broke up his own meeting without cause, so as to have plausible grounds for alleging intimidation. The facts seem to have been that while Mr. Blunt was speaking, Hynes, from the outskirts of the crowd, interrupted him, more or less rudely, by asking him questions, which brought on a short wordy altercation, whereupon Blunt declared the meeting broken up and left. No violence was used nor hostile demonstration made. Whatever the object, there does not appear to have been any necessity for abandoning the meeting; and, in any view, it is not seen how the transaction could have influenced the election, occurring in other localities several days afterward, or the voters in any way.

(See testimony of David Boult, republican candidate for sheriff at the last election; Henry McCarty, republican; —— Summers, (colored,) republican, and W. H. Jack, democrat.)

NEGRO DEMOCRATS.

The testimony of the colored witnesses examined furnishes full and conclusive answer, as matter of fact, to the argument or inference that because many negroes voted the democratic ticket, they must necessarily have been coerced or have done so under intimidation.

MADISON JONES (colored) examined by Mr. MEADE:

Question. Where do you reside?
Answer. I stays with Mr. Macey, here in Natchitoches; about a mile out of town.
Q. What ticket did you vote the last election?
A. The democratic. Have voted that for the last two years. Before that voted the republican ticket.
Q. How did you come to change?
A. I thought that the country was going down, and I was with the people of the South, and they was the men that I had to look to for my support, and that is the reason I changed and went over to them.

By Mr. DANFORD:

Q. You changed because you believed your interests were with the people here?
A. Yes, sir.
Q. Well, were you of opinion that your property and your person would be in greater safety if the democrats were in power than if the republicans were?
A. Yes, sir.
Q. Well, are you a farmer?
A. Yes, sir; I work a little crop every year.
Q. Whose land do you work it on?
A. On Mr. Macey's this last year again.
Q. Well, what kind of laws have you had here, and how have they been enforced in this parish the last few years?
A. Well, sir, as far as I know, they have been enforced pretty bad.
Q. And you concluded to change, that you might have better laws?
A. Yes, sir; some way or other.

GEORGE DUNCAN, (colored,) aged sixty-three years, examined by Mr. HOUSE:

Have lived here in the town of Natchitoches thirty-five years; voted here at the last election the democratic ticket; have voted the democratic ticket since 1871; prior to that voted the republican ticket.

Question. State what caused you to change your political feelings.

Answer. The action of the republican party didn't exactly suit me with regard to some of their proceedings, and I concluded I would try the other side; I thought it my duty to do so; I was not under promise from the other side, for I have never been promised anything from any political party.

Q. What do you think of the state of the government—the republican State government?

A. It has been in a very bad condition in our section of the country. From what I have seen, from my little observation, it has been carried on very badly generally.

Q. How has it been carried on here?

A. There has been no law or order, in the first place. It seems that the officers that has been in power don't execute the laws as they should have done; for what reason, I cannot say,

JOHN NILES (colored) examined by Mr. HOUSE:

Live in ward 5; voted at the last election; voted the democratic ticket just this time; before voted the radical ticket.

Question. What made you change?

Answer. I thought I would change over to see how the other side would do.

Q. Anybody force you to vote the democratic ticket?

A. Not at all; they told me I could vote any way I wanted to, but they had much rather I would vote the other side if I voted; I said I would vote just the way my mind led me when I got there, and my mind led me to vote democratic, and I done so.

ISAAC SMITH (colored) examined by Mr. MEADE:

Question. Did you vote at the last election?
Answer. Yes, sir; the democratic ticket.
Q. Who told you to?
A. I told myself.
Q. Have you always voted the democratic ticket?
A. No, sir; have voted the republican ticket.
Q. How came you to change your political affiliation?
A. Because there was such a confusion in it nobody could follow them, and there was such tremendous taxes; and I thought I would change party for a change.

(See further the testimony of this witness at length, the testimony of C. Crockett, (colored,) and others.)

THE OUTLAW HORTON.

Some time after the election in November last, a drunken desperado named Horton came to the city of Natchitoches from Texas, and was reported to have given out that his business was to kill negroes and radicals, and to have threatened the lives of several leading republicans. These reports, in various forms of rumor, have doubtless furnished the foundation for many of the alleged threats of violence, detailed on hearsay and without specification as to time, which have been used to give color to the charge of intimidation as applied to the conduct of the late political campaign in this parish, although they all transpired after its close. The career of Horton was happily brief, and ended in his killing, instead of negroes and radicals, an estimable and prominent citizen, Mr. Garzia, a democrat, who was protecting a negro from violence at his hands, and wounding another citizen, also a democrat; he (Horton) being shot and killed by a party of citizens endeavoring to capture him against his armed resistance. (See testimony of Messrs. Breda, Simmons, Isenac, and Pearson.)

NEGRO TENANTS EVICTED.

It was attempted to be shown on the part of the republicans that three colored republicans were turned out of houses occupied by them, after the election, for having voted the republican ticket; probably that intimidation before the election might be inferred. The testimony of Joseph Ross, one of these tenants, does not show that the question of voting entered at all into the transaction with him one way or the other. The cases of Jack Culpepper and Joseph Worsley, as sworn to by them, are fully explained, and the allegation rebutted by the testimony of H. McKenner and W. H. Jack, respectively. Neither of these cases occurred in ward 5 or 6, and in neither were any threats or interference before the election pretended.

(See testimony of five above-named witnesses.)

THE COMMITTEE'S CONCLUSIONS.

The testimony of the witnesses examined, with very few exceptions, was candidly and intelligently given, and, as a whole, fails to show any improper influence or practice regarding the conduct of the campaign on the part of the democrats; but, on the contrary, clearly shows that they acted throughout upon a line of policy adopted and pursued to preclude the possibility of any ground for again throwing out the votes of any of the polls of the parish. They designed to prevent, if possible, any act or occurrence that could give the least excuse, under the law or otherwise, for rejecting their votes; and it is matter of surprise that, in a district where the criminal laws have been so feebly administered, or rather almost totally unexecuted, they attained so complete success.

Mr. R. E. Burke, an intelligent merchant, a resident of the parish for over thirty years, a member of the democratic executive committee, and of the democratic campaign committee of the parish, stated, in his testimony, the policy adopted by his party for the campaign as follows:

"They [the democrats] were perfectly determined here to have a fair, free, and peaceable election, and in no case should intimidation be exercised on the part of any person toward any man, nor should any democrat intimidate or improperly influence any man, but we would use all proper and fair means, canvass the parish, make speeches, and give barbecues, as usual. It was our policy to avoid even the semblance of intimidation, and we not only adopted that policy but we carried it out. We knew we had a returning board in the State, who, upon the charge of intimidation and violence, threw out whole parishes, as we had experienced in our State. It became necessary not to give them the least excuse, but to make so clear

*If any protests have been made for the purpose of affecting the vote of either ward 5 or 6, they have been illegally and surreptitiously smuggled in, and only exhibits in the secret sessions of the returning board.

a case that no honest republican but what must see it was a fair election, and therefore we became more cautious, probably, than any community at the North would have been, because we knew that the semblance of intimidation would throw out our parish, and we determined no such thing should happen."

Mr. W. H. Jack and Mr. David Pearson, prominent lawyers and democratic leaders in the parish, corroborated this statement, and the testimony shows that the purpose intended was completely attained. Not only was there no intimidation or improper influence proved, but the campaign and the election, both as to registration and voting, was shown to have been absolutely fair, free, peaceable, and in all respects properly conducted. And while this is true as to the parish generally, it is especially so as to the rejected wards 5 and 6. Against the entire fairness and freedom of the campaign in those wards on the part of the democrats and of the election as there conducted, not the shadow of a shade of proof exists in the testimony taken before the committee nor in any other quarter. The reasons for the rejection of their votes must be sought in the figures showing the democratic majority given by them.

The action of the returning board, as to these two polls, disfranchised 343 legal voters, and annihilated, without cause or excuse, and to subserve a purpose entirely indefensible, the democratic majority of 336 given in the two wards.

Extracts from testimony.

The two parish clerks of registration examined by the committee, Messrs. John La Place ad T. J. Bolt, testified substantially that they attended the registration in all parts of the parish; that is was fair, quiet, and peaceable; there was no intimidation; that they talked with the supervisor of registration, who expressed himself pleased with the manner in which the election had passed; said it had been fair, and that he made no protest. (See their testimony at length.)

R. W. FREEMAN, commissioner of election, ward 5, examined by Mr. HOUSE:

Question. What sort of an election had you there?
Answer. Thoroughly fair, as far as I could judge; peaceable; no disturbance.
Q. Anybody interfered with in their right to vote?
A. None that I heard of.
Q. White and colored people allowed to vote as they liked?
A. Yes, sir; and they all mingled and came up together.
Q. Was there any intimidation that you witnessed that day?
A. None that I witnessed.

T. L. Motley, commissioner, same ward, by Mr. HOUSE:

Question. Who was the republican commissioner there?
Answer. Mr. Ezenac.
Q. Did he say anything about the election?
A. That it was quiet as he ever witnessed. Signed the returns with the other commissioners. Heard no complaint on his part.
Q. Do you know of any intimidation up there practiced?
A. None at all.
Q. How was it during registration?
A. All peaceful, sir.
Q. Do you know of any intimidation in ward 5 of the colored voters?
A. No, sir; I have heard no complaint about it; don't know of any men being interfered with, white or colored, in ward 5 in their right to vote as they pleased.

Silas Crump, bailiff, ward 5:

Attended the election from early in the morning till the votes were counted. It was quiet and peaceable. No disturbance. Did not see anybody interfere with any one in their right to vote.

A. H. Bristow, republican commissioner of election, ward 6, (in substance:)

The election was fair and peaceable — carried on fair and square. Offered to make affidavit to that effect. Signed the returns with the other commissioners without any protest or objection.

A. V. Carter, United States supervisor and commissioner of election, ward 6:

Was at the election from half past nine in the morning all through. Did not know of any republicans being prevented from voting. Had no trouble. Is a peaceable neighborhood. Quiet reigned. There is a perfectly good feeling between the white and colored people up there.

Z. Washburn:

Live in ward 5. Was there at the election. Saw no disorder at all. Everybody voted as they pleased, white and colored. Everything was peaceable and quiet during the registration as far as I know. Heard nothing to the contrary. The colored republicans voted the ticket openly; held it up and showed it when they voted it. I remember seeing a colored man with republican tickets in his hand electioneering openly for his side that day; held them out to most of the colored men. His name was Charley Connelly.

Charles Crockett, colored:

Live in ward 6. Voted there at last election. Election peaceable and quiet. Nobody interfered with at all while I was there. Everybody allowed to vote as they pleased during the time I was there. I voted the democratic ticket. Other colored fellow-citizens and acquaintances voted the democratic ticket. They said they done it freely. I never seed any one force them to vote.
Q. Was there in the parish such a condition of things as to compel the colored people to vote the democratic ticket, and were they afraid to vote the republican ticket?
A. No, sir; there was not anything like that.
(And see the whole body of the testimony, the above being only a small portion of that relating to the two rejected wards.)

In closing this branch of their report, the committee direct attention to the testimony of A. H. Basto, a republican witness, who acted as one of the commissioners of election in ward 6, and afterward went to New Orleans and made an *ex parte* deposition, which was appended to the Sherman report, and contains, we believe, the most important item of so-called proof accompanying that memorable document relating to either of the two rejected wards in Natchitoches Parish.

In that deposition the witness is made to say, in reference to this parish:

"Since 1874 a system of intimidation has been inaugurated by the democrats against the republicans, which was continued during the last registration and since, and that there is a sense of insecurity and a feeling of apprehension existing among republicans that prevents them from expressing their will at the ballot-box, causing many to vote the democratic ticket and many others not to vote at all; that it is matter of public notoriety that the republican leaders have been openly threatened with the loss of their lives, and the consequence of this and other threats deterred many republicans from exercising the right of suffrage; that at the poll in ward 6, where he was, only five republican votes were polled; whereas, if a free, fair, and full election could have been had, there would not have been less than thirty or forty republican votes at said poll," &c.

Upon his full and open examination before this committee the witnes said, substantially, as to much of his deposition as published by the Sherman committee, either that he did not make the statements therein set forth, or that they were untrue or were given, not upon knowledge, but upon the merest rumor. And as to that part relating to ward 6, where he attended and acted as one of the commissioners of election, he swears emphatically, "*I did not hear that read. I did not say so;*" that the election was fair and peaceable—"carried on fair and square;" that he knew of no intimidation; that he offered to make an affidavit to that effect at the close of the poll; and that he signed the returns with the other commissioners, without protest or objection.

The committee will not follow at greater length the testimony of this witness, as illustrating the character of his New Orleans deposition; but they call special attention to it in that connection. It should be read carefully and in full by any one desirous of arriving at correct conclusions on the important questions involved. It shows how falsehood and fraud have been evoked and bugbears manufactured to distract the attention and affright the sober sense of the nation; how vast clouds of wrong and intimidation have been made to hang, dark and portentous, in the distance, which, when approached and examined, vanish at the touch of truth like mist before the sunbeam. It discloses, too, some of the means and workings of a wicked and shameless conspiracy to cheat or rob the people, by any means of fraud or force, of their highest right—that to choose their chief executive servants by the majority of their rightful and honest votes.

DE SOTO PARISH.

The investigation in this parish was directed chiefly to the polls thrown out by the returning board, which, with the votes cast at each, were as follows:

Polls.	Hayes and Wheeler electors.	Tilden and Hendricks electors.
Poll No. 1	49	210
Poll No. 3	53	125
Poll No. 5	69	153
Poll No. 7	10	150
Poll No. 8	.....	54
Total	181	692

It will thus be seen that in the five excluded polls the republican presidential ticket received 181 votes, and the democratic presidential ticket received 692 votes, making a democratic majority of 511 at the said five polls. The ground on which this vote was excluded by the board is left, more or less, to conjecture, as the board deliberated in secret session, and have never given to the people of Louisiana or the country the reasons for their action or the process by which they reached their conclusions in throwing out or refusing to count votes which were cast by the citizens of the State in the last presidential election. Among the papers, copies of which were furnished the committee by the returning board, relating to this parish are two sworn statements or protests made by C. L. Ferguson, supervisor of registration for said parish, one dated November 17, 1876, which seems to have been made at Shreveport, Caddo Parish, Louisiana, and the other dated November 25, 1876, which seems to have been made in the city of New Orleans.

Under the election law of Louisiana which creates the returning board, and from which it derives its powers, if, "during the time of registration or revision of registration," there should be any riot, tumult, acts of violence, intimidation, disturbance, bribery, or corrupt influences at any place within the parish, which prevented or tended to prevent a full, fair, and free registration, it is made the duty of the supervisor of registration to make in duplicate, under oath, a clear and full statement of all the facts relating thereto, and the effect produced thereby, in preventing a fair and peaceable registration, and this statement must be corroborated under oath by three respectable citizens, who are qualified electors of the parish. One of these statements is to be annexed by the supervisor of registration to his returns of elections by paste, wax, or some adhesive substance, that the same may be kept together and sent with the returns to the returning board, and the other duplicate original is required to be deposited with the clerk of the court of the parish. The commissioners of election are required within twenty-four hours after the close of the polls to make out the returns and furnish the supervisor of registration with a copy thereof. The supervisor, within twenty-four hours after he receives the same, is required to make out a consolidated return of the vote and inclose the same in a strong envelope and forward it by mail to the returning board, together with the sworn statement of intimidation, &c., if any there be.

If any of said intimidation, violence, bribery, &c., should take place on the day of election at any voting place in the parish, the commissioners of election—not the supervisor of registration—are required to make a sworn statement thereof and the effect produced thereby; said statement to be likewise corroborated by the oath of three respectable electors of the parish; and said statement or protest is in like manner to be made in duplicate, and one copy to be sent to the returning board by the supervisor of registration within the same time and in the same manner as he is required to send his sworn statement or protest, if he should make one, the other copy to be deposited with the clerk of the parish, as in the case of the supervisor's sworn statement or protest. (See act No. 98, 1872, sections 26 and 43.)

Whenever the returning board receives such sworn statement from the supervisor of registration of disturbances, riots, &c., during the period of registration or revision of registration, or from the commissioners of election, of like improper conduct on the day of election, if they are of opinion from the evidence of such statement from the supervisor of registration that the case merits investigation, they shall examine further testimony, and if they are convinced after such examination that such a state of things existed in the parish as prevented a sufficient number of persons from registering to materially change the result of the election, then they are to exclude the vote where such improper influences existed from the returns. If the sworn statement is made by the commissioners of election as to such violence, &c., on the day of election, they shall proceed in all respects to investigate the same, as in case of the sworn statement of the supervisor of registration; and if they are of opinion, after such investigation, that a sufficient number of persons were prevented from voting, or voted corruptly, to materially change the result of the election, they are to exclude from the count the vote of the poll where the same occurred. (See act No. 98, 1872, section 3.)

It will thus be seen that the right or power of the returning board to enter into any investigation whatever of the validity of any votes cast at an election depends on the receipt of a sworn statement made out by the supervisor or the commissioners of election, as the case may be, in the manner prescribed by law. Without such sworn statement, they cannot proceed one inch in the direction. It is the basis, a *sine qua non*, of their jurisdiction in the premises.

As has been seen, the supervisor of registration is authorized by law to file his sworn statement or protest only as to the intimidation, violence, &c., which took place during the time of registration or the revision of registration, and the commissioners of election are empowered to file their protest only as to what took place on the day of election. The supervisor cannot furnish the protest or sworn statement which the commissioners of election are required to make, nor can they supply the sworn statement which it is made the duty of the supervisor to make. The reason for this is obvious. The supervisor of registration cannot be at every

poll in the parish on the day of election, and cannot, therefore, be supposed to know what takes place at each poll, nor are the commissioners of election presumed to know what takes place in the entire parish during the period of registration; but each is supposed to know what occurs under his observation while engaged in the field of duty to which the law assigns him, and hence, if any of the improper things mentioned in the statute takes place within the territory which the law appoints him to guard, it is made his duty to communicate the same under oath to the proper authorities.

There was not a protest or sworn statement made by the commissioners of election as to anything improper at any poll in the parish on the day of election. The returning board therefore had no right or power to throw out a single vote in the parish for anything that may have occurred on the day of election. If, then, their action in throwing out the five polls above named can be sustained under the law at all, it must be on account of something that occurred during the period of registration which prevented a sufficient number of persons from registering to materially change the result of the election.

In the sworn statement made by Furguson, after he reached New Orleans, to wit, on the 25th of November, he says that there was a general system of intimidation prevailing in De Soto Parish during the period of registration, and that he feared and had reason to believe he was in danger of assassination during the whole time; that there was one place in the parish—Logansport—to which he was afraid to go to register voters. It is a noteworthy fact that in the sworn statement or protest made at Shreveport, on his way to New Orleans, to wit, on the 17th November, the fear and danger of assassination while performing his duties in De Soto Parish is not mentioned at all, nor is his failure to go to Logansport to register voters mentioned in his protest of the 17th. No one who reads the two protests can fail to be sensibly struck with the power to multiply charges and the large increase of emphasis in making them with which he seems to have been endowed after his arrival in New Orleans. The second edition of his protest is certainly greatly enlarged, if not improved. But even in his latter protest he does not say that a single voter in the parish was prevented from registering or failed to register. He says that "to the best of his knowledge and belief there was not in said parish of De Soto any such full, free, and fair and peaceable registration as is contemplated by the statutes in such cases made and provided." This is not such a statement as is required by law. The law says he shall make "a clear and full statement of all the facts" relating to any riot, tumult, intimidation, &c., which prevented voters from registering. This he has not done, nor even attempted to do. He makes no such statement as can possibly enable the returning board to judge whether a sufficient number of voters had been prevented from registering to materially change the result of the election or not, and therefore they would be unable to tell from this protest—as the law provides they shall do—whether such a statement makes an investigation of the matter by the returning board proper or not.

But, supposing the protest to have been such a one as the law contemplates, and the returning board therefore were warranted in taking additional proof and entering upon an investigation of the state of things in De Soto Parish during the period of registration or revision of registration to ascertain whether a sufficient number of the voters of the parish had been prevented from registering to materially change the result of the election, the proof before the returning board could not possibly have warranted the exclusion of a single vote in the parish on that ground, and it is very clear that they did not throw out a single vote on that ground. There was no proof before them that the registration was not a full one, or that a single man in the parish who desired to register failed to do so. As a matter of fact, the registration and vote of the parish at the last election was larger than it had ever been before. The returning board, then, must have based its right to investigate matters in De Soto Parish upon that portion of the supervisor's protest which relates to intimidation, violence, and other improper occurrences on the day of election, a protest which, as we have seen, he had no right under the law to make, and on which the returning board had no right to act. Therefore their whole action in throwing out votes in De Soto Parish is without authority of law and void.

But let us assume that Supervisor Furguson had a right to file a protest as to violence, intimidation, &c., on the day of election, and that the board was thereby clothed with jurisdiction to enter upon an investigation of those matters in the absence of any protest from the commissioners of election, how would the case then stand.

It is shown by the testimony of W. C. Reynolds, the clerk, that Furguson filed no sworn statement or protest whatever in his office, as the law requires should be done. This requirement of the law cannot be dispensed with. He must file a copy of his protest with the clerk, so that the people of the parish may know that their election is to be assailed before the returning board and the ground upon which it is to be attacked, and no better illustration of the necessity of such a requirement of the law can be found than is furnished by the facts proven in this case. Furguson, before leaving the parish for Shreveport and New Orleans, where his protest seems to have been made, told various persons in the parish that it was as fair and peaceable an election as he had ever witnessed in his life, and in order to satisfy the people of the parish (who had felt the heavy hand of the returning board upon them in former elections) that there was no objection or complaint on his part, he made a sworn statement to that effect before the clerk of the court and left it in the parish. The first intimation that the people of the parish had that any protest had been filed by Furguson was on the 26th or 27th of November, when Mr. Sutherlin, one of the leading citizens of the parish, who was in New Orleans, heard of the protest, and procured a copy of it. It was then about time for the returning board to act, and the citizens of the parish had, therefore, no time or opportunity to meet the charges against their election or to refute them. Judgment by default was taken against them without any service of process ever having been made upon them, or without their having had a day in court. There is no court in the world that would not, without hesitation, annul any judgment so obtained, even against the humblest citizen for the smallest sum. But waiving this point also, how do the facts of the case stand?

Your subcommittee went to Mansfield Station, county seat of De Soto Parish, and on the 25th of December commenced taking testimony. They spent a day and a half in this work, and adjourned to meet again at Mansfield on the following Monday, which they did. The amplest opportunity was thus given for a full investigation of the facts at the place where they occurred.

We will take up in their order the polls thrown out by the returning board.

Poll No. 1.—Keatchie.

Furguson swears in reference to this poll that he is credibly informed that bribery and other corrupt influences were used by the democrats to obtain votes; that threats of violence, bodily harm, loss of property, discharge from employment, and other illegal means were constantly used by white democrats of the parish to influence voters or to deter them from voting.

An *ex parte* affidavit of one Peter Coleman was placed before the returning board to the effect that he cropped on shares with Mr. Shaw; that Shaw, just before the election, tore up his registration papers and drove him off from his place, and would not allow him to return to gather his crops.

Philip Stark, whose evidence was taken by the committee, swears in an affidavit before the returning board, and also in his testimony before the committee, that he was living with William Carlton, and just before the election Carlton discharged him because he was a republican, and would not let him have his portion of the crop.

Major Blackshear makes an affidavit to go before the returning board to the effect that Mr. Gatlin, on whose land he lived, threatened colored men that they could not live on his place if they voted the republican ticket; that at poll 1, Keatchie, the democrats were favored and allowed to vote without delay, while the republicans were hindered and obstructed in voting; that he, Blackshear, voted the republican ticket, and Gatlin drove him off under a threat to kill him if he remained; that republican negroes were openly threatened at poll 1 if they voted the republican ticket.

Lucien Vallentine, a white man, also makes an *ex parte* affidavit to the effect that the white democrats publicly threatened to drive the colored men from their homes if they voted the republican ticket; that under those threats as many as seventy-five colored men voted the democratic ticket; that forty-three colored men came from poll 8 to poll 1 to vote, because they were not allowed to vote at ward 8, Logansport; he says that bribery was also resorted to by democrats at poll 1.

Richard Morris, colored, also makes an *ex parte* affidavit for the returning board, in which he says that Mr. Powell, on whose land he lived, threatened to drive him and his partner, Wells, off the place if they voted the republican ticket; that Wells left soon after the election; says there was general intimidation and bribery of colored people about Keatchie; heard Dr. Horn tell his hands if they voted republican tickets they would have to leave, and that since the election Dr. Horn has executed his threat and driven them off.

Ex parte affidavits from John Phillips and Lewis Taylor, colored, were also made before the returning board, stating that Dr. Horn and others attempted to bribe and intimidate colored voters on the day af election.

Samuel Coulter, colored, testified before the committee that he and eleven other colored men came from Logansport ward, which is No. 8, to vote at No. 1, because they thought they could vote more peaceably at poll 1; had voted the republican ticket formerly at Logansport without interruption, and thinks he could have done so again, but he came along with the others. Five of his company did not vote, because Mr. Mason, a merchant at Keatchie, whom they were owing, told them if they voted the republican ticket they would have to pay what they owed, but this threat was not carried out by Mason. The five who did not vote could have done so, as witness was also indebted to Mason, and voted the republican ticket.

Amos Henderson was another colored witness who came with the crowd from Logansport to Keatchie to vote; states in substance the same as Samuel Coulter about Mason telling them he would not favor them if they voted the republican ticket; says he voted the republican ticket, and Mason, whom he owed, did not press him for the money; says Mason has been very kind and liberal to colored people; says everything was quiet and peaceable at the election.

This comprises substantially the evidence and *ex parte* affidavits in regard to poll 1, in reference to which it may be remarked that *ex parte* affidavits, by illiterate men especially, are entitled to but little weight, and when they are relied on to disfranchise two or three hundred citizens, the proposition is simply monstrous. If the state of things had existed at poll 1 stated in those affidavits, it could have been easily proven when the committee went to that vicinity in order to elicit and arrive at the truth. But one witness is produced, Philip Stark, who swears that he was dicharged from employment for being a republican. Mr. Carlton, his employer, denies that he discharged him for any such purpose, but because he was indolent and neglected his work; he says also that Stark is considerably in his debt.

The testimony of Dr. Horn, who is charged in these *ex parte* affidavits with doing most of the intimidation and bribery at this poll, denies emphatically and in detail all such charges, while his accusers fail to put in an appearance and have their statements tested in the crucible of a cross-examination. Dr. Horn says that the election was perfectly peaceable and quiet—no one was interfered with, no intimidation was practiced, or bribery resorted to on his part or that of others so far as he saw or knew. He says that Roche, republican candidate for parish judge, and acting United States marshal at this poll, made no complaint of the election, but admitted its fairness and freedom from all invalidating causes. George T. Greves, who was a commissioner at this poll, swears that the election was free, fair, peaceable, and quiet, no disturbance, no intimidation, and no complaint of anything improper from any quarter; says Roche, republican candidate for parish judge, who was present the entire day, told him he never saw a fairer election—that both Roche (who likewise acted as United States marshal) and Samuels, a colored man who acted as United States supervisor of election, both certified with the commissioners, under oath, that the election was fair, free, and peaceable. Floyd Thornton, a colored democrat, swears that he was set upon by some colored republicans and his life attempted to be taken at Keatchie, a few days before the election, and that he saved himself by taking refuge in the store of a white man; they attempted to break down the door and get to him, but failed. His statement is corroborated by reputable white men and by Turk, in whose store he sought refuge. The attack was made on him because he was a democrat, and for no other reason.

T. H. Gatling denies emphatically the intimidation, &c., charged against him in the *ex parte* affidavit of Mayor Blackshear and others; he says the whole charges are false; he says that several negroes went from his place to Shreveport after the election, for the purpose, he supposes, of making affidavits to go before the returning board; that they all returned and are living unmolested where they lived before; that Blackshear himself also returned and settled up his business and no one disturbed him; says that Blackshear is the man that split the door of Turk's store, in the effort to reach Floyd Thornton, the colored democrat who had sought refuge therein from the fury of colored republicans.

Tom Samuels (colored) was United States supervisor of election at this ward; he has never voted, because he wished to learn more of politics before voting; says everything was peaceable and quiet at the election, and colored men were allowed to vote as they pleased, and there was no intimidation; he was present the whole day. The question upon this testimony, *pro* and *con*, is whether two hundred and fifty-nine voters shall be disfranchised and their votes thrown out uncounted? There is no pretense that a single vote was put into the box by a man not entitled to vote; all the forms of law fully complied with, the officials, both republican and democratic, whom the law had placed as guardians over the poll, certifying under oath to the fairness and freedom of the election. The very statement of the proposition reverses the action of the returning board and demands that the vote cast at this poll shall be counted.

Poll 3.—Grand Cane.

Furguson, in his protest, says, in reference to this poll, that on the day of election large numbers of republican colored voters were forcibly and by threats of pecuniary and bodily harm forced and driven from the polls to the number of as least 109, and were thus prevented from voting the republican ticket. There it no evidence before the committee to sustain this charge, but, on the contrary, the evidence showing its falsity is abundant. One D. S. Tyler, colored, made an *ex parte* affidavit before the returning board that 150 colored voters were driven away from poll 3, and not allowed to vote, and that one Prude kicked and threatened Peter Johnson, a colored voter. Robert Murphy swears that he knows D. S. Tyler, and that he was not at the election at poll 3 at all during any part of the day; that his statement about Prude kicking Johnson is wholly untrue; that nothing of that sort occurred during the day; that there were only two men by the name of Prude there, and they were both commissioners of election, and engaged during the day in their duties; says there was not a single colored man driven from the polls; says some went voluntarily to Mansfield, saying they thought they could vote sooner there, owing to the crowd at poll 3; all could have voted there, and those that went away were in no wise threatened, but went away in good humor and of their own accord, thinking they could vote sooner in Mansfield; everything was peaceable, quiet, and fair; no threat, no intimidation, or disturbance of any kind during the whole day; no colored men discharged after election for voting republican ticket, and no colored men forced to vote democratic ticket. Tyler once lived

with witness; witness taught him to read; he is a tricky fellow; would not believe him on oath.

A. I. Leak was present and voted at poll 3. The election was quiet, peaceable, and fair; no threats or intimidation. Furguson's protest read to witness, and he denied the truth of it *in toto*. Not a colored man was threatened or driven away or denied the right to vote during the entire day. All were encouraged to vote, both white and black. Witness was present the entire day. Fifteen men were appointed to keep order, and not a cross word was spoken during the entire day by black or white. When the polls opened the colored people were given the privilege of voting first. There were 45 colored votes polled before a single white man voted. The colored men crowded each other so that they could not vote with any order, and some of them in consequence swore they would go to Mansfield; this was because they were crowding each other at the box and not in consequence of any threat or intimidation by white democrats. All could easily have voted if they had been patient. There was plenty of time for every one to vote. Witness says that on Sunday night after the election he had a conversation with Furguson, the supervisor of registration, in which he stated to witness that the election in De Soto Parish was the fairest he had ever seen held. The whites are in a majority at this poll, and it is a democratic poll and has so gone in former elections.

Ralph Walker (colored) testified that he voted the republican ticket at poll 3. Heard a white man tell a colored man if he voted the republican ticket he would see if he couldn't find some law to get him off his farm. The colored man did not vote. Numbers of colored men voted the republican ticket there, and all could have done so without let or hinderance; no threats, no disturbance of any kind; had a quiet and peaceable time.

Luke Hogan (colored) voted the democratic ticket at poll 3; lives on a place of his own; has always voted the democratic ticket of his own accord; thinks it best for the country; great many colored men voted republican ticket at poll 3; all could have done so; no one was threatened or driven away; there was no disturbance of any kind; the election was very fair, peaceable, and quiet.

Sam Bedford (colored) lives in ward 3. No one else of his name lives in said ward. Was at election at poll 3, ward 3, on 7th November last; was at election about three hours; came to Mansfield because there was a large crowd at poll 3, and thought he could vote sooner at Mansfield; denies making any affidavit that colored republicans were driven from poll 3; says he signed no such paper, and never made any such affidavit; it is a forgery. Clearly, the 178 voters at this poll should not be disfranchised on such testimony.

Poll 5.—Fortsen's Church.

Furguson states, in his protest as to this poll, that it was not opened until 9 o'clock; that when it was opened the white democrats crowded around, and would not let colored republicans vote until all the white men had voted; that threats and intimidations were constantly, violently, and persistently used during the entire day by white democrats toward colored republicans to deter them from voting the ticket of their choice.

Campbell, who was a commissioner of election at poll 5, swears that Furguson's statements are all wholly untrue; that the polls were opened about six o'clock in the morning; that the white men did not crowd around the polls and prevent colored men from voting; that, in point of fact, the colored men voted first; says the vacancy in the commissioners was filled by the first man that came, who was a democrat, as the time had arrived for opening the polls—there was no republican who could read or write to fill the place; says there were no threats, intimidation, or violence of any kind—the election was fair, peaceable, and quiet, and Furguson's whole statement on this point is untrue. The affidavits of George Hall and Jack Edwards were read to witness; he says the statements therein contained are wholly untrue; says the box was placed in full view of voters; denies that twelve or thirteen colored men were illegally deprived of the right to vote; says some four or five who had not proper papers were not allowed to vote. The witness denies, in short, the entire statement contained in said affidavits.

Floyd Nobles (colored)—sometimes called Bose Nobles—says he voted the republican ticket at poll 5; no one prevented him from voting, or interfered with him. The affidavit, with his name to it, which was before the returning board, was read to the witness. The witness pronounced it a forgery; said he had never made any affidavit, never signed one, or authorized any one to sign one for him; and that, in point of fact, the statements contained in said affidavit are not true. He says there is no other person of his name in the ward.

W. N. Webb was commissioner of election at poll 5. Furguson's statement was read to him; he pronounced it wholly untrue; also the statements of George Hall and Jack Edwards were pronounced untrue by the witness. Says election was fair, peaceable, and quiet.

Mark Alexander (colored) testified that he voted the republican ticket at poll 5; no one interfered with him; some colored men voted the democratic ticket freely and voluntarily; all seemed to vote as they pleased; no interference or disturbance of any kind; election peaceable, quiet, and fair.

Sandy Robinson (colored) testified that he voted the republican ticket at poll 51; no one interfered with him; all the colored people went up and voted as they pleased; no disturbance; all quiet and peaceable; belongs to a colored club; all the members sworn to vote the republican ticket; meet at the colored church without molestation; white people helped to build the church.

Sam. Furguson (colored) testified that he voted at poll 5; all was peaceable and quiet; voted democratic ticket freely and voluntarily. It was so quiet it seemed to witness like Sunday. Ballot-box in plain view of voters; witness could have put his vote in the box if he had so desired; no complaint of unfairness from any quarter.

Clearly the 222 votes given at this box should not be excluded.

Poll 7.—Dewlett's Spring.

Furguson, in his protest, says, in reference to this poll, that during the day of election the poll was surrounded by armed men, who constantly told colored men if they voted the republican ticket they would have to leave the parish; that those who did vote the republican ticket had their names taken down, and were told they were marked men, and that, in consequence, many colored men were deterred from voting as they desired.

Samuel Thigpen testified that he was United States supervisor of election at poll 7; was there all day, and it was the most peaceable and quiet election he ever saw; no armed men; no threats; no disturbance of any kind, and no complaint from any quarter of any such thing. There were no armed men nor anything like intimidation during the whole day. The commissioners were very strict in keeping order. Colored men voted—some republican, some democratic ticket—just as they wished, without any interference.

Albert Flores (colored) was constable at poll 7; was there all day; no armed men; no intimidation or threats, but everything peaceable and quiet; no one was interfered with.

H. K. Davis testified that he was a commissioner of election at poll 7. There were no armed men, and no disturbance or intimidation of any kind; all was fair, peaceable, and quiet. Furguson, the supervisor, boarded at the witness's house a while during the registration. He made no complaint of any one interfering with him, and no one did interfere with him.

Q. T. Howard testified that he was also a commissioner at poll 7. He fully corroborates H. K. Davis. Furguson's statement was read to witness; he pronounced it wholly false.

There is no excuse for disfranchising the 160 voters at this poll.

Poll 8.—Loganeport.

Furguson says in his protest, in reference to this poll, that it was surrounded during the day by armed men; that colored voters were driven away by force of arms from the polls, and that no one was allowed to vote the republican ticket at said poll during the day; that liquor was openly and constantly used around the polls during the day; that a majority around the polls were drunk, and the grossest acts of violence were openly threatened against republican voters who attempted to approach the polls, and they were thus deterred from voting.

A. M. Garrett testified that he was a commissioner of election at poll 8, Logansport. He denies most emphatically the whole of Furguson's statement; says there was no violence; no one was threatened or driven from the polls; that all who offered to vote, white and colored, did so; there were no armed men around the polls, and no persons intoxicated. Witness is the only merchant in the place, and the only person who has liquor for sale there, and he sold none during the day; the crowd was sober and orderly, and there was no intimidation, disorder, or disturbance of any kind. The election was fair, free, and peaceable.

R. M. Nash testifies that he was present at this poll at the last election. There were no armed men there, no drunken men, no intimidation, no threatening; it was the most quiet election witness ever saw; it was perfectly fair and peaceable. The poll has always gone democratic.

There is no evidence before the committee that furnishes a decent pretext for excluding this poll. Fifty-four votes were cast at this poll, which should be counted. The colored republicans of this ward voted at poll 1, as explained by the testimony of Coulter and Henderson, heretofore referred to. Upon the whole, the committee conclude that all the votes excluded by the returning board in De Soto Parish were illegally and improperly thrown out.

It may be mentioned that Furguson filed his protest some days after the election. He is, by law, as has been seen, required to file it within twenty-four hours after the returns come to his hands. In his protest he states, evidently by way of excuse and apology for the delay in filing it, that he was surrounded and watched by armed men at Mansfield during the compilation of the vote, and was overawed and deterred from sending it with his returns to the returning board, as the law required him to do. W. W. Wilcox, the clerk of Furguson, and who was with him and assisted him in the compilation of the vote, says that Furguson's statement is entirely untrue; that no armed men surrounded or watched him or interfered with him at all. The proof shows that Furguson told various leading men in the parish, after he had made up his consolidated statement, that he never witnessed a fairer or more peaceable election, and he was perfectly satisfied with it. On Friday evening after the election, and after he had made up his compiled statement, he went eight miles into the country to the house of Mr. Dean, a republican friend, who came from Indiana, and while in the bosom of Dean's family he told him the same thing. There was certainly no coercion or intimidation when he made the statement to Dean; and again, after he left the parish of De Soto, and while in Shreveport, he told Sutherlin the same thing. In the statement or affidavit he made at Shreveport, on the 17th, no mention whatever is made of his having been surrounded by armed men and so overawed that he could make no protest.

The general peaceable condition of the parish, as shown by the testimony of various leading citizens, whose testimony will be found in the evidence, shows there was no such state of things in the parish as would be inferred from this statement of Furguson. The excuse given for not sooner filing his protest is, therefore, as false as the pretended facts stated in the protest. Reference is made to the testimony of Long, republican candidate for the Legislature, who testifies to the peace and quiet of the election and the canvass before the election; who admits that he was fairly defeated, and refuses to accept the office, although counted in by the returning board. R. T. Carr, republican candidate for sheriff, who was also counted in by the returning board, refuses to accept the office for the same reasons given by Long.

VERNON.

This subcommittee left New Orleans before any public information had been received as to any votes having been thrown out or changed in this parish by the returning board. Indeed, the chairman of this committee received from Mr. Anderson, one of the returning board, a statement, which he now retains, in the handwriting of said Anderson, showing, among other things, that no changes whatever had been made by the returning board in the original returns received from this parish of Vernon. It may be added that this statement was made out in the presence of Mr. Wells, president of said board. This parish is remote from public thoroughfares, and most inaccessible of any in the State. A rumor to the effect that certain changes had in fact been made in the returns from this parish by the returning board induced your committee to send for, among others, the clerk of the district court of that parish, the supervisor of registration, as well as the clerk of the supervisor of registration. Of course the committee, being entirely in the dark as to what steps had really been taken by the returning board, had to proceed in a most general way with the investigation here, and especially so as the people of the parish apparently had not the slightest suspicion of any grounds of complaint which might be alleged against them to justify the alteration or rejection of votes at any poll.

Thomas Franklin, supervisor of registration, a venerable gentleman, testified that he made out compiled statements in duplicate, one of which he furnished the returning board, and the other the clerk of the court, and that he made no protest whatever, and that no protests or remarks, criticisms or objections, were made by the commissioners of the election at the several polls in the parish. He has spent a life-time there, and is well acquainted with the people of the parish, and testified that throughout the registration and the election everything was peaceable, and that no intimidation or bribery was thought of, and that it was impossible to oppress any colored republicans, for the reason that there were none in the parish; that only two republican votes were cast in the parish for the electoral ticket, and that they were deposited at poll 8, while 617 were cast for the democratic electoral ticket. There were about seventy-five or eighty colored voters in the parish who lived on terms of substantial equality with the whites, and had always voted, since their enfranchisement, the democratic ticket. The witness also testified that the consolidated statement produced by the clerk is the duplicate, and an exact one, of the one sent to the returning board, and that he swore to the same before the deputy clerk of the parish.

John Franklin, a clerk to Thomas Franklin, supervisor, had assisted the latter in making up the compiled statement last fall. There were only two republican votes on the electoral ticket in that parish. Was not aware that it had ever occurred before that republican votes had been cast there. The election was entirely peaceable and quiet. That the vote has always been democratic, whites and blacks voting one way.

Isaac O. Winfrey, clerk to the district court of Vernon Parish, produced the returns of the commissioners of election of all polls in that parish for the election of 1876, as well as a duplicate copy of the consolidated statement of the supervisor of registration, these papers all being produced and submitted for the investigation of the various members of the committee.

These returns corresponded with the testimony of Franklin, showing, to wit, that no protest had ever been made by either of the commissioners of election or the supervisors of registration. Witness read from the consolidated statement filed with him by the supervisor of registration the statement of votes received.

The statement of the supervisor was shown to be made in due form, the signature of clerk and seal of the parish attached. The witness further testified that the election throughout the parish was peaceable and quiet; that the republicans heretofore received only one vote; that this year they had received two on the

electoral ticket; and that no informalities appeared on the returns of the commissioners of election.

After these witnesses from Vernon Parish had returned to their homes, this committee received through the general committee at New Orleans copies of three affidavits, purporting to have been filed with the returning board some time about the 14th day of November, 1876, signed respectively by Sam Collins, Tom Brown, and Sam Carter, each with his mark, and claiming that an undue influence or intimidation had been practiced toward colored republicans at polls 1, 7, and 10 in this parish.

Each of these affiants disclaimed being a registered voter of the parish. Sam Carter admits to have been a resident of Saint Augustine, in the State of Texas. The other two claim they are residents only of the parish of Vernon, without specifying any particular poll or ward.

Your committee have since the receipt of these affidavits diligently endeavored to obtain information respecting the makers of the same, but without avail, and the suspicion is obtained that they have no actual existence.

The affidavits referred to purport to have been made before D. J. N. A. Jewett, the United States commissioner at New Orleans. They were made apparently three days before the returns from Vernon were received at New Orleans, having been made on the 14th, and the returns received on the 17th.

Commissioner Jewett, upon being examined by the committee at New Orleans, testified that he had no recollection whatever of ever having heard of either of the affiants; and Wells, of the returning board, stated also before said committee that he did not know the affiants, and furthermore did not know who presented the affidavits to the board. It is on such flimsy pretense as this that the returning board absolutely transferred one hundred and seventy-nine votes cast for the democratic candidates over to, and in favor of, the republican candidates, making a difference altogether of three hundred and fifty-eight votes in favor of the republican ticket, to wit:

Poll 1: 116 democratic transferred to 116 republican.

Poll 7: 26 democratic transferred to 26 republican.

Poll 10: 37 democratic transferred to 37 republican.

Taking altogether the circumstances relating to this parish, the conclusion is irresistible that a fraud which admits of no excuse or palliation whatever was premeditatively perpetrated by the returning board in the change it made.

That such change was not necessary for the purpose of deciding the question of presidential electors is apparent; but we find that certain members of the Legislature, and other local officers, could only be declared elected by the assistance of this change or transposition.

IN CONCLUSION,

This committee respectfully submits the following memorandum of findings, based upon the law of Louisiana:

The will of the people was fairly expressed at the ballot-box in all the precincts, as exhibited in original returns, to wit:

Precincts.	Hayes electors.							
	Kellogg.	Burch.	Joseph.	Sheldon.	Marks.	Levisee.	Brewster.	Joffrion.
Bossier, poll 1	49	49	49	49	49	49	49	49
Bossier, poll 3	29	29	29	29	29	29	29	29
De Soto, poll 1	49	49	49	49	49	49	49	49
De Soto, poll 3	53	43	53	53	53	53	53	53
De Soto, poll 5	69	69	69	69	69	69	69	69
De Soto, poll 7	10	10	10	10	10	10	10	10
De Soto, poll 8	.....	.....	.....	.....	.....	.....	.....	.....
Natchitoches, poll 5	2	2	2	2	2	2	2	2
Natchitoches, poll 6	5	5	5	5	5	5	5	5
Vernon, poll 1	.....	.....	.....	.....	.....	.....	.....	.....
Vernon, poll 7	.....	.....	.....	.....	.....	.....	.....	.....
Vernon, poll 10	.....	.....	.....	.....	.....	.....	.....	.....
Webster, poll 1	73	73	73	73	73	73	73	73
Webster, poll 5	121	121	121	121	121	121	121	121
Totals	460	460	460	460	460	460	460	460

Precincts.	Tilden electors.							
	McEnery.	Wickliffe.	St. Martin.	Poche.	De Blanc.	Seay.	Cobb.	Cross.
Bossier, poll 1	108	108	108	108	108	108	108	108
Bossier, poll 3	172	172	172	172	172	172	172	172
De Soto, poll 1	210	210	210	210	210	210	210	210
De Soto, poll 3	125	125	125	125	125	125	125	125
De Soto, poll 5	153	153	153	153	153	153	153	153
De Soto, poll 7	150	150	150	150	150	150	150	150
De Soto, poll 8	54	54	54	54	54	54	54	54
Natchitoches, poll 5	150	150	150	150	150	150	150	150
Natchitoches, poll 6	193	193	193	193	193	193	193	193
Vernon, poll 1	116	116	116	116	116	116	116	116
Vernon, poll 7	26	26	26	26	26	26	26	26
Vernon, poll 10	37	37	37	37	37	37	37	37
Webster, poll 1	185	185	185	185	185	185	185	185
Webster, poll 5	251	251	251	251	251	251	251	251
Totals	1,930	1,930	1,930	1,930	1,930	1,930	1,930	1,930

That wherein technical irregularities occurred (and in no case were irregularities more than technical in their character) they were only respecting declaratory portions of election laws, and not of themselves ground for the extraordinary action of the returning board in rejecting entire polls.

That such action of the returning board, as well as the conduct of supervisors of registration, (when entering protests,) taken in connection with corroboratory circumstances produced before this committee, exhibit such bias and unfairness as to justify the judgment that they, in concert with others of their party association, had entered into a conspiracy to deprive the people of Louisiana of their just rights of representation in the State and nation.

Respectfully submitted.

To the Hon. WILLIAM R. MORRISON,

Chairman of the House Special Committee on the Louisiana Election:

The subcommittee appointed to investigate the subject-matter of the resolution of the House of Representatives, at New Orleans, respectfully report:

That in the parish of Orleans the statements of commissioners of election at three polls were not embraced in the consolidated statements of supervisors of registration, which are required by law to be returned to the returning board, to wit:

Poll 6, in the second ward, at which 83 votes were cast for the republican presidential electors, and 250 votes for the democratic presidential electors;

Poll 3, in the seventh ward, at which 160 votes were cast for the republican presidential electors, and 332 for the democratic presidential electors; and

Poll 2, in the eleventh ward, at which 95 votes were cast for the republican electors, and 413 for the democratic electors, amounting, in the aggregate, to 1,233 votes in the city of New Orleans alone, thrown out by the supervisors in violation of law and upon the most trivial pretexts.

At the first-named poll the commissioners certify that the election was free, fair, and peaceable. In their statement it was uncertain whether De Blanc, one of the democratic electors, had received 249 or 247 votes, but by reference to the sworn tally list which accompanied the statement it was found to be 249.

This slight uncertainty, resulting from the similarity of structure of the figures 9 and 7, is the principal pretense upon which the supervisor assumed arbitrarily to disfranchise 333 legal voters; and the returning board, although the matter was brought to their attention, failed to include them in their official compilation.

The third poll in the seventh ward was excluded by the supervisor from his consolidated statement on the ground that the commissioners' statements and accompanying papers were not handed in within twenty-four hours after the closing of the polls. Our investigation as to this matter elicited the following facts:

One Moore was supervisor of registration for this ward. He was also a candidate on the republican ticket for the legislature. On the 6th of November, the day before the election, Moore resigned, and his clerk, Godolfi, was appointed in his stead. The commissioners of election, two of whom, as in all the other cases in Orleans Parish, were republicans, testified to the fullness, freedom, and fairness of the election.

The statement of votes and tally sheets were prepared and signed honestly and without controversy, when, overcome by fatigue, the commissioners separated for a few hours of rest, the democratic commissioner taking with him the statement of votes, and one of the republican commissioners taking with him the tally sheets. In the night the republican supervisor of registration went to the house of the republican commissioner, and by persuasion and misrepresentation induced him to give all the tally sheets to him; and the next morning, when all the commissioners of election offered to swear to the statement of votes, he refused to receive it, on the ground, as stated above, that it was more than twenty-four hours after the closing of the polls. The tally sheet obtained by the supervisor was regularly sworn to, and there was no other ground for the exclusion of the poll, except the one alleged; and the returning board publicly announced, through its president, that the failure to return within twenty-four hours was not sufficient ground for refusing a poll, yet in their secret compilation this poll was not included.

Poll 2, in the eleventh ward, was also excluded by the supervisor, and not compiled by the returning board. It was known this poll would give a large democratic majority, as in its vicinity many of the leading business men lived, and much of the wealth of the city was found. At the close of the poll all the officers of election made affidavit that the election was fair, peaceful, and orderly, and all signed and swore to the correctness of the tally sheets. They then proceeded to make out the statement of votes, which was fully completed by and in the presence and under the direction of all the commissioners, without complaint or difficulty, except that the republican commissioners, Hearsey and Kempton, from time to time desired to suspend and delay the count, while the democratic commissioner insisted that the count should be completed.

The delay in the count of the vote at this poll by the republican commissioners is accounted for by one of the witnesses, Lawrence King, who states that he heard Judge Dibble, assistant attorney-general, and candidate for Congress, instruct the republican commissioners of election, on the night before the election, to detain the voting at white polls and to count the back-of-town polls (where the colored republicans generally voted) as fast as possible, and that his instructions were fully carried out by Hearsey and Kempton.

After the statement had been fully compiled and agreed upon by the commissioners, they proceeded to the office of the supervisor of registration, one Lewis Backers, with whom the republican commissioners conferred a short time, after which they refused to swear to the statement of votes. The statement was then sworn to by the democratic commissioner and by the United States supervisors, both democratic and republican, and returned to the supervisor of registration. Mr. Kempton, one of the republican commissioners, made a statement, giving as a reason for not completing the poll that he believed the returns had been tampered with, and he signed them through fear and intimidation. Kempton is a fugitive from justice, and is fully contradicted, both by his own signature and the testimony of many unimpeachable witnesses.

In all three of these polls the votes were duly and properly cast, without fear, intimidation, or fraud. The evidence of the result was within reach of or before the returning board, and the exclusion was in pursuance of a preconceived fraudulent purpose. Inasmuch as a supervisor of registration, under the law, is nothing more than a ministerial officer, whose duty is "to forward the consolidated returns with the originals received by him to the returning officers," and it was never designed to invest him with the power to decide what polls should be included and what polls should not be included in his consolidated statement, it is clear that in throwing out the three polls in question, they have either in ignorance misconceived or with fraudulent intent exceeded their power; and it is equally clear that the returning board, after the frivolous pretexts upon which these polls were excluded had been satisfactorily explained, by failing to repair the wrong done by the supervisors to the extent at least of including the rejected votes in its own compilation, has made itself a party to a gross fraud upon the rights of a large number of the most respectable and intelligent voters in the city of New Orleans.

That these polls should be added to the votes as compiled by the returning board your committee entertains no doubt.

With reference to the more general subjects investigated by your subcommittee the testimony discloses the fact that, with the exception of a brief period during the latter part of Governor Warmoth's term of office, the administration of the government has been exclusively in the hands of republican officials; that inefficiency and corruption have prevailed to such an extent that the government, instead of being a protection, has been nothing more than an instrumentality for the oppression of the people; that the public debt and the taxation necessary to meet the interest thereon had become so burdensome that it was found expedient, under the name of scaling the debt, to repudiate four-tenths of it; that, although an ample fund for the support of the public schools was provided by taxation, it was diverted from its object, and, in some instances, less than one-fourth ever reached its intended beneficiaries. There were comparatively few schools, and these were not

kept open for more than from three to five months in the year, and teachers to whom sufficient salaries were paid were allowed to sublet the schools and employ others to do the work for one-third or one-fourth of the amount they themselves received. As a consequence, persons utterly disqualified were generally placed in charge of them. The school officers of the parishes, appointed by a central State board under the control of republican politicians, were, in many cases, unscrupulous partisans, devoid alike of character and capacity.

In this connection, we direct attention to the case of David Young, treasurer of the parish of Concordia, who had been indicted for the embezzlement of over thirty thousand dollars of the school funds. Able private counsel were employed by the leading colored people of the parish to assist in his prosecution, and, after full examination of the case, they became satisfied of his guilt. When the case was called for trial the prosecuting attorney entered a *nolle prosequi*. This was done against the protest of the private counsel, and, when he was asked for an explanation, he produced as his authority a telegram from Governor Kellogg directing it. Young was a State senator, and it was believed by the witnesses that Governor Kellogg's object in stopping the prosecution was to secure Young's influence in the contest for the United States Senate, for which Kellogg was a candidate, and to which he has since been elected by the returning-board legislature.

Another case, somewhat similar, is that of the treasurer of the parish of Saint James, who had embezzled a large sum, and who was pardoned by Governor Kellogg on the score of his supposed political influence.

Property of all descriptions, and even life itself, were felt to be insecure in view of the indifference with which the sworn officers of the law looked upon its violation, and the leniency which was extended by the authorities toward criminals.

Unfortunately for the peace of Louisiana, its government has been in the hands of partisans, who had no interest in its preservation. It was found by experience that lawlessness could be turned to a political advantage, and a rich harvest reaped from the prevalence of crime. Intent only upon power and the opportunities for plunder its possession afforded, the authorities of the State, while they clamored about crimes, were strangely neglectful of an enforcement of the laws necessary to suppress them.

We are aware that this is a severe judgment, and we regret to record it; but from the condition of public affairs in the State, as shown by the testimony, the conclusion is forced upon us that the persons who have been in possession of the government have acted upon the belief that their tenure of power would be more secure if they could make it appear to the authorities at Washington and the northern public that disorder prevailed, than it would be if they relied upon an honest and faithful execution of the laws in the interest of the people of Louisiana.

It is idle to say in extenuation of this deplorable condition of affairs that the authorities were not sustained by the educated and property-holding classes of the community, for these latter were the real sufferers from bad government, and it is not to be supposed that they would be controlled, as is alleged, by a political prejudice to the extent of withholding their support from any genuine efforts on the part of the government to remedy the evils. If a negro was killed in the State, it was thought to be equivalent to fifty thousand dollars of a campaign fund to the republican party. No further use was made of it than to send the news North for campaign purposes; or if a white man should be the victim, there would be likely to result a feud that would in time add largely to their stock in trade.

These general disorders begot the necessity for the organization of citizens for their mutual protection and the suppression of crime; but, like all unlawful remedies, these organizations, or regulators, as they were called, often degenerated from the purpose of their institution, and added, in some instances, to the calamities they were designed to avert.

Governor Nicholls, in accepting the democratic nomination, pledged himself to a fair, peaceful, and honorable campaign, and invited his supporters to address the colored people as their friends, to lead them by kindness and persuasion, to fraternize with them, as their interests were identical. And such was the spirit in which the democratic canvass throughout was conducted. On every hustings the peace policy was proclaimed. Every one had confidence in the honor and true manhood of the democratic candidate, and knew he would carry out in good faith his pledges. Large masses of the colored people began at first to renounce their allegiance to the republican State ticket, and, by degrees, to break loose entirely from their past party affiliations. For the first time, the democratic meetings throughout the State were very largely attended by the colored voters, who were enthusiastic in support of the democratic ticket. Colored democratic clubs were formed in most of the parishes, numbering hundreds of voters, and in one or two instances colored clubs of over a thousand rode or marched in democratic processions. Barbecues were held at many places in the State, at which the white and the colored mingled freely and cordially.

As a further and perhaps still more striking proof of the kindly feeling existing between the races, and of the purpose on the part of the whites to respect the political equality of the blacks, it is worthy of note that in some of the campaign clubs the former master as president would be seated beside his former servant as vice-president, and that nearly every democratic meeting was officered in part by colored voters, and addressed by colored speakers.

What portion of the colored vote of the State was cast for the democratic ticket of course cannot be accurately stated. It is variously estimated by some at from five to ten thousand; by others as high as seventeen thousand. Republican witnesses admit from five to eight thousand. That it was large is reasonably certain, and that it would have been very much larger, if not a majority, but for the violence and persecution to which colored democrats were subjected, is equally certain.

We are aware that the opinion has been very prevalent, especially at the North, that because a man is black he is therefore a republican. There was a time, perhaps, while the delusion of "forty acres and a mule" lasted, that it was correct; but that time has long since passed. Delusions have given place to stern realities, and the assumption to-day is without foundation in fact. This is clearly proven by the testimony of scores of colored men, who have sworn that they voted the democratic ticket of their own free will and accord, and that in doing so they were governed not less by considerations of self-interest than a regard for the general interests of their race and State.

Upon this point we direct attention to the reasons they assigned for so voting, chief among which was the fact that the public-school funds, upon which they depended exclusively for the education of their children, were, in many cases, squandered or stolen by dishonest republican parish officials; that the school system, as it had been administered by the party in power, had utterly failed to answer the beneficent end for which it had been established; that the teachers were incompetent, and the schools, which were not kept open more than a third of the time, were generally worthless. The times, too, were hard, the taxes ruinously high, and the colored people had learned in the school of adversity the lesson they had never before fully appreciated, that, where waste, extravagance, dishonesty, and oppressive taxation were practiced by the government, there was a reduction of the profits of employers, which necessitated a corresponding reduction in the wages of labor, and militated against the general prosperity.

The democrats promised an honest and economical administration; that the school system should be made efficient and its funds sacredly devoted to their proper object. Coupled with these assurances was the pledge to protect and defend all the political and social rights which the colored people now enjoyed. These promises were believed, and thousands of votes were thus won. It appeared, too, that quite a number of colored people had been depositors in the Freedman's Bank, and had been swindled in other ways by their former party associates, and these facts contributed in no small degree to the general desire which was found to exist for a change of parties.

The democrats knew by experience that anything like violence would be seized upon by the returning board, as a pretext for excluding the poll at which it occurred. They, therefore took extraordinary pains to repress every species of disorder which might, by possibility, be construed into intimidation, to the end that this board, which had shown itself in the past to be partisan and dishonest, might be denied the opportunity it coveted, to defeat the will of the people in the selection of their rulers. The democratic campaign committee from time to time issued circulars and addresses to the people, in which all violence was earnestly deprecated and a policy of conciliation commenced. Democratic speakers of both colors reiterated this same policy upon the hustings, and the result was that the election throughout the State was quiet and peaceful.

The republican canvass, on the other hand, was a disgrace to American politics, marked as it was by fraud in its inception, fraud during its entire progress, and fraud, gross and palpable, in the final manipulation of the returns, culminating in the wholesale disfranchisement of fifteen thousand six hundred legal voters, and the arbitrary reversal of the will of the people, which had been fairly expressed at the polls by a majority of nearly eight thousand for the Tilden electors.

As a sample of official knavery, the case of Vernon Parish may be cited, in which, for the purpose of electing two local candidates, the votes of three democratic polls were bodily transposed to the republican column.

It is obvious to your subcommittee that if it had been the purpose of the republicans to conduct the election fairly, they would never have selected such men as Brim, Backers, Godolfi, and others of like character to the important positions of parish or ward supervisors of registration. Many of these supervisors were employés in the custom-house, and one of them, to wit, F. C. Clover, who was assigned to East Baton Rouge, was a non-resident of the State, temporarily sojourning in New Orleans in the capacity of a roper-in for a wharf gambling-house. Every impediment was thrown in the way of the registration of democrats, while every facility was afforded the republicans. In this last canvass, the registration-books of the parish of Orleans were taken to the custom-house, where the work of striking off names was done in secret.

In this connection we call attention to what is known as the "sewing-machine circular" swindle, the details of which are fully given in the evidence, and which reveal a vile plot to deprive thousands of citizens of New Orleans of their votes at the election. About 29,000 of these sewing-machine circulars were sent by mail-carriers to registered white voters, who were supposed to be democrats, directed to their places of registration, the carriers being instructed if the persons to whom they were addressed were not found at the places designated, which they did without making much inquiry, that they should be returned. These circulars were then placed in the hands of two metropolitan policemen, who purported to go to the same places and inquire for the person registered. The inquiries were either not made, or done so carelessly as to prevent the delivery of the letters. The policemen then made information against all those they did not find before United States officials, and warrants were issued against about 11,000 persons for false registry, thousands of which were returned "not found." After these warrants had been thus returned, at the instance of a republican official, on the Saturday night preceding the election, all the supervisors of registration were called into the custom-house, and during that night and on the succeeding Sabbath some thousands of those names were stricken from the list of registered voters.

As soon as this fraud was discovered, the persons against whom the false charges were made voluntarily appeared before W. Southworth, United States commissioner, who proceeded to hear the parties, disposing of the cases at the rate of one every two minutes. In over thirteen hundred cases he only found five which he continued for further hearing. The residue of the cases yet remain undisposed of; Mr. Jewett, the other commissioner, who was one of the prime movers in the plot, refusing to index the cases, thereby preventing the parties charged before him from having a hearing. The warrants were turned over to the supervisors, in order that they might strike the names from their lists of registration. By this conspiracy a large number of democratic voters, estimated at not less than 2,500, among them persons who were born and had resided there all their lives on the spot from which they registered, were deprived of their right of suffrage.

These supervisors, also, had the power to locate the polls in the parishes, and it is in evidence that in many portions of the State, where the majority was democratic, the most inaccessible places were selected. They likewise had the appointment of commissioners of election, many of whom were of the type of Hearsey and Kempton, and with few exceptions totally unfit for the exercise of the duties imposed upon them. As for the so-called democrats, appointed under the law requiring commissioners to be chosen from the different political parties, they were usually republicans in disguise except in those few instances where the supervisors were persuaded to respect the recommendations of the democratic committees. The most odious of these supervisors were appointed by Acting Governor Antoine, Governor Kellogg being absent from the State at the time, whether by accident or design does not clearly appear.

It was represented to the governor, by a republican canvasser of more than doubtful respectability, that the supervisor of Ouachita Parish was not manifesting sufficient zeal for the advancement of the party. Upon this hint, Governor Kellogg issued another commission, superseding the said supervisor, and sent it to the person at whose instance it had been issued, to be delivered to the new appointee or not at his option Under this pressure, the supervisor became apt for the purpose of his appointment, and after the election delayed his returns and fraudulently filed a protest with the returning board, without filing a duplicate with the clerk of the court, as required by law.

The supervisors afforded extraordinary facilities to the voters of their own party, and, in addition to the one certificate to which each was entitled by law, they issued to them, in many cases, numbers of fraudulent registration-certificates, whereby such as were disposed to vote more than once at the election could readily do so, with slight chance of detection, under a vicious provision of their election law, which enabled a person producing an unmarked certificate to vote at any poll in the parish.

It is believed there was a fraudulent colored registry in the State of fully 25,000.

Freeman Bell, a colored man, of Ascension Parish, swears that he heard republican candidates say that Packard would be counted in, even though Nicholls got the majority of votes, and that this assertion was generally urged as an argument to induce colored democrats to vote the republican ticket. There is much other testimony to the same effect.

This belief that the counting-in of Hayes and Packard by the board was a part of the pre-arranged republican programme had the effect of discouraging many democrats, and was one of the chief obstacles the democratic managers had to encounter in the canvass; but for this feeling that their efforts would be in vain it is estimated that the majority would have been very much larger.

Concerning intimidation, the chief pretext upon which so many polls were rejected and the result of the election reversed, we may remark that, in all the testimony taken before us there was no mention made of a single shot being fired, or any man, white or black, being injured on the day of election. Whatever of intimidation and violence there was, connected in any way with politics, was against colored democrats. A large number of colored witnesses were examined upon this point, and we refer to their testimony in support of the statement just made, and, generally, for the purpose of explaining the causes which influenced them in voting the democratic ticket. Robert Metz, a colored witness, who was president of a colored democratic club numbering 103 members, testified that he had been beaten and left for dead; and that nearly all the members bore scars received by attacks from colored republicans. R. J. Hogan, a colored farmer of West Feliciana, said that he knew of the regulators, but always understood their object was to prevent stealing, and that he knew of a good many colored men who voted democratic, and that they did it freely.

Except in the parish of Concordia, where ill-feeling between two factions of the

republican party produced some disturbance, and at one poll in the parish of Madison, where the ballot-box was stolen, there was no violence or irregularity sufficient to make a basis for any complaint of commissioners of riots or intimidation. There had been no disturbances before the election to interfere with the registration or revision of registration, and there were no protests filed, except in the cases above mentioned, with the clerks of the district courts. By some means a number of supervisors of registration instead of mailing their returns within twenty-four hours, as required by law, were induced to retain them in their possession and carry them in person to New Orleans. And after the result of the election was known they there prepared protests, and filed them with the returning board, in relation to outrages which never occurred. These so-called protests were not filed with the clerks of the courts, and were not, therefore, in accordance with law. In one instance, that of East Baton Rouge, the supervisor neglected to enter his remarks, as the law directs, upon his consolidated statement when he swore to it and filed it with the clerk. Upon his arrival in the city he attempted to repair his negligence by interpolating his comments after the jurat, thus giving to them the apparent force of a sworn statement.

The manner in which the testimony to sustain these protests was gotten up is sufficient to discredit them. They were prepared in New Orleans under the supervision and direction of one J. B. Harris, at the request of Packard, the republican candidate for governor.

O. B. Morgan, a witness before your subcommittee, testified that he was present in the custom-house when affidavits were made, and knew of an instance where answers to cross-interrogatories were struck out by order of Harris, and other answers put in. This was in the case of Mr. Simms, of Livingston Parish. Harris said the answers wouldn't do, and then the interlineations were made; the alterations gave it a different character. That Mr. Simms, in his original affidavit, said nothing in regard to intimidation of negroes, and that White's house was burned for the killing of cattle or beef-stealing; that he was present when Vrisenski made his affidavit; that Mr. Weber, supervisor of West Feliciana, questioned him, and the answers didn't seem to suit Weber, and heard Weber say afterward to let it alone that way and they could fix it afterward; that he heard Kellogg ask Drury, of Assumption, as to the prospects there; Drury told him that the democrats would probably carry it, whereupon Kellogg told him he had better have his affidavits ready, then.

Not only were these affidavits given a false coloring, amounting often to an entire perversion of meaning, but the persons making or pretending to make them were not generally known, and their identity not proven to the officers administering the oath. In the examination of F. A. Woolfley, a United States commissioner, who administered the oath in most of the cases, instances were cited from the Sherman report of affidavits sworn to before him, and he frankly admitted that he did not know the persons who made them, and had taken no means to identify them.

Another subject to which we directed our inquiries was the relative white and black population and registration of the State. An erroneous impression has prevailed in regard to this matter, based upon a State census of 1875, which was proven by evidence and statistical facts to be incorrect. It was further shown that the number of colored voters claimed to have been compiled from official sources was, in fact, unofficial, grossly excessive, and prepared by one D. I. M. A. Jewett, a local partisan, for party purposes. We invite special attention to the evidence of Professor S. E. Chaille, M. D., and Major E. A. Burke, who have given to this subject a careful investigation, and whose conclusions, in our opinion, will be found to be correct.

W. R. MORRISON,
G. A. JENKS.

MINORITY REPORT.

The undersigned, a minority of the committee to inquire into the recent election in Louisiana, beg leave to report the following as the result to which they have come from their examination of the subject committed to them:

The history of Louisiana since reconstruction is that of a struggle on the part of a majority of the lawful voters, acting under all the known forms of law, against secret organizations acting in known violation of law, by force, violence, and intimidation, halting at no enormity of crime, shrinking from no deliberate cruelty, and avowing with sufficient plainness of speech, and by still more significant acts, their determination to suppress the existing majority, and to substitute the rule of violence and force in the place of peaceful submission to the will of that majority.

The original outbreak and development of this criminal conspiracy occurred in 1868, under the malign auspices of an organization known as Knights of the White Camelia. Their history and modes of operation are fully detailed in the report of the committee appointed in 1868 by the Legislature of Louisiana, and also by the report of what is known as the Stevenson committee of the House of Representatives of the United States in 1869.

From both these sources it is apparent that this society had its ritual, constitution, and purposes; that it was secret and oath-bound; that it was limited in its membership to persons sympathizing with its evil purpose; that it was military in organization, demanded implicit and blind obedience from its members, and had branches in nearly all of the parishes in Louisiana.

It further appears from the report of the Stephenson committee that this secret political organization fulfilled its purpose by creating a general and wide-spread terror throughout the State among republican voters, and especially the colored portion, prior to the election of 1868.

It further appears, from the same report, that very many planters and merchants throughout the State agreed, by resolutions and by club organizations, to proscribe such persons as chose to vote against the democratic ticket by refusing to such persons employment and countenance in business.

It further appears from the same report that some of the leading democratic papers in the State counseled and advocated violence for political ends, that many more covertly and indirectly encouraged such violence, and that none dared openly to condemn it. This is abundantly proven by extracts from the New Orleans Times, Picayune, Crescent, Bulletin, the Saint Martin Courier, the Shreveport Times, the Planters' Banner, and others.

As a natural consequence of the formation of said secret political organization and of the other courses of conduct above named, bloodshed and violence were inaugurated on a large scale and carried to a fearful extent.

Five distinct bloody and cowardly massacres of colored people were actually perpetrated for political purposes and political effect between August and November, 1868.

In the parish of Saint Landry, commencing on the 28th of September and extending over more than three days, in which more than three hundred colored people were killed.

In the parish of Bossier, between the 20th and 30th of September, a similar massacre, including among its victims nearly an equal number.

In the parish of Caddo, in the month of October, more than forty colored people were killed.

In the parish of Jefferson, in the same month, an equal number.

In the parish of Saint Bernard, in the same month, more than one hundred persons were killed under circumstances of peculiar atrocity.

In the parish of Orleans, two attacks were made upon republican processions in the public streets, and about sixty persons were killed.

In the parish of Saint Mary's, in the same month, the sheriff and parish judge, both republicans, were assassinated in their own houses by a force of armed men.

Other similar demonstrations were made in other parishes, amounting in all to thirty-five, as fully appears by the evidence in the said legislative and congressional reports.

Certainly not less than one thousand persons lost their lives during September, October, and November, 1868, by murders committed for political purposes.

The effect of the work done by this criminal league is best shown by the annexed table:

Table 1.

Parishes.	Republican registered vote, 1868.	Republican vote, 1868.
Orleans	15,005	276
Avoyelles	1,223	520
East Baton Rouge	2,835	1,247
Bienville	940	1
Bossier	1,938	1
Caddo	2,894	1
Calcasieu	198	9
Caldwell	435	28
Catahoula	861	150
Claiborne	1,650	2
De Soto	1,686	None.
East Feliciana	1,674	644
West Feliciana	1,689	1,136
Franklin	579	None.
Jackson	659	None.
Jefferson	3,562	672
La Fayette	745	None.
Morehouse	1,313	1
Sabine	321	2
Saint Bernard	679	1
Saint Helena	674	136
Saint Landry	3,069	None.
Saint Martin	1,605	25
Saint Tammany	556	470
Union	661	1
Vermillion	252	None.
Washington	263	None.
Winn	243	43
	47,923	5,360

Thus it is shown as clearly as it is possible for human evidence to show that 47,923 republican votes honestly registered (for all men admit that the registration of 1868 was honest) and which had been solidly and fairly cast for the republican candidate for governor in the spring of 1868, when the election was undisturbed, had by November dwindled down to 5,360.

In nine of the above parishes, with a republican vote in the spring of 1868 of 11,604, only 19 were cast for U. S. Grant for President.

In seven of the above parishes, in which in the spring of 1868 there was a republican vote of 7,253, not one vote was cast for U. S Grant for President

When we remember that in 1868 the colored voters were not pretended to be divided, and that General Grant had then, as indeed he has now, the strongest personal hold upon their faith and regard, this extraordinary result establishes beyond the possibility of question the domination of an irresistible fear, and that fear brought about solely by the causes above cited.

Still further to establish this conclusion we submit the following table.

The first column shows the vote of the same twenty-eight parishes in 1870, by which it appears that, notwithstanding the effect of the barbarous crimes of 1868 had not wholly disappeared, yet those parishes which in November, 1868, were only permitted to give 5,360 votes for General Grant, did, in 1870, cast for Graham, republican candidate for auditor, 35,010 votes.

The second column shows that these same parishes in 1872 did in fact cast for Kellogg, republican candidate for governor, 36,666 votes.

The third column shows that the same parishes, less three of them, thrown out, or no returns received, in 1874 did cast for Dubuclet, for treasurer, 33,518 votes.

Parishes.	Republican vote in 1870.	Republican vote in 1872.	Republican vote in 1874.
Orleans	17,454	14,043	14,062
Avoyelles	1,823	1,885	1,426
East Baton Rouge	2,440	2,459	2,542
Bienville	93	428	Thrown out.
Bossier	732	1,159	1,077
Caddo	1,319	1,238	1,343
Calcasieu	3	96	6
Caldwell	340	369	400
Catahoula	459	878	736
Claiborne	523	942	659
De Soto	1,632	1,022	No returns.
East Feliciana	1,273	1,690	1,688
West Feliciana	1,174	1,309	1,358
Franklin	226	208	114
Jacksonville	301	610	57
Jefferson	2,011	1,732	1,650
La Fayette	145	482	530
Morehouse	516	1,262	1,017
Sabine	432	62	2
Saint Bernard	377	469	607
Saint Helena	435	541	536
Saint Landry	304	1,890	1,634
Saint Martin	525	718	704
Saint Tammany	433	112	581
Union	351	489	432
Vermillion	127	228	228
Washington	81	176	125
Winn	81	109	Thrown out.
Total	35,010	36,666	33,518

So much for the history of the Knights of the White Camelia and their allies, and the malign and disastrous effect produced by these criminal political organizations in 1868. We pass over the election of 1872, in which the displays of force were casual and sporadic, not general and epidemic.

The next outbreak of violent interference with the freedom of elections and with authorized government occurred in 1874. Not now under the old name of Knights of the White Camelia, but under the bolder assertion by name and title of the "White League."

The White League, commanded by Fred. N. Ogden, was and is an association consisting entirely of white men, all democrats, and all united for the express purpose of assert ng the supremacy of the white race in political matters and in the charge of government. They are adroitly organized into clubs, whose open and printed constitution is on its face legitimate. But that constitution when dissected shows what its inner purpose is. Certain officers of a civil character are named, all innocent and harmless, but the constitution also provides for the appointment of "such other officers as the president of the club may think proper," and such officers when appointed are to be obeyed and respected, and each member takes an oath to render full obedience to such officers.

Under this clause each of these clubs has a complete military organization; every able-bodied member is regularly enrolled by companies, battalions, brigades, and divisions; all the paraphernalia of staff departments exist; and the whole force, by a system of private signals known only to the initiated, can be paraded, handled, and thrown into order of battle on short notice.

In the testimony taken by Messrs. FOSTER and PHELPS, of the House committee, these facts sufficiently appear. The same report contains the congratulatory order of Ogden, chief of the White League, and his official report of the battle of 14th September, 1874, under his assumed and pretended title of major-general of State militia.

From these orders the constitution of the White League as a military political body is manifest, for he names the White League organizations that did obey his summons on that dark day, their officers and military organization, and returns them thanks for their gallantry and courage.

The pretense set up by Mr. Ogden in his testimony that the organization was intended only to defend the white people of New Orleans from danger from the blacks is shown to be shallow and dishonest from the known fact that of the 190,000 population of the city 150,000 are white and not exceeding 40,000 colored, and we will not insult the high reputation for courage of the white citizens of New Orleans by supposing that they suffer under intimidation, when they have in their favor such overwhelming odds of numbers, and with almost sole possession of proper arms. The White League in September, 1874, extended to nearly all the parishes in the State, and acted secretly and solidly as a branch of the democratic party. Three witnesses from country parishes before our committee acknowledged themselves members, and gave as their reason for joining the League that they were informed it was a branch of the democratic party and intended to secure its success.

On the 14th September, 1874, this White League organization, under the secret orders of its chief, Ogden, appeared in heavy force and fighting order on the streets of New Orleans.

Mr. Ogden gives as their excuse that they paraded to secure the delivery of arms which they had purchased and which were threatened with capture by the police. But in the light of all the facts the pretense is notoriously untrue. This was made the occasion, but it was not the purpose, of the gathering. The truth was and is that D. B. Penn, pretending to be acting governor, in the pre-arranged absence of John McEnery, claiming title as governor against Kellogg by the election of 1872, had appointed this day, the 14th of September, 1874, as the set time for a revolutionary outbreak not only in New Orleans but throughout the State, for the express purpose of overthrowing the Kellogg government and had arranged by contract with Ogden to receive the services of the trained and armed men of the White League for this murderous and unlawful purpose. The Kellogg government was in quiet possession of all offices and lawful powers in the State under and by virtue of the election held in 1872.

By the willful and deliberate act of this conspiracy so formed, civil war was inaugurated in the city of New Orleans, a severe collision took place between the police and the White League, eleven men of the lawful force of the existing government were killed, and more than twice that number of the revolutionists, but the city was carried by the arms of the White League, the regular police was scattered, the offices seized upon, the governor ejected, and forced for personal safety to the protection of the United States troops, the State armories broken open and robbed, and the White League supplied at the expense of the State with muskets and two pieces of cannon to render their next exhibition of strength more dangerous and more deadly.

Law and order, the regular course of courts and process, and all those wholesome restraints which civilization has imposed on society, were thus broken up, to carry out a political change of one set of office-holders for another, and this change was effected by armed intervention, under the patronage and support of the White League, who in fact constituted both in the city and the parishes the fighting force relied on for this result.

One day sufficed for this revolution all over the State, and the conclusive evidence of pre-arrangement is the uniform action at the same time in parishes distant and inaccessible either by mail or telegraph.

The power of the United States was invoked on the side of law and order, and Kellogg was restored by the troops of the National Government, the revolution so far successful was overthrown, and the customary reign of ordinary and legitimate authority was for the time renewed.

But neither the will to disobey, nor the ability to rebel, was destroyed. The White League survived in full organization, recruiting its numbers, selecting its men and officers, increasing its military stores and supplies, levying contributions upon the mercantile and financial interests—safe in its secrecy, deadly in its purpose, resolute to bide its time for new cabals and more successful combinations.

The presidential election of 1876 came on. Every one, white and black, knew that the republican party and its candidates were pledged to maintain personal equality before the law, the safe exercise of free choice by the voters, and the full success of a lawful and fair vote of the majority at a free and fair election.

Every one in Louisiana, white and black, knew that no such pledge had been made, or would be kept if made, by the democratic party of that State and its candidates and managers.

It was believed by those who were committed to the idea of white supremacy that the democratic party and its managers would pardon, if not applaud, any means taken by them to annul the colored republican majority and to override or control the real choice of the majority, by substituting by fraud or force the will of the minority.

But it was necessary to keep up some sort of appearance of fairness, and hence an effort was made by democratic candidates and democratic canvassers to conciliate, to cajole, or to buy up the colored vote. Barbecues were prepared at which they took places, by contract and arrangement, white and black alternately. Colored orators, nearly all worn-out and dishonored hacks, who had failed to win or to keep position in the republican ranks, were hired to try and create public sentiment among the negroes in favor of the democratic ticket. Clubs in the democratic interest were formed and colored men entreated, hired, or compelled to join. But behind all this apparently fair machinery of election lay the reserve of force.

By secret circular issued by the chairman of the democratic state committee it was directed that the democrats should move as far as possible in masses; should exhibit their strength, cohesion, and discipline on all possible occasions, so as to impress the mind of the colored voter with a sense of their power and union.

Organizations by different names sprang up in certain parishes, all armed, all secret, all threatening to the general peace and to individual security.

Rifle clubs, coal-oil clans, regulators, and other such titles were hints not to be denied of possible violence; nor were the peaceable colored republicans long left to guess or hesitate over the hints thus first afforded.

A gloomy and perilous certainty developed itself, cruel persecutions commenced; men were chased like beasts, pounced upon at night at home, beaten like dogs with lashes and stripes, shot to death without provocation, hung at the will of these midnight marauders, burned out of house and home by these prowling emissaries of political faction—all manner of conceivable wrong, all manner of imaginable cruelty, perpetrated on behalf of a party which claims reform as its motto.

Nothing was changed but the local venue of this organized brutality. The methods were the same as before; the wrong-doers of the same stripe; the transparent excuses the same.

Whatever just fault may have been found with the republican State government of Louisiana—and the main complaint was that the laws were not executed—surely no man can claim that the way to cure a condition of lawlessness was to organize the breakers of law into a compact conspiracy.

This were indeed to "cast out devils by Beelzebub, the prince of the devils."

The democracy of Louisiana claim that the education, the brains, and the wealth of the State are distinctly on their side.

If this be so, (and there is some reason for the assertion,) then in a government depending for its execution upon the people themselves, in courts, grand and petty juries, the failure to suppress violence and wrong in any locality is simply their own fault; nor could any of these lawless organizations have stood for one day had the white democracy of the State heartily joined the white republicans and the colored republicans in putting them down.

All the testimony taken by all the committees in Louisiana, both of the House and the Senate, concur that these marauders and night-riders were white men and were democrats.

The sufferers by these wrong-doings were republicans; the aim was to dishearten and dismay the republican vote, so that the machinery for the object sought and the object itself were the invention and the aim of the democratic partisans in that State in the late election.

Relying then, as they had a right to rely, upon the effect already produced by the outrages of 1868, 1872, and 1874 upon the general vote of the State and upon the parishes which had been specially cursed by this flagrant wrong, it appears to have been deliberately resolved to demolish or greatly weaken the republican vote in certain parishes hitherto unquestionably republican; and these appear to have been selected principally in that portion of the State which contains the largest colored vote, and is at the same time conveniently near to parishes containing large white vote, and to a neighboring State from which, if deemed advisable, they could borrow force enough prior to the election to strike terror into the hearts of the resident colored people.

We select for presentation the fifteen parishes named as follows: East Baton Rouge, Bienville, Caldwell, Claiborne, East Feliciana, West Feliciana, Franklin, Grant, Jackson, Morehouse, Ouachita, Richland, Union, Washington, and Winn.

In 1868 the registered republican vote of these parishes was 14,433.

In 1870 the republican vote in said parishes was 9,354.

In 1872 the republican vote was 12,555.

In 1874 (with the three parishes of Bienville, Grant, and Winn thrown out for violence) the republican vote was 10,216.

The colored vote registered in same parishes in 1876 was 11,726.

In the reign of terror in 1868, under the White Camelia despotism, the republican vote was only 3,935.

In 1876, under the recent terror, it was only 5,758.

For full understanding of these figures and of the visible and direct effect of the intimidation, we subjoin in parallel columns the above statement:

Parishes.	Registration of 1868.	Vote of 1870.	Vote of 1872.	Vote of 1874.	Registration of 1876.	Vote of 1868.	Vote of 1876.
Baton Rouge, East	2,835	2,440	2,459	2,546	3,552	1,247	1,651
Bienville	940	93	428	*	612	1	235
Caldwell	435	340	369	400	516	28	282
Claiborne	1,659	523	942	659	1,334	2	427
Feliciana, East	1,674	1,273	1,696	1,688	2,127	644	1
Feliciana, West	1,689	1,174	1,309	1,358	2,218	1,136	780
Franklin	579	226	268	114	439	†	129
Grant	†	656	779	*	608	†	322
Jackson	659	301	610	37	314	†	33
Morehouse	1,313	516	1,262	1,017	1,830	1	547
Ouachita	1,483	1,299	1,441	1,694	2,167	832	781
Richland	†	†	218	146	885	†	252
Union	661	351	489	432	762	1	87
Washington	263	81	176	125	250	†	163
Winn	243	81	109	*	112	43	78
	14,433	9,354	12,555	10,216	17,726	3,935	5,758

The * denotes thrown out for violence; the † denotes parish not then organized.

The disparity between the number of votes in years when comparative peace prevailed and when intimidation is alleged is simply enormous, and can be accounted for on no fair principle other than that this extraordinary change was brought about by a reign of terror.

Taking into consideration the further fact, proven by the official census, that the total number of white voters in the State is 84,167 and the total colored 104,192, and that by the concurrent testimony of all the witnesses the colored vote is in mass republican, while the white vote is certainly divided, it is impossible to see on what ground the democracy should venture to claim Louisiana on a fair and free vote.

Your committee do not desire to leave this historical part of their report without stating that from the time of the Mechanics' Institute massacre in 1866 to the present the course of the democracy in asserting itself in that State has been marked all the way down by the defiance of all laws, human and divine, by steady and unflinching resort to violence, murder, and armed revolution, and that the present pretension of Mr. Nicholls to be governor of Louisiana has, in the presence and under the observation of members of this committee, been lifted into position by the same unlawful organization of the White League.

In the month of January, 1877, the White League companies of the city of New Orleans were called into service by that very name and title, were officered by the same men as in 1874, and paraded for battle as they did then.

More than two thousand men answered to the summons and fell into line of battle with the promptness and accuracy which only drill and experience in arms can give. They were thoroughly and completely armed; were in possession of two pieces of artillery, well manned and under good officers, and their display of effective force was altogether too strong and their purpose too determined to justify

resistance on the part of the ordinary police or any other force at the disposal of the lawful authorities of the State.

Thus they captured police stations, halls of the courts, the State armory, and placed the Legislature in an actual state of siege in the State-house. They ousted the supreme court and other judges and put in the appointees of Nicholls; they established their own police, and created the difficult position of a double government, not on paper only, but asserting its rights by force.

And thus we find to-day in this unhappy State the culmination of all the forcible and violent proceedings since 1865 in the usurpation of Nicholls of the governorship without any warrant of law or any legal declaration of election, and that usurpation completed in possession and supported in fact by irregular, illegal, and revolutionary force.

The official report of Lieutenant-General P. H. Sheridan shows that from 1865 to the date of that report not less than three thousand political murders had occurred in Louisiana, and the record since that time swells up the aggregate of crime and violence to appalling proportions.

This development, sorrowful as it is, is to be referred, like all other displays of continuous evil passions, not to temporary and local causes, but to some deep-seated principle pervading a large portion of society.

In the judgment of your committees the moving cause to all this deplorable cruelty is in the deliberate and settled determination of the white people, acting in the name of democracy, not to permit the exercise of political power by the blacks in proportion to their legal vote and numerical strength.

All classes of society are fully impregnated with this idea. The very best, most cautious, and most humane express it freely, and denounce the laws and constitutional amendments which give to this inferior and lately enslaved race dominion and position in office, by force of numbers, over them and their property.

A large number again, even of the educated whites, look upon negro citizenship as a badge of humiliation, and a dishonor inflicted upon them by a conquering people as a punishment for the part they took in the rebellion.

Another large body of whites, uneducated, find free negro labor in constant and damaging competition with their own, and have a personal hatred because of their nearness in social relations to this class and the constant collisions of interest.

So violence is the natural result; it is the short, sharp, and sudden method resorted to to overthrow in fact a system repugnant to their pride, prejudice, and passion.

Couple this with the greed for office, for the fat pickings reputed to be attached to offices in Louisiana, and the anxiety common enough everywhere, but most energetic there, to live easily and affluently at the public expense instead of resorting to honest hard work, and there is material enough and motive enough to operate all the ghastly machinery by which the so-called democracy of that unhappy State destroy the freedom of elections and substitute the reign of arms for the reign of law.

But your committee do not choose to leave this part of the case without showing that the peculiar features of the election laws of that State are simply the natural result of this constant tendency to violence and of the character of the population.

Laws always reflect the condition of the society for which they are made, and laws for the prevention and punishment of crime necessarily imply the existence of such crime; and thus the special features of the Louisiana statutes to prevent and punish intimidation and violence at elections are the most conclusive evidence of the existence of the evil sought to be corrected.

The whole election system of Louisiana has been changed, and changed because of the change in the voting population.

Ordinarily, in communities where general education prevails, the details of elections begin in the unit of political power—in the township, precinct, or smallest legal subdivision.

Judges or commissioners of election are appointed in such communities, as a rule, by the people themselves who exercise the right to vote.

Registrations when made are local and confined to small and limited districts—generally to single voting precincts.

Residence in the voting precincts is required, and thus the general knowledge and general education of all the neighborhood is brought to bear to preserve both the purity of registration and the freedom and fairness of elections.

Officers both of registration and election act in open daylight under the scrutiny of their neighbors, and popular opinion enforces the law.

There is no difficulty in such communities in obtaining intelligent and educated men to fill the trusts of office.

There is wisdom, honesty, and intelligence enough to permit and require the delegation to these offices of discretionary and to some extent judicial power; and thus the machinery, as a rule, runs smoothly.

But from the general want of education and of diffused intelligence in Louisiana, it evidently has not seemed to the lawgivers to be wise to intrust the duty of supervision either of registration or of elections to the precinct authorities. A custom always prevalent in the Southern States has been to permit voters to cast their ballots at any polling place of the county or parish; and this has appeared to be specially necessary in Louisiana, so as in some measure to secure to the colored voters the opportunity to cast their votes where they might be reasonably secure of protection from insult or injury, to which they might be exposed in remote localities. But, as we have said, this is not peculiar to Louisiana. It has prevailed in Georgia and in other Southern States, and, so far as your committee are informed, still does prevail.

The present mode of preparing for elections, and of holding the same, in Louisiana is in the following manner:

The governor of the State appoints supervisors of registration and election in each parish, who make up the registration lists for the entire parish, commencing in August and closing ten days before the election. These registration lists are then printed and one or more copies sent to each polling place, and the action of the supervisor in registering or refusing to register is final upon the voter and the commissioners of election. No question is left to be decided by the commissioners of election, except as to the identity of the voter. When each voter is registered he receives a certificate of registry, which he must present to the commissioners when he offers to vote, and it is then the duty of the commissioners to search for his name on the registration list, and, if found, to permit him to vote, at the same time writing or stamping on his certificate "Voted — day ——."

The parish supervisor of registration and election selects and fixes the places and number of polls in the parish, under the limitation that there shall be at least one in each justice of the peace ward, names the commissioners to hold the election, furnishes blanks, &c., and receives the statements of elections required by law to be made by the commissioners; but neither the commissioners of election nor the supervisor has any discretion or particle of judicial power. Their duties are simply ministerial, and the supervisors are forced by law to forward to the returning board a consolidated statement of all the polls received by them, and also all the original papers, such as tally lists, statements of votes, &c., received from the commissioners, to the board for final action. But the supervisor is allowed and required to make on his consolidated statement such remarks in relation to the election at each poll as he deems it his duty to make under the evidence before him.

In strict law, there are no returning officers of elections in Louisiana except the five who by law constitute the board of returning officers for all elections in the State. Every election held for every officer in the State, down to justices of the peace and constables in the most remote parish, is forwarded through the channels named to this board for canvass and determination. In judicial apprehension they are deemed present at all elections and at all polls, and every question affecting the mode and manner, the conduct and legality at each poll, is taken from all the subordinate officers of election and vested exclusively in this board.

The official authority common to inspectors of election, or judges or commissioners, as they are denominated in other States, prevailed also in Louisiana until 1870.

These officers were there known as judges or inspectors of elections, and possessed the power of making returns, which power rested, first, on their official authority to receive votes, and then to count them, under which they necessarily exercised the semi-judicial authority or discretion to accept or reject votes, as they deemed them legal or illegal, under certain restraints or limitations prescribed by law.

Further, their returns of election, or rather their official certificates of the result of the voting, which technically are called their returns, became by law *prima facie* evidence of election.

In consequence of the violent, cruel, and murderous proceedings in the State in 1868, as heretofore detailed, an entirely new system was inaugurated in 1870.

The material features are these: The commissioners of election presiding over the several polls were deprived of both the function and the duty of making final and official counts of the votes, and thus reduced to a mere clerical function. They were also deprived of the power of making any declaration, certificate of election, or return of election vesting any *prima facie* rights, and simply confined to a statement of votes received and computed. All judicial or semi-judicial power or discretion in them was abrogated, and they no longer gave any sort of certificate of election to any one, not even to a justice or constable in their own ward. They were simply clerks and computers, with no power of decision.

The second great feature was to reduce the number of returning officers to five for the whole State, and to invest them solely with the functions and duties of returning officers, and to embody in that board the whole returning power of the State which had been taken from the parish and precinct officers.

The whole duty of ascertaining and making the final and official count was exclusively conferred on this board.

The only right known to the laws of the State of making certificates and returns of election was exclusively vested in this board.

The third great feature in the new system was to clothe these returning officers for the State with the vast power to examine into all cases of intimidation, violence, disturbances, and riot, and of corruption, bribery, and fraud, presented to them in the manner prescribed by law; and if they were satisfied by evidence that such acts materially impaired the free expression of choice by voters, or contributed materially to a result different from what would have occurred in a fair, free, and peaceable election, then to declare that no election had been held in the poll or polls where such wrongful influences had sway, and to refuse to count or compile the votes therein.

This law of 1870, act No. 100 of 1870, approved March 16, 1870, although modified by act No. 98 of 1872, has not materially been changed, and is of force now.

The attention of the public has been much drawn of late to this act and to the proceedings held under it. There is nothing in any of the other States entirely analogous to it; and its purpose, mode of operation, and effect have been greatly misconceived.

The Louisiana returning board is not at all like the canvassing boards of the other States.

In all the other States returns of elections deciding who is elected, and giving certificates of election which are *prima facie* evidence, all these are done by local officers, exercising something more than clerical and ministerial powers; and the State board of canvassers merely perform the duty of compiling all statements of votes, legal in form, forwarded by the local election tribunals.

In Louisiana the only returns of elections known to the law which confer any *prima facie* title come from the returning board, and, as has been shown before, the lower election officers perform merely clerical and ministerial functions and act as intermediaries to pass forward to the board all the acts done from the deposit of the vote until the final count and determination by the board, as the only returning officers for the State.

But it is alleged that the power to reject polls for intimidation, &c., is contrary to republican institutions, and, as some say, unconstitutional. This assertion deserves examination. What is an election? It is the free, uncontrolled choice of the voter. The word itself imports freedom of choice.

The vote is worthless unless deposited by the voter of his own free will and choice.

If the act of voting is done under controlling duress of any kind, it is not the act of the voter, but that of the party controlling him.

The history of the struggle for a secret ballot in England and in this country is the history of a struggle on behalf of the weak and dependent to escape by this contrivance the dominion over their wills of the strong and the wealthy.

If so much effort has been used in times past to save the voter by the secrecy of the ballot from the duress of his landlord or employer, shall no effort be made to save him from the terror which brutal violence or fear of death must exercise over his freedom of will and liberty of choice?

When it was notorious that in 1868 whole parishes in Louisiana had been forcibly revolutionized by wholesale and reckless violence, and the elections held therein were mere mockeries, lacking in every essential attribute of an election properly so called, was it not wise to devise some remedy for a state of things that struck directly at the root of free institutions, nullified the will of the majority, and gave the prize of political success to the men of the party who cared least for the holiness of life, and who forced their way to power by the rope, the whip, and the bullet?

The Legislature of Louisiana, knowing all the fearful facts, did devise a remedy, and they did well in so doing.

Their legislation is to be defended, because it is in strict conformity to the theory of free elections and according to the rules of the common law of liberty.

All authorities in England and America agree that violence and force used at an election to affect the result render such election null and void.

Standing on that great principle, the Legislature said, in substance, to the violent men of the State, "If you use force and violence, terror and intimidation, to impair the freedom of an election, you shall not reap the fruits of your wrong-doing, but the whole poll thus tainted with crime shall go for naught."

Let us remember that this Government of ours rests upon the manner in which each individual citizen, each integral unit, performs his high part in the Government by the giving in of his vote; and to hinder, impair, or defeat his full and fair and free exercise of that power is to break down the very foundation of the Republic.

Now the Legislature might have deposited this high duty of annulling elections impaired by the causes cited in the local election officers. They did not, and they acted wisely, for these officers themselves were too near the scene of these excesses not to be affected by them, and would have been constrained to a large extent by the local intimidation.

Thus local returning officers in polls and parishes would have been overborne and overcome by the very intimidation which they themselves would have been called upon to condemn, and whose results they would be required to defeat.

So the Legislature took the right way, by removing all power of making returns from local officers and vesting the whole in five citizens as the sole returning officers of the State, whose place of meeting was to be at the capital city of the State, removed from these malign influences, free from apprehension, and free to decide fairly and justly in the premises.

And what, after all, do they decide? Not whether votes given at a poll are to be counted or not, but the far higher question whether the votes reported to them as such are *votes* or not; whether there was such freedom of choice as is necessary to constitute a vote.

They have power to determine whether the election was nullified by acts of violence and intimidation, and if the proof shows that such was the fact, by all law in all free countries that pretended election was a nullity.

This is the purpose, intent, and aim of the laws of 1870 and 1872 establishing the returning board and constituting them the only returning officers of the State under the constitution.

It is, however, said that this power is dangerous. So is all power; in whomsoever vested, there always is and always will be risk of abuse. But the power is infinitely better than the state of things which preceded it in 1868 and which called it into being. Regular power, exercised under law by known officers, subject to punishment for its abuse, is infinitely safer than mob law; than the will of masses of marauding night-riders; than floggings, hangings, brutality, and murder inflicted by secret associations for political purposes, in darkness, in fantastic disguises, bringing all law, human and divine, to the low measure of their infuriated passion, or the still lower one of cool, deliberate calculation of political effect to be produced by repeated crimes.

All good men of all parties at the time conceded the law to be necessary and wise, and afterward, when the democratic party held control of the Legislature, they themselves indorsed it by not attempting its repeal.

The law was a necessity of the situation, and the situation, bad as it was and is, was not brought about by the republicans, but by evil-disposed men working under the name of the democracy and who have brought shame and disgrace upon the name.

This then was the state of the law of elections in Louisiana, in November, 1876, when the last election was held.

The minority of this committee filed their protest at an early day against any attempt on the part of the House of Representatives, or its committee, to go behind the returns of the returning officers of Louisiana on the presidential election, and they respectfully refer to that protest, and stand by the principles then asserted.

But as the majority of the committee believed themselves empowered so to do, the undersigned propose to give a brief statement of what they found and observed.

It would seem as if the long and black catalogue of crimes committed against human liberty and human life in the ten years from 1866 to 1876 ought to have had effect enough to break down, dispirit, dishearten, and destroy the republican organization in Louisiana; that blood enough of innocent men had been shed to deliver the State over into the hands of the opposition; that the colored population, naturally timid and largely dependent for means of labor and life upon the whites, would have given way to these repeated and unpunished assaults upon their persons and their political rights.

But so deeply ingrained into this people is the sentiment that they owe freedom and civil and political rights to the republican party that all these deadly assaults have to a large extent failed of their purpose. Even the more severe trial of faith in the confessed unworthiness and treachery of some who were once leading republicans has not materially lessened their faith in the party of freedom and human rights.

The testimony taken by this committee is full of evidence of this great fact. Some thirty or forty colored men have been sworn as witnesses to prove threats and violence offered by other colored men to them for abandoning the republican organization, and they and all other witnesses agree that the solid mass of the colored voters believe that it is treason to their race to vote the democratic ticket.

One of these new converts to democracy, in pleading with a friend to follow him, asks, "What have the republicans done for you?" To which comes the prompt and natural answer, "Didn't they take the bull-whip off of me?" It is beyond any doubt that neither bribery, nor interest, nor soft words, nor condescension, nor proof of misrule by local officers, nor even violence, can shake the deep-rooted love of the liberated black man for the party whose greatest achievement was universal emancipation and universal citizenship.

They may compel him by terror to vote a democratic ticket; they may compel him for self-protection and self-interest combined to join a democratic club; they may frighten him from the polls and prevent his voting, but he knows and they know that the instant he is let alone, the moment the load of fear is taken off, the moment he dare stand up in his own right and his own strength, free to think, free to act, and free to choose, that moment he stands ready and willing to vote the republican ticket.

For the negro, although unlearned, is no fool. His powers of logic may not be cultivated, but his memory is good. The instinct of self-preservation combines with gratitude to hold him steady, and thus the fact comes that in this State of Louisiana, notwithstanding the horrors and cruelties of the years past, notwithstanding the organized and systematic violence of the last summer, more than seventy-five thousand voters, in large proportion colored men, had strength and opportunity to vote the republican ticket, while at least fifteen thousand more were prevented from so doing by intimidation and terror. And it is an argument in justification of his general capacity for the performance of political duties that the colored man has stood so firmly by the principles of the republican party and adhered so strongly to the republican organization, in the face of so long-continued and so merciless assaults made upon him for daring to exercise his political rights in that direction.

Every one must know that the effects of these several years of persecution and oppression are not and cannot be temporary. They have a cumulative power, which gains in force and intensity by each repetition, and the violences of 1876 recall and are enforced by the memories of similar occurrences in past years.

Hence no fair judgment can be made of the effect upon the popular mind of the events of the late election that does not give full weight to all that has preceded it.

The undersigned found the whole atmosphere of Louisiana pervaded by intimidation; they found it active in giving defiant energy to the one party, and a tone of subjection, apology, and want of positive manhood and self-assertion to the other.

They found a confessed inability on the part of republicans, black and white, to cope with their adversaries in the arbitrament by armed force; they found a profound desire for peace and quiet on the part of republicans, and a disposition to endure violent outrages rather than to resist force by force; they found an incapacity or unwillingness to organize as did the others into armed bands for self-protection. They found the law which should protect all rendered powerless in many parishes. They found judges, sheriffs, and coroners violently removed or prevented from legitimate action by these illegal and revolutionary organizations.

They found grand and petit jurors controlled in finding indictments and in finding verdicts by the open display of force, or by secret threats of violence to be inflicted if plain duty were done.

They found the State government without any organized and trustworthy militia to be depended on to put down illegal force. They found the State armories and arsenals robbed of their supply of arms by the rebellious parties in 1874, and those arms so robbed in the hands of the same White League in 1876 and 1877.

Thus the Kellogg government, overthrown by violent insurrection in 1874, restored again to power by the troops of the United States and confirmed and acknowledged by both parties under the Wheeler compromise, had in fact no assurance of obedience nor physical force by which it could perform the duties of an executive, and was simply tolerated and allowed to exist and dispense office merely during the good pleasure and at the sufferance of the leaders of the secret armed body which had already conquered the State by arms and boasted its ability to repeat the event.

All display of power to injure and destroy was on the side of the democracy, and it was well known by many fearful examples that the will was not wanting. The physical force of the State, coupled with the will to use it and the purpose to use it, was all known to be on the side of the democracy, and was held up and stimulated in the campaign of 1876 by the two strongest principles of action among men—the lust of dominion, and the acquisition of place, power, and pecuniary profit.

It was well known that there had not been an hour since the inauguration of Governor Kellogg when the secret order of these men would not have overthrown his authority in the city and in most of the country parishes unless he were sustained by the power of the United States troops.

All this terrible array was constantly before the eyes of the republicans of Louisiana, and shadowed all of them, white and black, with a vague and fearful apprehension, and thus deadened the courage, cramped the energies, and hindered the successful organization of the republican party.

On their side they had nothing but the guarantees of law with no physical force to sustain it, and the bitter experience of past years had shown them how slight a barrier this was to the grasping greediness or fierce and malignant passion of their adversaries.

In this spirit the campaign opened.

Then early in May there was developed for the first time a singular tendency among the white democrats in many parishes toward the formation of rifle clubs, and the more singular fact that these, with scarcely an exception, were formed in parishes known to have always been heavily republican and with a great preponderance of colored voters. These clubs were not organizations under the militia laws of the State, with officers regularly commissioned by competent authority and sworn to obey the constitution and carry out the law.

They were voluntary and select, limited to democrats, armed, equipped, and officered, bound to obey orders, and there is not the shadow of a pretense in the testimony that they were in any respect necessary to preserve the peace and protect life and property.

In fact all the turbulent and dangerous element was embodied in them, and all that was outside of the clubs was peaceable, orderly, and quiet.

The wolves were organized as against the sheep.

Let it be remembered that this outbreak of rifle clubs at this time was not confined to Louisiana. The same organization, and for the same purposes and ends, occurred nearly simultaneously in South Carolina, and in both cases their action and the result prove them to have been a political conspiracy to affect an election by show of force, and by the use of it if needed.

It is impossible within the limits of this report to cover any full description of the appalling results from this and similar organizations.

The parishes in which they principally displayed their power of evil were Ouachita, Morehouse, Caldwell, Claiborne, Bienville, East Baton Rouge, East Feliciana, West Feliciana, and Jackson.

Very little testimony was taken by this committee except on the side of the democracy, because a majority of the committee refused, when requested, to take the testimony of more than four hundred witnesses, exiles and refugees from the reign of terror in their parishes, and then in the city of New Orleans many under subpœna from the Senate committee, then in session, and all ready and willing on both sides to be examined and to give their evidence.

At the same time the democratic witnesses from the same parishes were in the city to appear on their side before the Senate committee. This decision of the committee operated and perhaps was intended to operate as a refusal to examine at all into the question of intimidation and violence. To say to these frightened victims of a cruel conspiracy that they should not be heard except in the very neighborhoods where the terror dominated and from which they had fled for life, was simply to prejudge the fact and to declare the opinion of the majority in advance that no such intimidation existed. Against this most partial and unjust ruling of said committee the undersigned then protested and now protest, and refer to their protest on the journal of the committee.

The subcommittees, appointed to visit several of these parishes, or at least the minority members of the same, report as their observation the palpable and sensible existence of this reign of terror, shown by the reluctance of the resident republicans, black and white, to converse with the republican members of the committee, and their reluctance or refusal to be sworn for fear of consequences by the constant crowd in attendance on the leaders in these very outrages, the fierce watching of republican witnesses, and the sensible pressure thus brought to bear to stifle the truth and to suppress a full investigation.

Hence the undersigned refer more particularly to the full, fair, and open investigation held by the Senate committee, in open daylight, with able cross-examination, in the city of New Orleans, where the fear was less and the sense of security in telling the truth greater.

Yet there was developed, principally by cross-examination of democratic witnesses, proof sufficient, to any fair judgment, to justify the action of the returning board, and to show that by deliberate and concerted action the freedom of choice of hundreds and thousands of voters was destroyed, and the election in such polls and parishes became in law and in fact a nullity.

The mode of action to overthrow free choice was fearfully alike in all these parishes; it was one sad, weary, and monotonous repetition of inhuman cruelty, one melancholy and systematic crushing out of free thought, free speech, and free action by audacious crime.

If any republican, like Dr. Dinkgrave, in Ouachita, bold and resolute, undertook to organize the republican vote, he was first warned to desist, and then murdered. Private assassination removed the brave leaders.

If still in neighborhoods the people chose to meet and consult and arrange for joint action in political affairs, the rifle clubs took them in hand, showed by open parades (in accordance with the secret circular of the democratic committee) their organized and armed strength, gave utterance constantly to threats, either individual or general, and thus imposed a reasonable apprehension of future danger.

If this did not succeed, then came the time of trumped-up charges of imaginary crime, (as in Baton Rouge in the case of Gair,) and the sudden seizure by and summary and bloody action of self-constituted regulators.

Following in order came midnight visitations by armed and disguised bands at the humble homes of the colored people, searches for men, floggings of men and women, shooting, clubbing to death, hanging, and every mode of brutality which could be devised to gratify the baser passions of our nature.

If still, as the election drew on, it seemed that the spirit of the people was not fully cowed, these rifle clubs picketed the roads to the county-seat and other polls where the negroes were expected to mass themselves for protection either from United States troops or from white republicans; they stationed armed guards with signs and countersigns, halted and stopped on the public roads messengers carrying republican tickets and destroyed the tickets, halted and turned back officers of election going out on the common highway on public duty to hold polls, and, either by direct violence or by the mere show of armed force, deterred large bodies of voters from exercising their rights as freemen at the polls.

All these things are undeniably in proof, and cannot be contradicted. All that is attempted on the other side is to apologize or excuse. Yet the simple statement presents a case that no man can excuse and that no free people ought for a moment to endure. Is it to be tolerated that in these United States any illegitimate organization of armed men, acting in sympathy, opened and avowed, with a great political party, shall seize upon the public highway, establish illegal military control of a whole parish, stop travelers on the public road by armed force, close access to the polls to peaceable citizens, domineer over the right of election, and shoot to death all who decline to submit to their villainous tyranny?

Is it to be tolerated that murder shall be a recognized part of the machinery of politics, and that terror is the best ally of democratic reform? That force, unmeasured and unrestrained, is the substitute for law? That reason shall be dethroned by passion, and the regular course and progress of legal rights become the prey of evil and unregulated malice, with no limit but the will of the tyrant mob which makes and executes at once its own wild and bloody decrees?

It is a matter of profound astonishment how lightly a part of the American

people seem to consider this horrible state of society, and how this most wretched display of greed and avarice, of crime and lust of power, so slightly affects the conscience of the nation.

One-hundredth, nay, one-thousandth of the horrors inflicted in Louisiana if perpetrated in any Northern State would be overwhelmed with such an avalanche of popular indignation, that no man, however remotely connected with it, could for a moment endure the scorn, contempt, and hatred of an aroused people.

But is the grossness of the crime against law and order, of the outrage upon the fundamental rights of the citizen, any less in Louisiana than in New York or Ohio? Is the poor and uneducated negro of the South any less entitled to his rights under the Constitution; any less entitled to enjoy the privileges guaranteed by that instrument, than the white citizens, native or adopted, of any portion of the country?

Nay, is it not the fact that the very weakness and defenselessness of the subject of the wrong appeals all the more strongly to the sympathy and the sense of right of thinking people?

Or does the "chivalry" which thus oppresses the weak and tramples on the lowly think that it enhances its claim to respect by the selection of these unresisting people to be their victims?

There is no danger of such wholesale crime being committed where men will resist, and where the conscience of the people around them will justify and sustain such resistance. But in Louisiana and the entire South the colored people do not resist, seem incapable of organization, and unfortunately the conscience of the people among whom they live sustains the gross oppression, though some may profess regret for the extent to which it may be carried.

There are some men in the democratic ranks in Louisiana who did during the campaign oppose these violent outrages, but, as always happens where mobs bear rule, the movement of the mass is governed and controlled by the worst and most dangerous elements in it; and, as yet, of all the men who condemn the course taken, there are none who do not eagerly seize the fruits of the wrongful act.

There can be no doubt whatever from the testimony that in very many of the parishes of the State the mass of voters were very largely controlled by the existing apprehension of evil to come to them, and that such apprehension was well founded, first, on the memory of late events of violence and bloodshed, and, secondly, on the actual developments of the campaign in threats of danger, in threats of loss of employment, in threats of pecuniary loss, in threats of personal violence for opinion's sake, in actual brutal treatment of men and women, in degrading and unusual personal wrongs, in assassination of recognized leaders, in armed occupation of polls and avenues to polls, in picketing the public highways, in stopping peaceable travel, in interruption of public meetings, civil and religious, in burning of houses, in destruction of crops, in shameful death inflicted in open day or under cover of darkness by the knife, the gun, or the rope.

Nor was this intimidation limited by the actual neighborhood where the crimes were committed. The knowledge of it spread all over the State, and bad as the actual truth was, it grew by traveling, until, in distant neighborhoods, it was whispered among a frightened crowd who were warned thereby what they in their turn and place might expect.

From an election held under such a state of affairs, the statements of the commissioners and supervisors of election of the polls and parishes came up in their order before the returning board and it became their duty to fulfill the high mandate of the laws which gave them being. They were commanded to inquire into the facts, and they did so; but they were commanded to inquire under the provisions of the laws creating them. As old citizens of the State, they knew the history of the past ten years; yet they were not to act on that knowledge, but on evidence.

By the law of Louisiana, as expounded by its courts, the returning board can only act upon such papers and statements of elections as are sent up to them through the regular channel.

They have no power to compel supervisors to forward anything which they do not choose to forward. The law in Louisiana, as elsewhere, assumes as a necessary condition that officers of election will do their duty as commanded by law, and although it imposes a penalty as in other States upon election officers who do not do their duty, it gives no authority to the returning board by mandamus or any other legal process to compel the production of any papers or election statements withheld.

This has been decided in Louisiana before Judge Hawkins on a petition for mandamus filed by Mr. Zacharie, the very able counsel of the democratic committee, and so satisfactory was the decision that no appeal was taken by that gentleman.

But it must not be supposed that the laws of Louisiana do not give prompt and searching remedy for any delinquency on the part of supervisors of election, for it has been correctly decided by Judge Beattie in the La Fourche district court that any person claiming office and averring that the supervisors have improperly withheld evidence in the form of election matter from the returning board shall have the writ of mandamus in its most summary form commanding such delinquent supervisor or commissioner of election to forward at once to the returning board all such papers, to be compiled, determined, and acted upon by said board.

Thus the right of the individual is saved; but if no party interested chooses to take the initiative and compel action by the intermediary election officers, the board can only consider and act upon the papers and statements actually sent forward by such intermediary election officers, and this the undersigned believe to be the law of the case in all the States of this Union in similar cases.

It appears then that there were regularly forwarded to the returning board election statements from all the parishes of the State except Grant Parish, in which the supervisor left the parish before election and the pretended election was held by unauthorized persons.

The total number of votes received by the board appears to have been, for—

John McEnery	80,515
William P. Kellogg	76,717
Majority for McEnery	3,798

For convenience the figures throughout are given by the two first-named electors on the respective tickets.

In pursuance of law and upon testimony before them the board rejected and refused to compile—

For McEnery	10,280
For Kellogg	1,763
Excess of democratic votes rejected	8,517
Deduct original democratic majority	3,798
Republican majority	4,719
From this should be deducted error in Vernon Parish	178
	4,531

This amount is the republican majority in the State of Louisiana by the official and final count and determination of the only returning officers known to the constitution and laws of that State, and such count and certificate is by the law of that State final, so as to give a *prima facie* title to office, which can only be impeached by a judicial trial in which the interest of parties litigant can be determined; and judicial trial is the only mode known to the law in which the ballots, returns, defects of the polls, defects in election, and other matters going to the absolute verity of the election, can be brought into question and determined.

Until that is done, no tribunal whatever can divest the persons declared elected of the right to office given *prima facie* by the declaration of the returning board. The result above mentioned, by which 10,280 democratic and 1,763 republican votes were thrown out, is arrived at, according to the tables furnished by the board, by rejecting sixty-nine polls in twenty-two parishes.

In nearly all of these polls the rejection was based upon the ground of intimidation and violence, and in some few upon clear and palpable wrong-doing by the officers charged with the election.

East Feliciana is an example of the first class; which parish, although notoriously and for years a strong republican parish, was so overridden by violence and intimidation as to cast *one* republican vote in the entire parish.

Grant Parish is an example of the second class, where no legal or authorized officer took any part in the election.

The evidence on which the board based its action is in the form of affidavits and depositions, and some oral evidence taken by consent.

The undersigned have not seen nor examined all of this evidence, nor has the whole of it at any time been before the committee, but a very large part of it is already in print in the report of Hon. JOHN SHERMAN and others. (Senate Executive Document No. 1.)

The general tenor of the evidence before the board is such as was to be expected from the history of Louisiana as heretofore detailed, and corroborates the impression made upon us by our own experience and observation of the widely diffused influence of fear caused by acts of intimidation.

While there are isolated instances in which we from our point of view might not have concurred with the action taken, and we admit that there are such, yet there is a vast difference between the value of the casual opinions of irresponsible observers, based upon slight knowledge of the people and the situation, and the responsible action in judicial form of high officers selected and sworn to perform one of the most important official duties.

The testimony taken with great care before the Senate committee possesses far higher value than the mass of hearsay and opinion which encumbers the testimony taken by the House committee, and the effect of the whole, taken together, goes far to show that the board used their power in accordance with the spirit and intent of the act that created them.

The undersigned have found by their observation how uncertain are outside opinions of the very best and most cautious of men. The report of the Wheeler and Hoar committee criticised and disapproved the action of the returning board in 1874 as to several parishes and polls of the State, as not in accordance with testimony. In this election of 1876 every one of the parishes thus criticised have vindicated the justice of the action of the board by restoring their full republican majority, because in this year the pressure of intimidation was exercised in other parts of the State.

The majority of our committee appear to have considered it their duty and their purpose to attack not only the official action of the returning officers but their personal and private reputation, nor has this system of attack been limited to the returning officers alone.

They were singularly receptive of all personal abuse, whispered into their ears by the democratic managers, who took possession of them from the beginning and held them to the end of the investigation, and permitted themselves to be a vehicle for personal slander and personal abuse directed and controlled by personal and political antagonists. The whole character of the examination was to bring out the excellence of the democracy and of individual democratic candidates, and in contrast to blacken the character of republicanism and of all prominent republicans who either had been candidates or were witnesses.

If, hereafter, any painstaking individual shall laboriously plow his weary way through the six or seven thousand pages of the testimony, he will find every rule of law violated, every right of witnesses trampled on, every species of illegal evidence admitted, and the leading examining member of the committee putting questions in the most objectionable form, and on matters not in any way before the committee.

It is certain that there is nothing so likely to be unfair as a congressional committee raised to investigate a political question, especially when the members put themselves constantly on record as having sunk judicial responsibility and assumed the position of partisan attorneys. It is a bad state of affairs when the attorney and the judge are one and the same.

To a fair mind it would seem that the only inquiry should be, what was the testimony before the board, and whether such testimony warranted such finding as they made.

And yet, after all the labor of the committee, there is no record of the evidence except so far as we find it second-hand in the Sherman report.

It is not fair nor just to attempt to set aside the verdict of a jury on the ground that it was contrary to evidence, and then attempt to sustain such motion, not by comments on the evidence actually before the jury, but by offering a mass of matter that never was before them at all.

No court would tolerate such action. And yet this is precisely the thing to which the majority of the committee have devoted their time and labor.

Thousands of pages of so-called evidence, good, bad, and indifferent, legitimate and illegitimate, are piled up to attempt to show that no such state of things existed, and to overbalance the actual testimony on which the board did ground their action. But supposing all this newly discovered, or rather newly invented, testimony to be true, and to overbalance the testimony in before the board, does any rule of law or equity hold the board responsible for what they never saw nor heard?

The undersigned do not by any means admit that the facts stated before the board and on which they acted have been to any considerable extent disproved, but on the contrary express their firm conviction that so far as the general charge of intimidation is concerned, it is fully supported and strengthened by the examinations made in Louisiana by this committee.

There were very many parishes in the State in which, as it appears from the testimony in the Sherman report, clear and distinct specific charges of cruelty and violence, with names of parties and dates, were directly made.

From the time when this evidence was before the returning board, known and read by the visiting committees, and copies taken by the able democratic local committees, until the close of our investigations in Louisiana, there was ample time to meet and answer these specific charges. There were very few instances in which this was attempted. General evidence was introduced that the election at the polls was free and fair, but very rarely did they venture to meet and deny the specific charges.

The attempt was made before both the House and Senate committees in the Pinkston case, and the testimony will show with what success.

The whole attempt has been, not to contradict the fact of fear and apprehension, nor even the mass of specific cases of cruelty, but to show that the colored people ought not to have been intimidated, and to prove this by white democrats and some republicans who swore that they themselves were not intimidated.

In some parishes it has been attempted to show by evidence that these violent organizations were conservators of the peace, or vigilance committees to punish crime, but in nearly all the cases the sufferers were colored men and republicans; and it is undeniable that the colored voters generally did believe that such violent acts were political in purpose and intended to frighten them, and so believing they felt the pressure, and either voted under compulsion or were deterred from voting at all.

In closing up this brief review of the mass of material collected by the committee under the name of evidence, it is proper for the undersigned to state that no opportunity or time has been afforded them to give any critical examination to the same, that the evidence is not yet printed, and that the enormous amount of written matter cannot be even looked through, much less weighed and considered.

Certain great principles which should have controlled the action of the committee, according to the views of the undersigned, have been overridden and thrown aside, and are of such great importance and force that they require at least explicit statement, if not full elucidation.

And, first, we affirm that the whole duty and power of the appointment of presidential electors is, by the plain words and necessary intendment of the Constitution, removed from the control or possible interference of any part of the National Government or of the whole united.

Neither the executive nor the legislative branches have any authority, supervision, or control of the mode by which the several States appoint, or of the scrutiny of votes, when popular election is selected as the mode of appointment. In this respect the electors of President and Vice-President are State officers.

The question can only be whether or not they, the electors, are constituted in the manner provided for by the Legislature of the State.

In the particular instance before us of Louisiana, an inspection of the laws of said State shows that by section 1400 of the revised laws of said State it is provided as follows:

"In every year in which an election shall be held for electors of President and Vice-President of the United States, such election shall be held on the Tuesday next after the first Monday in the month of November, in accordance with an act of Congress of the United States approved January 23, 1845, entitled 'An act to establish a uniform time for holding elections for electors of President and Vice-President in all the States of the Union;' and such elections shall be held and conducted in the manner and form provided by law for general State elections."—*Revised Statutes Louisiana, March* 14, 1870, page 278.

This section is part of the election law of 1868, and was incorporated in the revised statutes approved March 14, 1870, and remains to-day unrepealed and in force.

At the time when said section 1410 was originally enacted, commissioners of elections and supervisors of parishes were returning officers, and were not deprived of that power until the passage of act No. 100, of March 16, 1870, amended by the act No. 98, of 1872, by which, as before stated, the duties and powers of returning officers were vested in the five members of the returning board.

By the same revised statutes of 1870, pages 551, 552, the same rules as to elections of presidential electors were repeated verbatim in section 2823.

Sections 2824, 2825, and 2826 provide for the qualifications of electors and the mode of voting, and the last section, 2826, for the mode of canvassing. We quote section 2826 in full:

"SEC. 2826. Immediately after the receipt of a return from each parish, or on the fourth Monday in November, if the returns shall not sooner arrive, the governor, in presence of the secretary of state, the attorney-general, a district judge of the district in which the seat of government may be established, or any two of them, shall examine the returns and ascertain therefrom the persons who have been duly elected electors."—*Revised Statutes*, page 552.

It will be observed that the election papers forwarded from the parishes are denominated and considered by the law as *returns*, with the full value due to the technical force of that word

It will be further observed that the canvassing board are not described in the law as returning officers, but are simply directed to examine the returns and ascertain the result.

But among the changes made in the acts of 1870 and 1872, it is enacted by section 2 of act of 1872, No. 98, "that five persons, to be elected by the senate from all political parties, shall be the returning officers for all elections in the State, a majority of whom shall constitute a quorum and have power to make the returns of all elections."

* * * * * * *

"Within ten days after the closing of the election, said returning officers shall meet in New Orleans to canvass and compile the statements of votes made by the commissioners of election and make returns of the election to the secretary of state. They shall continue in session until such returns shall have been compiled."

* * * * * * *

"The returns of the 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, of the right of any person named therein to hold and exercise the office to which he shall by such return be declared elected."

Section 3 of the same law gives the power of refusing to canvass or compile statements of elections and of excluding from their returns, in cases where intimidation, riot, tumults, violence, armed disturbance, or bribery and corrupt influences are proven to the satisfaction of said returning officers.

Thus it will appear conclusively that Louisiana, under the power conferred by the Constitution on the States, has assumed jurisdiction over the mode and manner of electing presidential electors, and has by her Legislature declared:

First. That such electors shall be appointed by election.

Second. That such elections shall be part of the general elections of the State, and held and conducted in the manner and form provided by law for general State elections.

Third. That the board of returning officers shall be the returning officers for all elections in the State, and have power to make *returns for all elections*.

Fourth. That such returns so made by them and promulgated shall be *prima facie* evidence until set aside by judgment of a court on a trial of the right of some person by them declared to be elected to office.

And this law has received the construction and the approval of the supreme court of the State.

In the case of Collin *vs.* Knoblock, Louisiana Annual Reports, page 263, the supreme court, Taliaferro, J., delivering the opinion, say:

"The returns made by a legal State board, and officially promulgated by that board as the general returning officers for the State at large, constitute the basis upon which the governor is authorized to issue commissions. These returns, by the statute of 16 March, 1870, are made *prima facie* evidence in all courts of justice and before all civil officers until set aside, after a contest according to law, of the right of any person named therein to hold and exercise the office to which he shall by such return be declared elected."

Again in the same case the court say:

"The act of 1870, No. 100, approved March 16, 1870, is the general law under which the elections held at the general election in November, 1872, were conducted, and which controlled, as to the formalities of revising and compiling the returns from every part of the State, and the making and promulgating the final report."

Again, in the same volume of the reports, in the case of Bonner *vs.* Lynch, p. 267, the supreme court say:

"But it is said that the returns are only *prima facie* proof of the result of an election. That is true. The question, however, as to the election of officers is a political question, and courts of justice have jurisdiction over them only so far as the political department may have authorized them to exercise jurisdiction. If there were no statute authorizing the trial of contested-election cases before courts, they would be without authority to do so."—13 *Annual*, 90.

"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 the supervisors of elections, examine the right of voters to vote, and, in short, the courts would become in regard to such cases mere offices for counting, reporting, and compiling election-returns." * * "Having no power to revise the action of the board of returning officers, we have nothing to do with the reasons or grounds upon which they arrived at their conclusions."

In another case in the same volume of reports the court decides that the act of 1872, No. 98, does not destroy the board of returning officers by its repealing clause, but merely modifies the form of appointment.—*State ex rel. Attorney-General vs. Wharton, pages* 10 *and* 11.

The highest tribunal known to the constitution of Louisiana, a tribunal whose decisions on State law must be followed by the Supreme Court of the United States, has thus affirmed and sustained the powers and rights of the returning board, has affirmed the right of the Legislature to create it and invest it with its powers, and sustained its action.

The control of the State of Louisiana over the subject under the Constitution is as exclusive as that of New York or any other State, and both the acts of her Legislature and the decisions of her courts are as complete in authority as those of any other State.

The supreme court of the State denies its power to revise the proceedings of the board, or to inquire into the reasons or grounds on which they arrived at their conclusions.

When this committee assembled in New Orleans on the 11th day of December, the whole business of determination of presidential electors had for some days been concluded.

The governor of the State, admitted to be such by all parties, elected in 1872, overthrown by violence in 1874, recognized by the President as the lawful governor in the same year, restored by the Army of the United States to his proper position, recognized by the Wheeler compromise, recognized for two years of peace and during the election of 1876 by all persons in the State as the only lawful executive, recognized by the Nicholls legislature itself in January last as the lawful head of the government by formal official communication—that governor, William P. Kellogg, had already given his certificate, in official form and with official sanction, of the election of the Hayes electors. This of itself was final and conclusive upon the House of Representatives of the United States and its committee.

Besides this and supporting it was the action of the returning officers of the State at large, made in official capacity, in strict fulfillment of the law of the State, determining, as they only had the right to do, who were elected such electors.

A copy of their finding had been given to the secretary of state and promulgated by publication in the official papers, and the rights of these electors vested under all sanctions of law on said promulgation.

Still further, on the 7th day of December, 1876, the electors so declared elected had met, in pursuance of the laws of the United States and of Louisiana, and had performed the single duty for which they had been chosen, and their function and term of office had become complete and expired.

Under these circumstances, it appeared to the undersigned to be the merest mockery to proceed with an examination into a concluded and determined matter, as to which the State of Louisiana had, and had exercised, its exclusive jurisdiction, and into which the supreme court of the State had decided that neither itself nor any other authority could intrude itself.

But the majority of the committee thought otherwise, and attempted to inquire into the reasons and evidence before the board, and into reasons and evidence that confessedly never were before the board. They claimed and exercised the right to go behind tribunals created for certain definite purposes by competent authority; and upon partial and one-sided testimony, in the fierce heat of political antagonism and the sharp poignancy of political failure, to say that the State of Louisiana had no rights that a democratic House was bound to respect, if by overriding such rights political victory could be won.

For the first time in the history of this country it has been attempted to destroy the lawful and formal expression of a State in the election of a President by assuming the power in the House of Representatives to examine into any and all the polls and to purge the election, to make itself the returning board and determine by a partisan vote what Louisiana ought to have done.

We regard it as the most fatal attack ever attempted upon constitutional rights, as a gross usurpation of power, as subjecting in its natural development the entire question of the election of a President to the will or decision of the House of Representatives.

What has been attempted by this democratic House in Louisiana may be done on the same principle by some other dominant party in any other State whose vote may be in the way of their party candidate.

The cry of fraud is quickly raised and is readily repeated, and far too easily believed. Evidence is always ready to support that or any other charge, if great political advantage is to be gained.

The only way to preserve the just balances of power is to stand by and support the formal, deliberate, and lawful decisions of tribunals constituted for the purpose, ordained under the constitution by the highest State authority, by laws which have been expounded and sustained by the proper supreme courts. Any other course is to substitute guess-work for legitimate decision, the rule of a mob for orderly processes of law, the control by a House of Representatives whose days are numbered for the determination made by the people themselves in due and regular form chosen by themselves.

Passion and prejudice will wear themselves out in time, the wild declamation of intemperate orators will soon be forgotten, the rash assertions of party presses will pass from men's minds, and then this case of Louisiana will perhaps be fairly considered; and the verdict of thoughtful men will be that the democratic party of that unhappy State are justly to be held responsible for continuous and organized attempts by force to annul the clear will of the majority. The same calm judgment will declare that the laws of 1870 and 1872 were necessary safeguards against such organized illegal force, and should be approved by all who believe in the supremacy of law, and that this much-abused returning board acted in the spirit of the law creating them and that their determination is final in the matter.

Holding these views the minority of the committee submit them and do not propose to follow in detail the unauthorized dissection of the vote made from partial and biased information by the majority of the committee, but to stand upon established law and the deliberate results of the constitutional action of sworn officers of a State, solemnly done, performed, and promulgated with all the sanctions of law.

The undersigned submit herewith the reports of the minority members of the subcommittees into which the main committee was subdivided, and close this report by offering the following resolution:

Resolved, That the election held for presidential electors in the State of Louisiana on the 7th day of November, 1876, was examined into, determined, declared, and promulgated by the proper authorities of said State under all the forms of law and in conformity with the Constitution of the United States.

S. A. HURLBUT.
W. TOWNSEND.
L. DANFORD.
WILLIAM W. CRAPO.
CHARLES H. JOYCE.

Minority report of S. A. Hurlbut, one of the members of the subcommittee of which Hon. J. S. Blackburn was chairman.

The undersigned begs leave to state that he differs wholly with the apparent decision of the subcommittee by which they assume jurisdiction to inquire into the actual state of the polls in the parishes ordered to be examined by them.

Under the law of Louisiana the commissioners of election at the several polls, and the compiling officer, known as supervisors of parishes, have no right or authority to scrutinize or decide upon any question either of form or of substance in regard to elections. Their function is simply clerical and ministerial, and the whole power which they possess is to receive and tabulate the result of elections, and forward all papers and evidences of election which either of them receive to the board of returning officers for the State for scrutiny and final decision.

Under the same laws and the decision of the supreme court, title to office and the right to be commissioned depend solely upon the action of said board, which action must be a condition-precedent to any lawful title to any office in the State.

Such action can only be reviewed, changed, modified, or reversed by a judicial proceeding in courts properly so called, upon a regular contest in form of law, as prescribed by the statutes of the State, in the case of parish and district officers, or by the action of one of the branches of the general assembly in the case of representatives and senators in the State legislature, or by both houses on a count for governor and lieutenant-governor.

No provision is made by law specifically for any contest for presidential electors, because, in all probability, the case had not been foreseen, and because of the very short interval between the election and the performance of the duty of such electors, and the very short and ephemeral tenure of the office.

Thus, in the conception of the undersigned, the action of the returning board and of the governor based thereon is absolutely final and conclusive.

Again, the undersigned does not acknowledge, but specially denies, that the subcommittee is or can be in any respect a court, having either jurisdiction of the subject-matter or of the persons, or capable of rendering any judgment, decision, or opinion entitled to any weight, authority, or respect; that it has any fair or proper means of acquiring information or of obtaining testimony, justly so called, or that the material collected by it can in any form be used as evidence before any tribunal known to the law, if such tribunal shall be found to exist.

It appears to the undersigned that the whole result of the pretended examination by the subcommittee is to give to a curious and interested public items of intelligence in the form of the opinions of a certain number of gentlemen, with no legal validity and no known and legitimate result to be affected by such opinions.

The mass of words collected by the subcommittee, and by courtesy called evidence, is wholly valueless, except as an illustration of waste of time and of public money.

As, however, the majority of the subcommittee have dignified this matter by a solemn report, and have deliberately attempted to open up the action of Louisiana under her own laws, and attempt to reverse the same, a decent respect for his associates on the subcommittee requires the undersigned briefly to follow their statement.

The pretended evidence is so voluminous and so vague that it cannot be fairly dissected and followed, nor has it in fact been printed so as to be accessible.

We examined, or pretended to examine, the parishes of Iberia, La Fayette, La Fourche, Livingston, Plaquemines, Saint Landry, and Tangipahoa.

IBERIA.

I am of opinion that poll No. 4 was properly excluded. All the commissioners were democrats and white men, and failed to comply with an important and mandatory provision of law. They did not write or stamp across the certificates of registry the word "voted," so as to prevent the use of such certificates at other polls in the parish, or even at the same poll.

The returning board took this view of the case, and rejected the poll. If my opinion or that of any outsider is of any value in this matter, which I deny, then I give the weight of such opinion in favor of the action of the board.

There is no other evidence of any sort that has any materiality as to this parish, except the universal fact common to the whole State, that the colored people looked upon any of their number who voted the democratic ticket as a traitor to their race; and if my opinion on this question is to be given, I concur with that general sentiment.

LA FAYETTE.

The returning board struck out poll No. 2 on evidence which will appear on pages 524 to 535 of the Sherman report. It is to be noticed that this evidence before the board was not in any manner contradicted before them, and although a vast mass of hearsay is now put in before our subcommittee, yet no one man has been brought forward to contradict the specific allegations of violence, &c., made in the evidence actually before the board.

LA FOURCHE.

Under my view of the law it was the duty of the supervisor to compile and send forward poll No. 2. From error in judgment, or some other cause, he did not, and it never came before the returning board for adjudication. This fault may be ground for legal proceedings against the supervisor, but not for quarrel with the board. For if anything be certain in the election system of Louisiana, it is that the board have no power to compel a supervisor to send forward any report, or to complete and furnish a partial report withheld by him.

Poll No. 10, under the testimony, never came into the hands of the supervisor, and the evidence is clear that no proper election was held, and that no legal report was made or received by the supervisor.

The residue of the pretended evidence taken in this parish is wholly worthless for judicial inquiry, and the committee were merely made use of as a convenience for the exhibition of private malice.

LIVINGSTON.

Polls 2, 3, 4, and 8 were excluded by the returning board upon evidence printed in the Sherman report, pages 483 to 510, on ground of intimidation.

This evidence has been very severely attacked. Yet, on a calm consideration of the whole result, many very material facts charged in the evidence before the board are fully sustained.

The killings, burnings, whippings, are distinctly proven.

Firing at night upon Christian people assembled for worship, repeated attacks on houses, threats of ill usage, general knowledge of mysterious bodies of armed men riding by night over the parish, and executing their own wicked will; all these are abundantly proven.

It is further clearly in evidence that the republican voters did, in fact, consider that these wrongs and violences were designed to intimidate them; and it is shown by all the witnesses, especially by Simms and Bailey, that they were uneasy, disturbed, intimidated, and hindered in the expression of their political sentiments.

I cannot detect any informality of any account in the polls rejected.

PLAQUEMINES.

This parish, so far as I can learn, was not protested by the democracy except for local officers, and the unsupported protest appears to have been correctly ruled out by the board. The parish is acknowledged to have been always and to be very heavily republican. There is an increase in registration of voters from 1874 to 1876 of 600. But this is accounted for in the evidence by the large increase of sugar cultivation, and the employment of men from New Orleans and elsewhere as laborers, whose families remained outside of the parish.

Plaquemines has been very notorious in history from the time of the enormous frauds committed by Slidell, in 1844, and the scandalous canvass between Sypher and Lawrence in 1872.

The registration of 1874, it is conceded, was fair, and the registration of 1876 was merely supplemental to that.

There seems no reason to doubt that the full vote of the parish would give results substantially as declared by the board, and the work of attack on this parish seems one of pure supererogation.

SAINT LANDRY.

Poll No. 9 was excluded by the board. I am not in possession of the evidence upon which this was done, and am wholly unable to say whether it was from legal defects in the statement of commissioners, from action or neglect of the supervisor, or from any other cause. In the absence of any evidence, I presume that the action of the board was within the law. No protest was made by the democratic managers, or any one else, to this action, and, so far as I know, no contest before the board.

Much evidence was taken by the subcommittee as to colored voters being penned up at Ocelousas; but all the witnesses who know anything swear that these 100 or more colored voters were nearly unanimously republican on the national ticket, and that the scramble for their votes was solely for inferior and local officers.

TANGIPAHOA.

The evidence before the board on intimidation in this parish appears in the Sherman report, pages 551 to 554.

All the testimony before us substantiates the facts alleged in the affidavit of O. M. Kinchen, on page 551 of the Sherman report. He is proven to be a good man, and of good repute, and his positive statement of facts stands uncontradicted, and, in fact, supported by the other evidence.

Simson was fully discredited, and no importance is attached by me to his statements.

I have thus followed the line taken by the majority and given my views and opinions, not because the views and opinions of any of us are of any legal import and value, but that both sides might be represented in somewhat fair proportion in contributions to the current chronicles of the times.

S. A. HURLBUT.

The undersigned, a member of the subcommittee charged with the investigation of the election in the various parishes composing the fifth congressional district of Louisiana, not agreeing to the report made to Hon. WILLIAM R. MORRISON, chairman, by Messrs. MCMAHON and ROSS, presents the following as his views:

Upon the vote of the parish of Catahoula no testimony was taken by the subcommittee. Two polls were thrown out. These polls gave 20 votes for the Hayes electors and 97 votes for the Tilden electors. The reasons given for this action by the returning board are that there were no poll-lists, no tally-sheets, or lists of voters, and that the returns were not properly signed. In the absence of any evidence contradicting this statement, the returns were so defective in form and execution that they were properly rejected. There was a failure on the part of the local officers to comply with the proper and necessary formalities of law by which these returns could be legally recognized.

No testimony was taken by the subcommittee in respect to the election in Franklin Parish.

One poll in this parish (No. 2) was thrown out by the returning board. The vote of this poll was, for the Hayes electors, 28; for the Tilden electors, 74.

The supervisor of registration of this parish, W. H. McVey, on the 24th day of November, 1876, made affidavit (page 516, Sen. Doc. No. 2) that there were acts of intimidation during the registration which did prevent a fair, free, and full election; and he stated facts within his own knowledge, and facts communicated to him by resident voters, showing that there was a condition of terror in some portions of the parish. This sworn statement of the supervisor was supported by the evidence before the returning board of Henry White, Gabriel Hill, and Orange Gardner. Two of these witnesses testify that they were present at the Oakland poll No. 2, and that within their knowledge fifty or sixty colored men cast their votes for the republican ticket, whereas only twenty-eight were counted. Without discussing here any legal questions raised by the majority of the subcommittee, this evidence, uncontroverted, justified the returning board in throwing out the vote of this poll.

In Claiborne Parish one poll, (No. 3,) known as Hayesville, was thrown out by the returning board. The number of votes at this poll was 184, all of which were for the Tilden electors. It is objected by the majority of the committee that the alleged acts of violence and intimidation and corrupt influences were not stated or certified by any commissioner of the election of this polling-place. This is undoubtedly true, but it must also be borne in mind that all of the commissioners at this poll were democrats. It appears in this case that the supervisor arrived in New Orleans on the 24th of November, 1876, and then filed a protest, with the *ex parte* affidavits of six legal voters, who swore that with violent threats of personal attacks, they were deterred from voting, and that within their knowledge many other colored men were similarly intimidated. The only testimony before the returning board was from one witness, H. Capers, a white republican, born and raised in Claiborne Parish, who was in this parish a part of the time, two weeks before and two weeks after the election. This witness was not at the Hayesville poll during the day of election. He testified to declarations and acts by democrats in this parish, but not at this poll, showing a determination on the part of the democrats to carry the election by forcibly preventing colored men from voting the republican ticket. Three witnesses were examined by this subcommittee, who deny the charges of intimidation and force; but neither of these democratic witnesses was at the Hayesville poll. It appears from the testimony of these men that at prior elections at Hayesville there had been a democratic vote of 175 to 185 and a republican vote of 25. The vote in November last at this place was 184 for the democratic ticket, and none for the republican. The fair inference from these figures is that the colored republican voters of former elections did not vote at the last election. The *ex parte* affidavits of some of them state that the reason for this was the threats of violence and intimidation used by the white democrats. Applying the rule of the returning board, that *ex parte* affidavits should not be received in evidence, except as a basis for investigation, I think there was not sufficient testimony to warrant the exclusion of the vote at Hayesville poll.

In Caldwell Parish poll No. 1 was rejected. The vote at this poll was, for the Tilden electors, 141, and for the Hayes electors, 74.

It does not appear, from any papers furnished to us by the returning board, that there was any protest whatever on the consolidated returns filed by the supervisor of registration at any time, either in regard to the registration or election, at any poll in this parish. There is no evidence that the necessary preliminaries required by the statute to confer jurisdiction on the returning board were complied with in this case. The testimony of Philip Robinson, the only witness whose evidence was before the returning board, was contradicted by a number of democrats, but do not think an examination and comparison of the testimony necessary in view If the apparent non-compliance with the requirements of the statute (section 26) by the supervisor of registration or the commissioner of election.

Most of the votes rejected by the returning board in the district assigned to this

subcommittee were in the parishes of Ouachita, Morehouse, and Richland. The number of votes excluded was as follows:

Parishes.	Hayes electors.	Tilden electors.	Difference.
Ouachita	48	1,517	1,469
Morehouse	355	985	630
Richland	157	770	613
Total difference	------	------	2,712

These parishes form one of the so-called "bull-dozed" districts of Louisiana. They are contignous in territory, and similar in population and business pursuits, and all of them have a large preponderance of colored over white voters.

The principal work of your subcommittee was confined to the above-named three parishes. A large number of witnesses were examined at Monroe, the shiretown of Ouachita. But this examination was exclusively the testimony offered in behalf of the Tilden electors, was under the auspices and guidance of the local democratic leaders surrounded solely by democratic influences, and in a locality where bitter partisanship had, as was alleged, committed the grossest crimes for the purpose of controlling the ballot-box. At the conclusion of this democratic testimony, the undersigned desired to continue the examination with evidence in behalf of the Hayes electors, and that the same be done at New Orleans, where the witnesses then were, and where the committee expected to return. This request was denied. In order that full justice may be done to all parties, and the circumstances fairly stated, a copy of the record of the subcommittee is here given.

EXECUTIVE SESSION.

At the opening of executive session the chairman stated that the examination as to the parishes of Caldwell, Morehouse, Ouachita, Richland, and Concordia had been concluded, and that the committee as to these parishes was ready to hear testimony on behalf of the Hayes and Wheeler electors. Thereupon Hon. WILLIAM W. CRAPO gave the following notice:

"Mr CRAPO gives notice to the subcommittee that he desires to examine witnesses who are now in New Orleans and who are expected to be there the coming week, and that he will make the request for the examination of witnesses after his return to New Orleans; that the proposed examination relates to the election in various parishes which this subcommittee has under consideration."

The CHAIRMAN made the inquiry of Mr. CRAPO whether any witnesses he desired to call are at the city of Monroe, and whom he desired to examine while sitting here.

In response thereto Mr. CRAPO said that he had no witnesses at present in Monroe, the parties he desired to examine being in New Orleans in attendance under subpœnas from the Senate committee, where he believed they were likely to be detained for a week.

The CHAIRMAN responded to Mr. CRAPO, and inquired whether he had had subpœnas issued for any of these witnesses to appear before the subcommittee of the House.

Mr. CRAPO answered that none had been issued that he was aware of.

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The CHAIRMAN then asked Mr. CRAPO whether he desired to come back to Monroe at the expiration of one week to take the testimony on behalf of the Hayes and Wheeler electors.

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Mr. CRAPO stated that he did not personally desire to return to Monroe, and he further believed that the public interest in this examination would be promoted by taking the testimony in New Orleans, and he inquired of the chairman and of Mr. ROSS if they desired to return to Monroe at the expiration of the current week to finish taking the testimony.

Mr. ROSS responded, "Yes, sir."

The CHAIRMAN said that he did not desire to return; that the loss of time of one week would delay the investigation and the publication of the testimony, and also the making of report of the subcommittee to the whole committee, and thereby prevent the whole committee from making its report to the House of Representatives in proper time for the consideration of the matters covered by the resolution under which the committee was appointed; that the subcommittee is ready to proceed with the examination of such witnesses as may be presented on the Monday following, or, if not ready then, on Tuesday, the examination to proceed from day to day until finished; that the examination of all the witnesses on either side relating to the parishes of Richland, Morehouse, and Ouachita specially should proceed in the immediate neighborhood of those parishes convenient for all testimony for either side, to enable either party to produce readily and speedily witnesses to explain or contradict testimony that may be given.

The CHAIRMAN further wished to notify Mr. CRAPO officially, as he had done previously in private, that the subcommittee would hold no session in New Orleans, and that the chair was confident that no other subcommittee sitting in New Orleans or elsewhere would take testimony relating to the parishes in question. and if Mr. CRAPO fails to proceed with the examination of his witnesses at Monroe, for which ample and convenient opportunity would be given, he [Mr. CRAPO] might lose the opportunity to examine them at all.

The CHAIRMAN then inquired if Mr. CRAPO would be ready to proceed with the examination of his witnesses on the following Monday or Tuesday.

Mr. CRAPO replied that he would not.

Mr. ROSS asked Mr. CRAPO whether he would be ready if the time was extended to Wednesday.

Mr. CRAPO stated that possibly he then might be ready, but that he surely would be ready one day after the arrival of the committee in New Orleans, to which place he then moved the adjournment.

The CHAIRMAN stated that he was unwilling to adjourn the committee to New Orleans; and,

Mr. ROSS concurring therein, the motion to adjourn to New Orleans was lost.

The CHAIRMAN (Mr. MCMAHON) then renewed the offer to take testimony at Monroe.

Mr. CRAPO declined to proceed.

On motion of Mr. ROSS, the subcommittee then adjourned to meet in Washington City on the day of the assembling of the whole committee;

The vote standing yea, Ross; nay, Crapo; and there being a tie vote, the chairman voted yea, and the committee adjourned.

C. E. WHITNEY,
Secretary Subcommittee.

The testimony taken by this subcommittee closed Saturday night, December 30, 1876, and was followed by the executive session, as above stated. The next day the members of the committee left Monroe, but could not reach New Orleans until Wednesday. Upon the preceding day, Tuesday, a request was made by one of the republican members of the general committee to the committee of the House, a quorum being present, that the examination of witnesses in behalf of the republican ticket, as to the election in the above and other parishes, might be had in New Orleans. This was denied by the vote of the majority members of the committee. This subcommittee having adjourned to meet at Washington, and the full committee having refused to allow the examination of witnesses in reference to these parishes at New Orleans, no further testimony could be taken.

This statement is not made by way of complaint. The majority had the power and right to control the manner and place of taking the testimony. Neither was any personal discourtesy intended in the exercise of that right. My purpose in giving these details is to explain why no testimony appears in behalf of the Hayes and Wheeler electors, and to negative any presumption that the case as presented by the democratic managers of those parishes might not be met with counter testimony. The report of the majority of this subcommittee states that the testimony taken was unanimous and not conflicting. If thereby is intended the inference that no statement in contradiction of this testimony was attainable, or that there was an entire acquiescence in the opinions and declarations made to the committee by these democratic witnesses, such inference would be erroneous. The testimony taken by the committee must not be taken as conclusive. While not *ex parte*, it is partial, and only presents one side in a partisan controversy. Whoever will read the testimony of violence, threats, intimidation, and corrupt influences as shown in the evidence before the returning board, printed in Senate executive document No. 2, and also the testimony taken by the Senate committee in their investigation of the election in these parishes, must concede that a condition of affairs existed not calculated to secure "a fair, free, and peaceable registration and election."

The evidence, even as taken by this subcommittee, discloses that the democrats, early in the summer of 1876, determined to obtain political control of these parishes. Not content with the usual arguments and methods of political proselytism, they organized, early in the campaign, a number of rifle clubs. These clubs were offshoots from and auxiliary to the ordinary democratic clubs. No one not a member of a democratic club and voting the democratic ticket belonged to the rifle organizations. While colored men were permitted and urged to join the democratic clubs, no colored man was a member of these rifle organizations. They were officered by men of military experience, and they were armed with weapons of the most approved patterns, such as Enfield and Remington rifles. The organization of the companies, the receipt by them of these improved arms, their connection with the democratic clubs, and their avowed purpose to protect the colored men joining democratic clubs, were proclaimed throughout these parishes and impressed upon the colored men. Whenever an occasion offered, as in the case of the arrest of Hathaway, a white man who had shot three or four colored men, the exhibition of military strength was made, so imposing as to attract the attention of the negroes and convince them of its power.

It is not pretended that these military companies were authorized by law. They were not in any way organized under or by virtue of the militia laws of the State. Whenever colored men made any attempt at military organization, for the protection of life or property, such organizations of the colored men were summarily suppressed, and on one occasion, at the request of the democrats, their arms were taken by United States soldiers and retained until after the election. The right to bear arms which the white men of that region assert for themselves they deny to their colored neighbors.

The members of those rifle clubs were in the habit of attending the political meetings of both parties, going to them mounted and carrying side-arms. The last active duty performed by these rifle clubs was the picketing of all the approaches of the town of Monroe, commencing the Sunday night prior to the election and continuing until the morning of election day. This was done, as acknowledged by themselves, to prevent the colored men coming to Monroe, where many of them had been in the habit of voting, the election laws of Louisiana permitting the voter to cast his vote at any polling place within the parish, according to his own pleasure or convenience. While doing this work, officers of the election were stopped and interfered with in the discharge of their duties, one ballot-box with its contents (that of the Logtown poll) was destroyed, and its legal custodian wounded. The claim that they were designed to encourage and aid in the enforcement of good order and as a protection against negro pilfering seems a mere pretense, since all demonstrations and influences in every direction ceased with the 7th of November.

Prior to the 30th of August the canvass in this locality had proceeded as in former years. On this day Dr. B. H. Dinkgrave was shot dead on the highway. Dr. Dinkgrave was a native of the parish, and had always resided there. He was a man of education, social position, and personally esteemed, although, from the fact of voting the republican ticket, he fell within the Louisiana designation of "scalawag." Dr. Dinkgrave was the recognized and trusted leader of the colored republicans. He was active in the formation of clubs, was a zealous, earnest political organizer, and had greater influence with the negroes than any other white man in that region. He was regarded by the white democrats as a bitter partisan, and was hated by them in consequence of his supposed control of the negro vote. It is not known who was the assassin. The democrats believe that the crime was not prompted by any political motive. On the other hand, the negroes regarded it as the murder of their trusted leader, committed by democrats, and for the purpose of intimidation. It was natural that, while some of the negroes would take their arms and endeavor to organize for their mutual protection, others, more timid and terrified, would seek safety in joining democratic clubs or abstaining from all political action. After this event there was no effort made for the formation of republican clubs, as had been the custom in former years. The death of Dinkgrave was followed, in the above-named parishes, by the murder of James Jackson, Primus Johnson, Merriman Rhodes, Ferdinand Bynum, and W. L. Law, all of them colored republicans, and the shooting and otherwise wounding of Andrew McCloud, H. W. Burrell, Spencer Dickerson, William Lewis, Eaton Logwood, Ben. James, George Shelton, Randall Driver, Hawkin Jones, William Claret, Emanuel Richards, Henry Foster, Bryant Sims, and others, who were colored republicans.

The absence of the printed testimony prevents any careful reference to special facts; but, in my judgment, a candid reading of the testimony from democratic sources will sustain the conclusion that the condition of affairs in the parishes we are now considering, during the two or three months prior to the election, was such as to prevent a full, free, and fair election, and that there was an intimidation of colored voters.

All which is respectfully submitted.

WM. W. CRAPO.

To the Hon. WILLIAM R. MORRISON,
Chairman of the House Special Committee on the Louisiana Election:

The undersigned, one of the subcommittee to investigate the matter of the Louisiana election, under the resolution of the House of Representatives, at New Orleans, not being able to agree to the report of the majority of the subcommittee, begs leave to submit this minority report.

That subcommittee sat in New Orleans for about five weeks and took testimony concerning the conduct of the election in the parish of Orleans, and extended their inquiries also as to the situation of affairs throughout certain disturbed portions of the State.

There was a vast amount of contradictory testimony presented before the subcommittee, and the positive and direct contradiction of witnesses rendered it im-

possible in many cases to come to an accurate conclusion as to circumstances and events.

Their testimony was evidently very much warped by their political prejudices and personal feelings, making it difficult for the subcommittee to reach the truth.

The war of the rebellion had made the white class of Louisiana poor by the operations of the armies that overran the State, and by the emancipation of the slaves. The amendments to the Constitution gave to the former slaves equal civil and political rights with their former masters. They felt that the republican party had released them from bondage, and hence, when their political rights were assured, they exerted them in favor of those whom they had esteemed as benefactors.

The white race, on the other hand, felt but little sympathy with those whom they had formerly dealt in as chatteis or commanded as serfs, and who were now using the elective franchise against them.

Out of these antagonisms bitter feelings arose, which culminated in riots, murders, and massacres of colored people by the whites. In the months of September, October, and November, 1868, massacres occurred in the parishes of Saint Landry, Bossier, Caddo, Jefferson, Saint Bernard, and Saint Mary, in which one thousand colored persons are estimated to have been killed. These disturbances produced a general feeling of intimidation and insecurity among the colored race, and had the effect of preventing great numbers of colored voters from attending the polls and exercising their political rights at the fall elections of that year, and to secure to them the opportunity of a fair and peaceable vote, and to obtain for all classes an honest election, the election law as substantially now existing was enacted.

It is proper to say that it is a law that gives greater and more stringent powers to its officers than can be found in most of the election laws of the other States; but it arose out of an abnormal condition of things that existed nowhere else in the Union.

It authorized supervisors of registration and commissioners of election to make to the board of returning officers of the State a statement of all acts of riot, tumult, violence, intimidation and disturbance, bribery or corruption, that might have occurred at any poll or place of registration during the registration or election, properly attested by witnesses, and if, after the examination into the case, the returning officers should be convinced that said riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences did materially interfere with the purity and freedom of the election at any poll or voting place, or did prevent a sufficient number of the qualified electors thereat from registering and voting to materially change the result of the election, then the returning officers were commanded not to compile or canvass the statement of the votes of such polls, but should exclude it from their returns.

This law, properly administered, would secure to every citizen a full, fair, and free opportunity of casting his ballot, and was so intended.

Under the requirements of this law the sworn officers of the State returning board threw out both democratic and republican electoral votes, and some supervisors of registration made no returns at all, for reasons of fraud, intimidation, or neglect of proceeding according to law.

When the canvass of the electoral vote was completed by the State returning officers, it was found that the majority of the lowest republican presidential elector over the highest democratic elector was 3,458.

The figures whereby this result was reached will be found in the general minority report, and need not be repeated here.

Of this purging of the polls the democratic party complains. It is proper to admit that the evidence given to show the cause of the non-return of the second poll of the eleventh ward and the sixth poll of the second ward of the parish of Orleans was not satisfactory, and that those polls, amounting to 661 democratic votes and 187 republican votes, should have been returned to the returning board; but as they were not so returned, the board did not compile them. The returns of the third poll of the seventh ward of the same parish were never made out, the officers having acted improperly and irregularly, and believing they had no authority, under such irregularities, to make their returns.

Some testimony was taken concerning the situation of those parishes where that kind of intimidation and violence called "bull-dozing" took place; but full investigation into the condition of those parishes was not obtained.

The minority of the full committee demanded that an opportunity should be allowed to examine witnesses in New Orleans who had fled from those disturbed parishes to the city for protection, and who were reported to be ready and willing to testify as to the violence that had exiled them from their homes, and the undersigned desired the same opportunity to have such witnesses before the subcommittee, but the committee refused the privilege on the ground that subcommittees had been allotted for those parishes, who could make a better examination there.

The minority of the committee then believed, and now believes, that the same system of terrorism that drove the witnesses from their homes would prevent their return, or, if they returned, would prevent a free and full statement of the condition of affairs in those districts.

Much of this disturbance and violence arose from the manner in which the campaign was conducted by the democratic party.

The president of the democratic-conservative State central committee, Major I. W. Patton, issued his "confidential" circular, which will be found at length in the testimony, in which, among other things, he gave the following advice: "Third, we recommend that clubs shall be formed in different sections of the parish, of which there shall be frequent meetings, and, as often as may be convenient, a central meeting of all the clubs. That occasionally the ward clubs should form at their several places of meeting and *proceed thence on horseback to the central rendezvous.* Such meetings would tend to produce harmony, besides being an occasion for amusement and interesting ceremonies. Proceedings of this character would *impress the negroes with a sense of your united strength.* They have been taught that they greatly outnumber you. Such meetings would convince them of their error."

The young and restless democracy were not slow at taking the hint, and mounted rifle clubs were formed in many parishes, especially in those which had given a large republican vote. It was shown by credible witnesses of high character that in the parishes of East and West Feliciana, Ouachita, and Morehouse there had arisen from these rifle clubs, which assumed to be mere regulators for the protection of property, many disturbances, whippings, hangings, shootings, and murders, which caused great intimidation among the colored voters, and deterred them from going to the polls. The testimony of Attorney General Hunt, of General John R. Brooke, of the United States Army, of Judge George P. Davis, and many others, is to the point and conclusive.

Judge Davis was a republican, and the democrats of his parish, not liking his political tenets, held a public meeting and requested him to resign. He understood this as a threat against his personal security and left the parish, as did G. T. Beauregard, another parish officer, who had a similar request served on him by the same meeting. They deemed their lives in danger if they remained.

The testimony laid before the Senate committee on this point of intimidation is very ample, and discloses a system of violence and terrorism practiced by democrats on colored republicans that shocks humanity.

The returning board, sworn to "carefully and honestly canvass and compile the statements of the votes, and make a true and correct return of the election," gave in evidence before the full committee their reasons for the rejection of the votes of the excluded polls, which will be found in the testimony, and which rejection they claim was strictly according to law. It is true that the statements of some of the supervisors were made in New Orleans, and not in their parishes; but inasmuch as the duty of forwarding the consolidated returns to the returning board within twenty-four hours after the election closes, with a statement of such violence and disturbance or intimidation as may have taken place, is merely directory, it would not be a valid objection to such a return that it was made after twenty-four hours, and its statement made in New Orleans. The reason given by some of the supervisors for taking their returns to New Orleans, and making their protests or statements of intimidation in their parishes, was that if they had done it there their lives would have been in jeopardy.

It was estimated by some of the witnesses that if the election had been a full, free, and peaceable election, such as the election law contemplates, there would have been a republican majority of from fifteen to twenty thousand, one of them placing it at a still higher figure.

A census of the State was taken in 1875, from which it appeared that there were registered 207,622 voters, of whom 115,268 were colored and 92,354 were whites, making 22,914 majority of colored voters. How this calculation was arrived at will be found in the testimony of D. J. M. A. Jewett, who made it from the census returns.

To rebut this statement, a democratic statistician and computer, Professor S. E. Chaillé, A. B., A. M., M. D., professor in the medical department University of Louisiana, &c., &c., was called, who made an extended calculation, by which he endeavored to demonstrate that the census, as seen from a democratic stand-point, was exceedingly incorrect, especially as to the numerical excess of the negro population. Yet the census remains, and unless we believe that the census-takers were very reckless or very corrupt, it must still remain as the official statement of that excess.

It is claimed that the negro voters have changed extensively from the republican to the democratic side, and to prove that claim witnesses were produced to show that negroes attended democratic meetings and participated in the proceedings. On the other side, however, witnesses testified that they were told by some of that class of negroes that they had been forced to hide in the woods for personal safety, and that they attended such meetings for the sake of peace and quiet, and to avoid being maltreated, and not because they believed in the principles of the democratic party. They wore democratic badges, but said privately that their hearts were still republican.

A few in New Orleans were produced, who stated that they had joinedthe democrats, but the detestation with which such were held was shown in the fact that they were ridiculed and abused by their former friends. They were produced to show that colored democrats were "bull-dozed," but their production only manifested this, that the great mass of the colored people were attached to the republican party and hated those who, in joining the democracy, they say, "had sold their race." The witnesses proved too much.

What few colored recruits were obtained for the democratic party were got by democratic leaders adroitly calling their attention to the fact that, in two or three instances, the treasurer of the school fund had embezzled the money of the school district; that the Freedman's Bank had failed; that taxes were high and times were hard.

It is unfortunately too true that in two or three school districts the funds were not managed as they should have been, and that the proper school facilities were not afforded.

In Concordia Parish, one David Young had failed to account for all the money intrusted to his hands. An indictment was found against him for embezzlement. But that there were circumstances in his case that made it not so dark as democratic orators painted it is evidenced in this, that the district attorney entered a *nolle prosequi* in his case, Governor Kellogg having suggested that it might be done if the evidence before the attorney was not such as would warrant a conviction, and if the ends of justice would be promoted thereby.

Considerable prominence was given in the testimony to what was called "the sewing-machine circular." The republican party believed that large numbers of persons, especially democrats, were fraudulently registered in New Orleans, and to ascertain the truth thereof they directed a circular concerning sewing-machines to those persons whom they suspected of being fraudulently registered. They were sent through the mail, and if the persons to whom they were addressed were not to be found resident at the place of their registration where the circulars were addressed, the circulars were returned to the post-office, and thence to the republican committee, from which they emanated. They were then taken by two persons, as witnesses, to the place where the persons addressed were said to reside; and, if they were not found there, then they were delivered over to the proper officer, who issued his warrant for their arrest. By this means over 11,000 warrants were issued, and 3,368 colored and 7,738 whites were stricken from the registry-list, not being found at the places where they registered, and thus the registration-books were prevented from being made the means of a great fraud on the ballot-box. Some mistakes occurred in purging the registration-lists, but very few persons were shown to have been deprived of their right to vote by this operation. Such efforts at fraudulent registration are unfortunately too common in great cities.

Another mode of fraud was used by the democrats to obtain the negro vote, which was to circulate among them democratic tickets with Hayes and Wheeler headings, but having on them the names of the democratic electors, by means of which deception the more ignorant of the colored republicans who did not know the names of the republican electors were defrauded of the expression of their will at the poles.

An effort was made to show that the State of Louisiana was suffering in her material prosperity under republican rule. It is true that the State was deeply in debt by the extravagance of the Warmoth administration, which had been reckless in appropriation and expenditure until the State was practically bankrupt.

Under Governor Kellogg's administration, an amendment to the constitution was made providing that when the debt of the State was "reduced below $25,000,000, the constitutional limit shall remain at the lowest point reached, beyond which the public debt shall not thereafter be increased; and this rule shall continue in operation until the debt is reduced to $15,000,000, beyond which it shall not be increased. Nor shall taxation for all State purposes, excepting the support of public schools, ever exceed twelve and a half mills on the dollar of the assessed valuation of the real and personal property in the State, except in the case of war or invasion.

Laws pledging a certain amount of taxes for the payment of principal and interest have been passed; the creditors of the State have agreed to exchange their old bonds and unbonded claims for new consolidated bonds at sixty cents on the dollar, so that when the progressing consolidation of the debt is completed, the whole debt of the State will not be over $12,000,000, and cannot exceed $15,000,000 before the year 1914.

When Kellogg's administration came into power, the State debt was $24,000,000; but by the funding process, and some payments to a limited extent out of the revenues, it has been reduced to the figures above stated. State taxation was then twenty-one and a half mills on the dollar, with an equal or even greater amount in some parishes for parish purposes. In New Orleans the taxation then for all purposes was fifty-one and a half mills; this year it is twenty-nine and a half mills

The total expenditures for State purposes from 1869 to 1872, inclusive, were $11,622,005, while the total expenditures during the four years of Kellogg's administration were $7,412,180.

The products of the soil for the past year are estimated at $60,000,000.

These figures show that Louisiana under republican rule is rapidly advancing to an increased prosperity.

Her soil in most of the parishes is good, her climate propitious, her productions varied and valuable, and all that is wanted to render her extremely wealthy is industry among her people and an orderly observance of law.

There is, however, too great a disposition in the white race to endeavor to ob-

tain a desired end through the intervention of force, rather than by peaceful means. The result is that courts and juries cannot enforce the law where men prefer to obtain a purpose or redress a wrong by their own personal action, rather than by the peaceful process of the law. So strong is the disposition to use the strong arm, whether to obtain a right or redress an injury, that the greater part of the white race of the State goes armed.

A signal instance of this disposition is shown in the fact, that while the committee was holding its sittings in New Orleans, what is called the democratic Nicholls government, that had no certificates of election from the returning officers, refusing to abide by the decision of the returning board against them, with the armed hand took possession of the courts and ousted the legal occupants of the bench, seized the police stations plundered the State arsenal, and assumed possession of the offices of the government.

So long as questions of right to office are to be decided by the bayonet rather than by the ballot, society will be disturbed and business cannot prosper.

The returning board swore that it would make a true and correct return of the election, and although the evidence has shown some errors and omissions in its action, yet the undersigned believes that, after making the necessary corrections in the compilation, the majority of votes cast for presidential electors was cast for those of the republican party.

The law presupposes that officers sworn to do their duty have done it faithfully and to the best of their ability, and as the election law of Louisiana makes the returning board of that State the compilers and canvassers of its election returns without appeal, it becomes all good citizens to abide by the law, and if the law is defective in its terms or oppressive in its workings, it is within the power and province of the Legislature to repeal it and substitute a better one in its place; but while it remains on the statute-book, the peace, happiness, and prosperity of the State demand that it should be obeyed.

W. TOWNSEND.

Views of the minority of the subcommittee composed of Messrs. New, Bebee, and Joyce, to which was referred the investigation of the Louisiana election in the parishes of East and West Baton Rouge and East and West Feliciana, in that State.

Mr. CHARLES H. JOYCE, the minority of the subcommittee to which was referred the investigation of the Louisiana election in the parishes of East and West Baton Rouge and East and West Feliciana, submits the following report:

Hon. WILLIAM R. MORRISON, *Chairman, &c.:*

The subcommittee of which I was a member has completed its labors, having taken the testimony of about three hundred witnesses in the parishes of East Baton Rouge and East and West Feliciana, and some six or seven in the city of New Orleans.

The object and purpose of the investigation, as I understood it, was to ascertain and report whether the vote, in either or all of those three parishes, had been materially changed at the late election by the intimidating or corrupt influencing of any of the legal electors in said parishes.

The direct examination of most of the witnesses was conducted by the chairman of the subcommittee; and, while I was convinced and perfectly satisfied, from the outset, that the interrogatories put to the witnesses were objectionably leading, each one clearly suggesting the answer, and not in any manner calculated to elicit the truth, yet I refrained from interposing any objections at the time, choosing rather to meet and discuss that question when the whole testimony, interrogatories, and answers, shall be submitted to the House.

Considerable testimony has been taken by the subcommittee tending to contradict the affidavits made by the supervisors of registration and some other witnesses, which were used before the State returning board at New Orleans, and also tending to impeach the character of said affiants for truth and veracity, touching the matter of intimidation during the registration of voters, and also on the day of election. Most of this class of testimony comes from very bitter democratic partisans and politicians or from defeated and disappointed candidates for office, and can, therefore, in my judgment, have very little weight, in the minds of candid and impartial men, in determining the grave questions involved in this investigation. But, even if they are contradicted and shown to have made statements or admissions in some respects inconsistent with the sworn affidavits they afterward made, how can that affect or in any manner neutralize the great mass of positive evidence coming from witnesses which the majority of the subcomittee put upon the stand, showing that there was violence and intimidation and that the statements in said affidavits are in fact true?

The great mass of the testimony, however, has been taken with a view to show that no violence, improper influence, or intimidation was resorted to or practiced by the white democrats, during the late election, toward the colored voters in said parishes for the purpose of changing or influencing their votes; but that the cold-blooded murders, whippings, and beatings which have been perpetrated upon colored republicans by white democrats during the last two years in said parishes have all been committed for the purpose of breaking up a system of stealing which prevailed; and a violent, but unsuccessful, attempt has been made by interested and, I have no doubt, in many cases guilty witnesses to explain and justify the scores of wicked and atrocious murders which have shocked the civilized world, caused cruelty to blush, and brought a well-merited stain of reproach upon the white people of those parishes.

Most of this testimony is of a purely negative character, as will be seen by reference to it, which, weighed by the well-established rules of law applicable to such evidence, is of little value, and especially when met by the positive testimony of such witnesses as Rev. John A. Riley, Captain C B. Rodgers, United States Army, Henry Marston, Thomas H. Hughes, Henry Brookheart, Thomas T. More, John Haley, Littleton Jones, D. J. Wedge, Alex. Pool, Abram Sensley, John S. Lenear, Joseph A. Norwood, William King, William Hansberry, R. S. Brown, J. W. Mann, Wesley Smith, Henry Matthews, John Sensley, Josiah Johnson, Solomon Jefferson, W. C. Cane, Austin Williams, C. R. Collins, Isaac Butler, Reason Brown, Dan Wisham, Alex. Robbins, Anthony Wilson, Nathan Morgan, Bruce Pipes, James De Gray, James Law, George T. Norwood, Lieutenant Davies, United States Army, E. A. Rigby, Monroe Myers, Aaron McKenzie, and many others whose names do not now occur to me.

A large number of the colored witnesses examined by the majority of the subcommittee were ministers of the gospel, who, by their own concessions upon the stand, had studiously avoided conversing with their colored brethern upon the subject of politics, had taken no part in the canvass, and, of course, were entirely ignorant of the sentiment and feelings of the colored voters in their parishes upon political questions.

Such testimony, it seems to me, can have but very little weight as bearing upon the question as to whether the colored people were intimidated or not.

The majority of the subcommittee has taken great pains to have given in the testimony the names of the colored members of the various democratic clubs in said parishes.

To my mind nothing could be more conclusive than this array of names of the terrible effects of the acts of violence committed upon the colored people of those parishes by the democracy during the last political canvass.

The weight to be given to this negative testimony, and the rule of law applicable to its consideration, is well illustrated by eminent writers whose attention has lately been called to this subject.

"As might have been expected, the testimony adduced to establish the fact of intimidation is positive and specific, giving place, date, names, and circumstances, while the rebutting statements are general, negative, and vague. The man who sees, hears, and feels must always be able to speak to the point, while he who does not see, hear, nor feel can only say so. On questions of outrage, dead bodies, scars, wounds, invalids, and cripples are convincing witnesses.

"When fifty men testify that they did not see a certain thing, and fifty more or less testify that they did see that thing, which side is to be believed? Everybody knows the rule of law and of common sense. One man who saw and swears to it outweighs fifty who did not see and swears to that. Strip the Louisiana case of all disguises and excrescences, and it is simply an illustration of this well known rule. One man who saw that his life was in danger if he voted as he pleased ought to outweigh many men who did not hear any violence or hear any threats. We are supposing that the witnesses are equally credible; that there is no reason to doubt that each swears to what he believes to be the truth; yet the knowledge of one man outweighs the ignorance of thousands. Assassination, beating, intimidation of voters in any form, are crimes in Louisiana. No man takes pains to commit crimes with all possible publicity. The one witness who saw a murder committed, and identifies the murderer, is infinitely more important than the many who did not see, and who think that the murder was not committed at all or was committed by somebody else. Thousands swear that they personally know certain facts. On the other side thousands swear that they did not see any intimidation nor hear any threats, and that they know nothing to warrant the belief that the election was not fair and free. Which set of witnesses is to believed? Which would be believed if the issue were the guilt or innocence of a man accused of horse-stealing?

"In these few words the Louisiana case, as it now stands, is summed up. Thousands swear that they saw, and thousands more that they did not see. The Presidency of the United States depends, in equity if not in actual result, upon the degree of credibility to which such conflicting testimony is entitled. As to these, we must either believe the thousands who swear to what they saw and suffered, or the thousands who swear that they did not see and did not suffer."

A large number of witnesses were introduced for the purpose of proving that the shooting of Gilbert Carter, Isaac Mitchell, and John Gair, three prominent, active republicans, was in no way connected with political considerations, and that the killing of eighteen other colored men, in the parish of West Feliciana, between the 24th of July, 1875, and the 24th of December, 1876, and the murder of about an equal number in each of the other parishes of East Baton Rouge and East Feliciana, during the same period of time, was not for political purposes, yet when we consider that in every case the evidence shows that these colored men were obnoxious to the white democracy on account of their pronounced republicanism, and that they were in most instances leaders among their race, it raises, in my mind, a presumption which cannot be overcome by the testimony of their murderers.

It is not denied that these horrible crimes have been committed in these parishes; indeed, I understand all to admit it, but claim that they had no political origin.

Now, the questions arise, were these crimes committed for political ends, and was the effect of them, and of other acts of violence and threats, such as to deter men who wished to do so from voting the republican ticket?

"As to the purpose, we must say that the facts speak for themselves. A great many persons were killed, or assaulted with violence; they were nearly all republicans, and in nearly every case they were republicans of such local importance that the fact of their assassination would necessarily alarm many others and deter republican voters. Precisely in the parishes where these things occurred the republican vote most unaccountably decreased; unaccountably, if we suppose that these acts of violence were not the cause. Nobody has attempted to give any explanation of the fact that, out of thousands of known republicans in East Feliciana, for example, only one solitary man dared to vote, excepting upon the theory that they were deterred by violence. No man has given, and no man can give, any explanation of the amazing decrease of republican votes in certain localities, and not in other parts of that State, who ignores the fact that in those very localities acts of violence were most frequent."

Now as to the nature and effect of these misdeeds.

Scores of witnesses swear that they saw the effects of this violence; some that they were personally assaulted; some that they knew of the murder of others, and were warned that it would not be safe to vote the republican ticket; some that they were personally threatened or warned; many that they did not vote as they wished, because of the real or supposed danger, and many others that among their acquaintances there were many republicans thus coerced or driven from the polls by fear. A superficial reading of this evidence, conflicting as it is, might leave the mind in doubt, and a partisan of either side, giving credence only to what pleases him, might find it in confirmation of his prejudices; but an impartial judge, carefully weighing the testimony, would conclude that there was such intimidation as the law of Louisiana denounces and renders penal, and that such intimidation did materially affect the result. Such is the nature of the evidence, and from it a fair-minded man can come to but one conclusion.

The testimony also reveals the fact that during the late political campaign a large number of colored republicans were taken out of their beds and their houses in the night-time and cruelly whipped by bodies of armed men until, through pain and loss of blood, they fainted and were left for dead, while others were beaten with bludgeons and pistols until life was nearly extinct.

The fiendish spirit by which a portion of the white people of East Feliciana have been moved during the last two years toward the colored people of that parish is well exemplified in the case of two inhuman wretches who took a colored boy, fourteen years old, and, after subjecting him to all manner of tortures, tied him to their horse's tail, dragged him nearly a mile, and then shot him to death.

Nearly equal to that in atrocity and wickedness was the case of the murder of John Gair and his sister-in-law, Babe Matthews, without, as I say, one word of evidence upon which a reasonable man would have acted in the smallest matter.

John Gair was a bright, active, intelligent colored man, in the prime of life, a thorough and earnest republican, and an oracle and leader among his people in the State of Louisiana. In every political campaign he was the first to lead off in the organization of republican clubs, getting up of republican meetings, and doing whatever was necessary to an active and successful prosecution of the canvass.

This, together with the great influence he exerted over the colored people of the State, made him extremely obnoxious to the white democracy, and they set about to concoct a plan by which they could get rid of him.

Fortunately for those who were compassing his death, they hit upon the very creature who was in every way qualified to aid them in the execution of their murderous purpose.

Babe Matthews, a colored girl, about eighteen or nineteen years old, was a sister-in-law of John Gair, and was, at that time, October, 1875, living in the family of one Dr. Saunders, in the said parish of East Feliciana.

On a certain day, this Dr. Saunders pretended that he had been poisoned, and that Babe Matthews had committed the deed.

On this false and malicious statement of Dr. Saunders the poor colored girl was immediately taken into custody by some of the friends of Saunders, and, if rumor is true, and I have no doubt of it myself, submitted to a system of torture which at last compelled her—to save her own life—to sign a confession which the counsel for Saunders had prepared.

This pretended confession was to the effect that she had some time before been to Baton Rouge, where John Gair then lived, and while there one John George had given her some poison and told her to poison Dr. Saunders, as he and Gair had fixed it all up. That after she had returned from Baton Rouge to Saunders's house she put the arsenic in the water-dipper and put the dipper in the water-pail, and Saunders swore that he drank out of it and was poisoned.

It will be noticed that no pretense is made, in this pretended confession or anywhere else, that the girl ever stated that Gair had spoken to her about the poisoning of Dr. Saunders, but only that George had told her when he gave her the poison that he and Gair had fixed it up.

Now, upon this statement, forced from that poor, timid, ignorant, colored girl, under the most inhuman and cruel tortures, without one scintilla of evidence to

connect John Gair with the transaction, Deputy Sheriff Woodward, with a posse of six or seven men, is started for Baton Rouge to arrest Gair and bring him to Clinton. Woodward and his posse go to Baton Rouge, arrest Gair, a telegram announces the time when they leave with their victim for Clinton, Dr. Saunders gives the word, and in a twinkling from seventy-five to one hundred armed and mounted desperadoes come together and proceed toward Baton Rouge to meet the sheriff and execute the orders of the league.

At a proper time and in a proper place they meet the sheriff and his posse, go through the farce of disarming them, and then take possession of their victim, while the miserable treachery and collusion of the sheriff is disclosed by two of the murderers, who ride up to him saying that they "report to him." They have now in their possession the man who has so bravely borne the standard they hate and marshaled the clans they despise, and with curses and execrations they bind him to a tree, and with hellish glee riddle him with bullets, while he calls upon God to have mercy upon his soul and protect his wife and little ones at home.

They have killed Gair, but democracy cannot breathe free until the last vestige of evidence against his murderers is blotted out, and the blood of Babe Matthews cries to day from the ground against Joseph A. Norwood and his bloodthirsty crew.

Now, in order to justify all this crime and wickedness, which they are compelled to admit, and avoid the conclusion that it was done for political purposes, Dr. Saunders comes before the committee and swears he was poisoned, and Dr. Langworthy swears that he subjected some of the water that Mrs. Saunders gave him to a chemical test, and discovered the presence of arsenic.

But on cross-examination it was shown that Dr. Langworthy was totally ignorant of every principle of chemistry under which he pretended to have made the test, and that he did not know where the water came from upon which he had tried his experiments.

Mrs. Saunders could have informed the committee where the water came from which she gave to Dr. Langworthy, but for some reason unknown to me she was not called as a witness.

In addition to this, the evidence shows that Dr. Saunders uses intoxicating liquors to excess, and has for the past ten or fifteen years, and would be very likely to have just such burning sensations in the stomach as he has described.

I only desire to add that in my opinion the attempt to prove that Saunders was poisoned was a miserable failure, and leaves the impression a thousand times stronger upon the mind than before, that John Gair was foully murdered, not because he was suspected of advising the poisoning of Dr. Saunders, but because he was a hinderance and vital obstruction to democratic supremacy in those parishes.

It was well known to the colored people, not only of those three parishes, but of the whole State, that John Gair had been murdered by the democrats, and that it was because he was a republican, and for no other reason.

The effect of it upon their minds was electric and tremendous.

It was the handwriting upon the wall, comprehended and understood by them as an admonition and warning to all other colored republicans that they must submit to the dictates of democracy or share his fate.

That act, alone, of democratic violence, designed by one party and understood by the other, as it was, to frighten and intimidate the colored people in those three parishes, would have been sufficient of itself, without the scores of others which they afterward committed, to alarm and frighten all the colored voters, so that when the campaign commenced in the spring of 1876, a single word or a nod from any white democrat would have been sufficient to excite the most intense alarm and drive them all into the democratic clubs, whose protection was guaranteed.

In order to support and fortify this false and groundless theory, that Gair was in some manner responsible for the attempt to poison Saunders, and that when arrested he showed guilt, one of Woodward's posse swears that when he attempted to arrest him he ran to the river, got into a boat, and pulled off from the shore, and that he brought him to by firing at him from the bank.

This witness is not corroborated by any one, as none of the other six or seven men who were with him swear to anything of the kind, while one of them testifies that when they met Gair upon the street and were about to arrest him, he drew two pistols and then ran away.

The whole transaction, as detailed by these two witnesses, is unreasonable and inconsistent, in perfect keeping with the whole democratic theory in regard to all the murders and assassinations in said parishes, and is only another demonstration of the fraud and deception to which many of the white people in that State are ready and willing to resort in order to gain power and elect Tilden to the Presidency.

In the early part of the investigation it was boldly insinuated that Gair was killed by colored republicans who had become opposed to him in consequence of a split in the party, but the facts afterward elicited, and the names of some of the men who killed him, forced from the unwilling lips of Norwood, the chairman of the State democratic central committee and leader of the gang, set that theory at rest; and his murderers hid themselves under the confession that they could disclose no more without criminating themselves.

In this connection it is worthy of remark that in none of these cases have the perpetrators been brought to justice, although in nearly every instance it has been well known to the authorities and the people generally who they were. Now, it is no answer to this to say that the courts have been in the hands of the republican party, when the testimony shows that whenever there has been an attempt made to hold a term of court in these parishes the courts have been broken up and the judges driven off by bodies of armed democrats.

The testimony of a large number of colored men has been taken, which tends to show that they joined the democratic clubs and voted the democratic ticket of their own free will, and it is quite possible that some few of them may have done so; but the great mass of them, as will be seen from their testimony, by their confessions and admissions upon the stand when subjected to a rigid cross-examination, and the fact that there have been no republican clubs and only two or three republican meetings in the three parishes during the late canvass, when it is shown that in previous campaigns there have been clubs and scores of meetings in every ward, together with the fact that in 1874 the republican vote in West Feliciana was 1,338, and in 1876 only 780; that in East Feliciana it was 1,688 in 1874, and in 1876 only 1; and in East Baton Rouge it was 2,546 in 1874, and only 1,051 in 1876, is sufficient to convince an unprejudiced mind; and when no other cause is or can be assigned for the change, it becomes absolutely impossible to account for it upon any other hypothesis than that of intimidation and compulsion.

The excuse which has been put in the mouths of some of these colored men by their tormentors is so painfully similar, giving the same reasons and in almost the same language, as to raise in the mind a clear and thorough conviction, not only of its falsity, but also that they have learned the lessons they recited upon the stand from the lips of those whom their evidence is designed to benefit.

The attempt to explain why every prominent republican in those three parishes is now in exile and dares not return to his home, is a complete and utter failure, and is the very strongest kind of corroborative evidence of the illegal and outrageous manner in which those colored men have been forced to vote the democratic ticket.

The theory which was sought to be set up that the White League or organization of Regulators was formed and kept up for the suppression of theft and lawlessness, and that it never had any political significance, is abundantly refuted by the fact, which the evidence discloses, that on the day of election colored men who voted the democratic ticket were furnished with passports or certificates of safe conduct, to be shown or used by them as a protection against the White League, Regulators, or any other armed democratic organization which might chance to be prowling about the country.

These armed bands of reckless and wicked men not only shot down, hung, and whipped defenseless colored men and women without cause or provocation, but they entered the court-houses when the courts were in session, drove the judges from the bench, shot the sheriff, compelled the police-jurors to resign, and broke up the courts, giving as a pretended reason that it was because the judge had charged a petit jury in a manner not agreeable to the mob, but really because the judges and officers of the court were all republicans.

The majority of the committee must have been aware, when they arrived in New Orleans from Washington, that most of the witnesses which the republican members of the committee would desire to call were then in exile in that city from their homes in the parishes, and that their testimony could not be obtained unless it was taken there.

It must also have been well known to the majority of the committee that these republicans, both white and colored, who remained at their homes, would not dare to come before the committee in said parishes and testify, for fear of violence and bodily harm from white democrats who would be present and hear them testify; and they must also have known that the colored men who had been forced to join democratic clubs and vote the democratic ticket would not dare to testify in the presence of these men that they had done so through fear or in consequence of any intimidation.

Armed and guided by this knowledge and information, and in pursuance, as I have reason to believe, of a preconcerted plan, the first step was to divide the committee into subcommittees, so that the testimony should be taken in the several parishes, where the witnesses would be confronted and surrounded by the men who had intimidated and subdued them; and the next step was, after we had taken testimony at East Baton Rouge and West Feliciana, and closed the hearings at these points, under the belief, on my part, that I should be allowed to take testimony in relation to these parishes in the city of New Orleans, the committee decided by a strict party vote that no testimony should be taken in that city by any one of the subcommittees pertaining to the parishes allotted to them respectively for investigation.

This arbitrary and, as I deem it, unjust act was accomplished by the majority of the committee against the earnest protest and votes of the republican members.

In consequence of this decision, when we went to East Feliciana I caused to be summoned quite a number of witnesses to testify in regard to what had occurred in that parish, very few of whom appeared before the subcommittee, the others then being in New Orleans.

When the majority of the subcommittee had closed their testimony at Clinton, I then made a motion that the subcommittee adjourn from that place to New Orleans, to enable me to take the testimony of a large number of witnesses, whose names I then furnished, whose testimony I deemed important in this investigation, who resided in said parishes, but were then in New Orleans and did not dare to return to their homes. This motion was voted down by the majority of the subcommittee, but they permitted me to call any witness in New Orleans whom I had summoned at Clinton but who had not appeared, in consequence of being at that time in the city.

Under this permission of the majority of the subcommittee, I did take the testimony of James De Grey, James Law, George T. Norwood, Lieutenant Davies, United States Army, E. A. Rigby, Monroe Myers, and Aaron McKenzie at New Orleans, touching matters which had occurred in the parish of East Feliciana. Why the subcommittee allowed me to take the testimony of witnesses in regard to what had occurred in the parish of East Feliciana and deprived me of the right to do so in regard to the other two parishes, I never have known and do not know now.

The testimony I desired to take would have been positive and specific, but would only have been cumulative upon most of the points which are so clearly and conclusively proven by many of the witnesses called by the majority of the subcommittee, and which is so thoroughly corroborated by the testimony of the witnesses I have already mentioned.

Nevertheless, by this decision of the majority of the committee we are deprived of the testimony of many of the men who had personal knowledge of the acts of violence and murder committed by white democrats during the late political canvass, or who had been the victims of political malice and intimidation.

It was the business of this committee to ascertain and report all the facts in regard to the late election in Louisiana, and the persons who knew would seem to be the legitimate source of information; this the majority has, to a certain extent, cut off, and the people will demand of them some good reason for such an arbitrary and unjust exercise of their powers. I desire to state, in this connection, that I have never seen the testimony since it was taken, and have been obliged to draw up this report without having it before me; consequently I can refer to it only in a general way.

The State returningboard excluded from their count, as I understand it, two polls in East Baton Rouge, eight polls in East Feliciana, and six polls in West Feliciana.

Not having had the evidence before me, I am not now able to sort out and classify it so as to give the names of the witnesses whose testimony applies to each specific poll excluded; neither should I deem it necessary or important to do so if I had the testimony at hand, as I am fully convinced that the returning board had evidence enough before them to have justified the exclusion of every democratic vote found in any box in either of the three parishes.

I deem it also my duty to state in my report, as bearing upon the questions involved in this investigation, that in each of said three parishes, where we have taken testimony, I have sought out both white and colored republicans and urged them to come before the subcommittee and assist in conducting the examination of the witnesses, as the democratic party was always represented by men who prepared witnesses and suggested questions; but have been informed by them, in every instance, either personally or in writing, that they dare not do it, or even come to my lodgings to see me, for if they should their lives would be in danger as soon as the committee had gone.

I have also taken great pains to talk with colored men whom I have accidentally met in all three of said parishes, in regard to their coming before the subcommittee to testify, and every one of them, without a single exception, with whom I have conversed upon the subject, has told me that if he should go upon the stand and testify to all the acts of violence and intimidation which he knew, or had good reason to believe, had been practiced upon his people, his life would pay the forfeit. They have invariably told me th at they did not want to be summoned before the committee, but if they were they would not dare to testify.

In this report, which I make as a member of a subcommittee, I purposely avoid any discussion of the legal points involved in this investigation or of what appears from the testimony taken in regard to the other parishes, leaving all this to be taken care of in the general report, which will be made by the minority members of all the subcommittees.

I have therefore confined myself entirely to questions of fact arising upon the testimony which we have taken in the three parishes allotted to us for examination.

I will now refer at length to the testimony of the witnesses called by me, which has just been handed to me:

CLINTON, LOUISIANA, *January* 4, 1877.

BENJAMIN H. ROGERS, captain Thirteenth United States Infantry, sworn by the chairman.

By Judge NEW:

Question How long have you been stationed here?—Answer. Since the middle of July, last year, 1876—about the 18th of the month.

Q. State whether you were here continuously from the time you came here until after the election.—A. I was, continuously, with the exception of being absent at Baton Rouge for three days at two different times.

Q. State whether you were about over the parish any during the canvass.—A. I was riding about over the parish a great deal—mostly all over the parish.

Q. State whether the campaign was quiet in the parish or not.—A. I only know of two cases of violence that I thought was on account of politics.

Q. Will you state those?—A. One was the beating of a colored man for attending a republican meeting here.

Q. What was his name?—A. I don't know his name. I didn't make any note, as I turned him immediately over to the civil authorities, and he made an affidavit before a justice of the peace.

Q. Do you know the names of any parties who were arrested?—A. Skipwith and others, living near Shady Grove. They came in and said to me, five or six, that they had slept in the woods all night; that they were threatened with a whipping because they came to hear Mr. Packard when he held his meeting here. I advised them to go back, and they went back. A day or two after one of them came back badly beaten over the head. They had been sitting up with a corpse—one of the brothers. There was two or three in the affair. They drove them out of the house, and beat one very bad with a pistol. He came in and made a complaint, and I took him before the civil authorities, and he made affidavit and the parties were arrested.

Q. Was there any trial?—A. I don't know.

Q. Did you ever investigate the matter beyond the complaint that they made to you, to see whether their statement was true or not?—A. Yes, sir; I made some investigation. The defense on the other side was that they had threatened the negroes because they took a mule belonging to them. It seems that the man hired land of them and used their animals to cultivate his land, and that morning, instead of going into the field, he rode his mule into town, and that was about all the defense.

Q. Do you remember whether they denied it being done on account of politics?—A. No, sir; I didn't hear that they did deny it.

Q. Did you speak to him about it?—A. No, sir.

Q. You had no conversation with him on the subject?—A. No, sir; not at all.

Q. What was the other case?—A. It was a colored man by the name of Zeke Glover; think that is his name; he was badly whipped. He stated to me that he was whipped for reading republican papers to the negroes in his vicinity. He was sent to New Orleans, and made his affidavit.

Q. Did he state by whom he was whipped, do you remember?—A. I can't remember names. I only rember that there was a man by the name of Roberts and another by the name of Doty. There were other men that I didn't know, and I don't remember their names.

Q. Did any evidence upon the subject come to your ears, except what he told you?—A. Yes, sir; the statements of the opposite party, that they wanted him to go coon-hunting, and he would not go. I never put any faith in that at all, though.

Q. Was that the only reason given?—A. Yes, sir.

Q. Do you remember which one told you that?—A. Neither one of these told me, but the officers in the town, in conversation. They were sorry that the man left, as they wanted him to make an affidavit against the party, and they would arrest him; but the negro would not make an affidavit, because he said his life would be of no account. He refused to make it, on that ground.

Q. Those were the only two cases that came to your knowledge where you thought politics had anything to do with the treatment?—A. Yes, sir; in cases of violence since I have been here.

Q. State whether the election itself went off quietly.—A. Yes, sir; very quietly.

Q. State whether there was any interruption of the registry up to the time that Anderson claimed to have been shot at.—A. Not to my knowledge.

Q. State whether there were in the parish here, at the time he claimed to have been shot at, any riots or disturbances involving politics or that would be calculated to interfere with the registration.—A. No, I don't think there was.

Q. Did you ever investigate the matter of his being shot at?—A. Yes, sir.

Q. Did you investigate it alone or were you accompanied by any other person?—A. I was accompanied by the parish sheriff and the tax-collector, Dr. James Monahan, and Frank Powers.

Q. Is that Captain Frank Powers?—A. He is called Colonel Frank Powers.

Q. What was Colonel Frank Powers's politics?—A. He is a republican.

Q. What was Monahan's politics?—A. Democratic.

Q. You may state what investigation you gave that matter, and what conclusion you came to.—A. Well, we proceeded to the place where Anderson said he was shot at, and we searched, but we could not find anything. We brought Mr. Parlant and Anderson into Clinton, and they were brought before the parish judge—Mr. Anderson, Parlant, and Mr. Butler, who was in Jackson a few minutes before the firing occurred. I staid there and heard all the evidence, and that was my examination of the affair, besides examining everybody on the road that would probably know anything about it, certain teamsters encamped on the place.

Q. What conclusion did you come to as to whether he was in fact shot?—A. I never could tell whether he was shot at or not. I don't know to this day.

Q. You may state whether, from the best investigation you were able to give—whether you were in any doubt in your own mind whether he was in point of fact shot at at all.—A. I am completely in the dark as to whether he was shot at. First, I thought he was not, afterward I thought he was, and then I found out things afterward that made me think he was not. If it had been some other man than Anderson—I could not believe him under oath in any way, shape, or form.

By Mr. JOYCE:

Q. You say you came here last July?—A. On the 18th or 19th of July, I forget which.

Q. Now will you state what you heard in regard to the colored people being intimidated in this parish, with reference to voting?—A. I heard before I came here that the darkies were completely cowed, and that they did not dare to hold any republican meetings, and that they were being forced to join democratic clubs and would be compelled to vote the democratic ticket whether they wished or not. That I heard before I came here.

Q. Where were you stationed before you came here?—A. East Baton Rouge Barracks, Louisiana.

Q. What was the first you heard or learned after you came in regard to the same matter?—A. The first I heard or learned was colored men coming to me and asking what they should do; that they were being forced to join democratic clubs. I asked them if they joined of their own free will, and they said they were forced. I asked how they were forced. They said they were told that if they did not join they would have to quit the country or be whipped. I suppose some twenty or thirty different colored men told me that. I asked them why they didn't make affidavits, and they said they were afraid. I never could get any colored man to make an affidavit except that one who was beat over the head with a pistol. That is the only one that I could ever get to make an affidavit.

Q. You may state whether that continued; whether these colored men continued to come to you with these complaints down to the time of the election.—A. Down to the very day. I staid at the barracks with my company, and there was at least thirty came to me that day. I will say thirty, as near as I can recollect. They came in squads, stating that they were afraid to vote; that they wanted to vote the republican ticket, and that they had been told that if they did they would have to leave the parish. I advised them to go home and not vote at all. They said that they were afraid to do that; they had been told that they must vote the democratic ticket. One squad told me that men had been riding through knocking at the doors, and telling them that they must vote the democratic ticket, and frightening them in that manner.

Q. How many colored men, do you suppose, came to you previous to the election with complaints of that character?—A. There was not as many came to me as I asked. When I have been riding through the country I have stopped and asked them in regard to the political aspects of the country. I don't suppose there has been over fifteen or twenty who have come in to me. Yes; there has been more than that, because there has eight or ten come at one time—I suppose thirty.

Q. You took no note of the number?—A. No, sir.

Q. You may state whether, during the time you were here previous to the election, whether you rode through the parish a good deal.—A. Pretty nearly over the whole.

Q. State whether, when you were out, you took pains to question colored men in regard to the voting.—A. I talked with them a great many times; talked with colored men from nearly all parts of the parish.

Q. What did you learn from them?—A. I learned from all of them that they felt as though they were obliged to vote the democratic ticket for their own safety. That was the general tenor of all their statements.

Q. State whether you have talked to them, and whether any of them have talked to you, since the election.—A. No, sir; there has been but very few that I have seen since the election, except a few who came to me and told me that they were obliged to sign an affidavit certifying that they voted the democratic ticket of their own free will. They said that if they had not signed it they would be turned out; parties rode up to their houses and put the affidavits before them, and they said that they signed it for fear of bodily harm.

Q. When you first came here, when did you first learn there were bodies of armed men riding through the parish intimidating colored people?—A. The only statement made to me about bodies of armed men was the night before the election.

Q. Did you hear anything about an organization called the regulators?—A. I have heard of them before I came here. I think they were disbanded shortly after I came. There was a piece in the paper to that effect; that they considered themselves disbanded, and any acts of violence hereafter should not be laid to the regulators, as they were disbanded. That was some time about the 1st of August, I think.

Q. These two cases of personal violence that you have spoken of, after the investigation that you had made in regard to it, had you any doubt in your mind but what it arose from political motives on the part of the men who injured them?—A. I had very little doubt of it.

Q. From all that you have seen and learned in regard to the colored people of this parish, what do you say as to there being a full and fair vote at the last election?—A. As far as my judgment goes, I should consider—I should think the way the colored men have been speaking to me that at least two-thirds of the colored men in this parish would have voted the republican ticket if they had been left free and untrammeled by other parties—left alone.

Q. Did you learn what the vote was of this parish?—A. No, sir.

Q. Were you here at the time that this colored woman was hung?—A. No, sir; I was not.

Q. That was before you came?—A. Yes, sir.

JOHN A. REILEY, called by Mr. JOYCE, sworn by the chairman.

By Mr. JOYCE:

Question. What is your age?—Answer I am sixty years of age.

Q. State whether you are a minister of the gospel.—A. I am, sir; a regular minister of the gospel, connected with the Presbyterian Church of the Presbytery of New Jersey. I have been performing voluntary missionary work in this State for the last ten years.

Q. Where do you reside?—A. I reside ten miles from here.

Q. In this parish?—A. Yes, sir.

Q. How long have you resided there?—A. Ten years last November.

Q. Where did you come from?—A. I came from Blairstown, N. J.

Q. You may state, if you please, whether you know of your own knowledge, or whether it has come to you by report from others, any facts in regard to the intimidation of colored people in regard to their voting. State all you know about it.—A. Of my own knowledge directly, I have not been present when any persons have been intimidated. Persons have come to me and have told me that threats had been made to them. Men on my place have come and said that they felt unsafe in their houses, and that their houses were entered into by men, and they wanted to move inside my yard for protection.

Q. How many colored men did you usually have on your place?—A. Men, properly, there were perhaps twenty. About a little rising of twenty men.

Q. Were these the colored men that came to you and made these reports?—A. Yes, sir.

Q. Against whom were the complaints made?—A. Well, unknown parties.

Q. State whether they said what the object of the visits of these men was to their houses?—A. They did not state. This one man that came as a representative character—that is, he spoke for the rest, and I would not accede to his proposition—he said this: "There is hardly a man could sleep on this place at night." He went away. I don't know whether I answered your question.

Q. My question was, what object these men had in visiting the houses of these colored men in the night-time. Did they make any statement to you as to the object?—A. No, sir; no statement was made. It was presumed. When I understood the case, on one particular time, there was a political meeting—a democratic meeting—held a short distance from this man's house; and two of this man's sons-in-law were there. They had been stopping in the neighborhood. They were stopping at this man's house; they were stopping with this man, and there was a raid made on the house, and one of these men was shot, and the other I was told; I know one was shot, because I saw his wound; he was in my yard, and the other, they had a rope around him; he got away.

Q. That was the night of that political meeting?—A. The same night of the meeting.

Q. After the meeting?—A. Yes, sir. I must state, however, that I don't think those connected directly with the meeting, (that is not my impression,) that they had anything to do with this matter at all, but they came the same night. Perhaps those parties had been at the meeting; but there are two classes of persons that attend such places, men who make speeches; and, so far as I have heard, their speeches have not been of an intimidating character, so far as I have heard them; I heard them here, however, only, but I have not heard of any speeches reported of that character. But there are on the outside persons who come after and do this work; at least that was the case that night. I don't know anybody who knew who they were.

Q. When did this happen that you have related, about this man being shot?—A. That was two or three weeks before the election.

Q. During the last canvass?—A. Yes, sir.

Q. Do you remember where the meeting was held?—A. Yes, sir.

Q. At what point?—A. It was a place called Reiley's Bridge, a half or three-quarters of a mile from my house.

Q. Now, you may state whether any other complaints were made to you by colored men with regard to being intimidated.—A. One man came to me and told me that he was going to leave the place. I asked him why; and he said, "I think more of my life than I do of my crop. I want you to gather my crop, sell it, and keep an account. I will be back in two or three months." He said that, "My life is threatened." I tried to persuade him that it was not so. He said, "You may think so; but don't you know this man out here was killed, and this man out here was killed? Don't you know how they took me out of my bed and whipped me last winter? No; I am going to leave." He did leave. He remained away two months. He owned his own team, and he made large crops.

Q. When was it that those men you have mentioned came to you and made these complaints? About what time was it?—A. A couple of weeks before the election.

Q. You may state whether there were any other instances of that kind.—A. I have not inquired of the hands on the place, and in the cases of one or two of them——

Q. Did they volunteer to give those statements to you?—A. One did volunteer to tell me that he was waited upon by two men, and he was told unless he voted the democratic ticket he certainly would be punished, and one of them told him he was captain himself of the bull-dozers, and that he would see to it after the election.

Q. When did he say these men stated that to him?—A. A week or two before the election; a short time before.

Q. Do you think of any other instances?—A. Well, those persons have come to me off the place. There is a negro settlement about three miles below me, and most of them went and settled there from my place; bought lands and teams that they had made on my place, and goods. They settled there. That settlement was very much disturbed. They were working for nobody, but were supposed to be proprietors. They came to me one night very much excited, but that was at a time when I felt there was no cause whatever for it. I told them there was no cause; that "Nobody in the world will disturb you now; you need not think of such a thing; go home and sleep quietly in your beds; the election is over, and there are no persons going to interfere with you." They went home. They had proposed—they asked me if they could not come up on my place. This was after the election. Before the election I know only what they told me. They had not slept in their beds for weeks; even women told me that they had to lay between logs out from their houses. Now, they were frightened; that they could not say as to who was responsible for it; that I don't know.

Q. What did they say they were frightened about? What did they say frightened them?—A. I can only state what I have heard. They were told unless they voted the democratic ticket they would have to leave their homes. They were told so repeatedly.

Q. State whether that was a short time before the election.—A. No, sir. Not long before the election, one of those men living down there, who left on that account, said his life was in danger, and left the country, and was gone fully two months, and his family did not hear from him; he never wrote. They wrote and never received any answer from him. Their letters came usually into my box. I inquired over and over again for the letters, but never saw any. This man left and went into Bolivar County, Mississippi. He came back about two weeks ago. Now, I don't know whether politics had any connection with it. I heard his name in connection with it, because the old gentleman who sold them the land, only two or three days before his death told him, "Isaac, I guess you had better vote the democratic ticket."

Q. This old gentleman told that colored man so?—A. Yes, sir; and then Isaac said, "Need I vote at all?" And Mr. Lee (this old gentleman) said, "No, you need not vote at all." Some one present said, "He shall vote, or leave here."

Q. This man said so to Isaac?—A. Yes, sir.

Q. And Isaac left?—A. Yes, sir; he was the one who left. He was gone a couple of months. He just returned within the last two or three weeks.

Q. If there are any other instances which have come to your knowledge—people that have been intimidated—you may state.—A. Well, one man told me he had voted the democratic ticket, not because he wanted to, but because he was compelled to.

Q. State how was that.—A. Said he, "I and all the other colored people on the place of Mrs. Brown, we always voted the republican ticket. They held meetings, but we did not go to those meetings at all. None of us went to any of the meetings, and the night before the election men came and said, 'You know to-morrow is election, and you are expected to be there,' and all of us said that we felt we ought to go, and we would have to go; and, perhaps, we thought if we did not vote we could not stay here, because they had told us so." The men were informed that they had to vote, or they could not live on the place. His language was, "Unless you go and vote the democratic ticket you must leave this place." I am positive now this was the night before the election. They said, "We all went and voted the democratic ticket."

Q. You may state whether you said anything to him in regard to what he told you.—A. I asked him if he knew who these persons were, and he said they were strangers to him. He said, "You are Mr. Reiley; that's the reason I speak to you." I said, "I understand why you tell me the story which you would not tell a democrat; you would not tell a democrat that story, would you?" Well, he stopped a little and he said, "Mr. Hardisty asked me why I voted the democratic ticket. I did not want to tell him as I told you, that is so; I did not want to tell him as I told you, but I told him I voted because the rest did."

Q. Now, sir, you may state when you had this conversation with that colored man.—A. It was this morning.

Q. This very morning?—A. Yes, sir; I asked him his name, and he said, Fizor Reiley.

Q. Did he tell you where he lived?—A. Yes, sir; Mrs. Brown's place.

Q. Well, sir, are there any other instances that occur to your mind, Mr. Reiley, of where you have heard complaints from these people?—A. Well, I met a man with an ox-team about three weeks ago; he had formerly lived on my place. I had not seen him for years, and at first I did not know him. I think he lived in the eighth ward. He related to me the old story of being compelled to vote the democratic ticket. That is about all. He spoke about their raids, and he likened it unto a sage-grass field on fire. Perhaps he colored the story a little; I don't know; that is the story he told me.

Q. Any other one that you know of?—A. Simply in regard to the last canvass I suppose you want to obtain testimony?

Q. Yes, sir.—A. There was one man on my place that voted. I never asked him why he voted. I never asked him one question. I saw him afterward and I was told he voted. The rest never told me one word before or after the election. Only one said, "We all knew that if you wanted us to vote you would have told us so. But you did not say anything to us. There has been so much disturbance, so we staid at home." There was not but one of the hands that was at the election at all; that was near the polls. I was commissioner at this place. I saw some negroes, two of them, as I went to dinner to Mansker's, as I was going right across, who stated to me, "Mr. Reiley"—I was recording the names of voters; they told me—"you see we voted the democratic ticket, but we want to tell you we did not want to do it of our own free will."

Q. Were these colored men?—A. Yes, sir; colored men. That is what they told me voluntarily. The first thing they said to me as to their way of voting—indeed it looked like an apology. I, of course, felt no interest in the questions; I voted myself; the parish ticket I voted. I voted at the primary election, and for the reason that I had made my selection; voted for each office. I voted the ticket which happened to be the popular ticket that was carried at the popular primary election. I voted for every one of them at the election myself; I felt no zeal, of course. I did not know myself when I came to the poll that there was not going to be a republican ticket. I did not know; I would say that I could not feel that it would make any difference; it could not be successful, because there had been no canvassing by the republican party.

Q. You may state now, Mr. Reiley, unless you think of some instances where you have had talk with colored people where they have complained to you—I will ask you another question.—A. Well, I don't know of any others occurring at this time.

Q. You may state how it has been in your ward and the wards of this parish generally in the previous elections of 1872 and 1874 in regard to forming republican clubs and holding republican meetings?—A. There were republican clubs in the different wards, but not being a politician myself, and taking no stock in them, I never encourage republican clubs in my place; in fact, discourage it. I did not have any taste in that direction. They had clubs at the upper end of the ward. I may say of the men on my place one voted, but scarcely ever attended political meetings. They had a majority in each ward of the parish in 1872 and 1874. There were republican clubs organized and republican meetings held through this year.

Q. How was it in this last canvass? Do you know whether there was a republican club in the whole parish or not?—A. I don't think so.

Q. Do you know of any republican meetings being held; if so, how many?—A. I never heard but once. One was held when Mr. Packard was here, the only one I have heard of until I heard of one in the court-house here that had been held. I heard of it day before yesterday, but I spoke to a number in regard to them, and they said they never heard of that many at all.

Q. The only one you heard of, in fact, was the one held here when Mr. Packard spoke?—A. Yes, sir.

Q. Did you attend very many?—A. Yes, sir.

Q. What was the spirit manifested by the outside crowd that day where the speaking was going on?—A. It was not pleasant at all.

Q. Please describe it.—A. Mr. Packard was interrupted with questions. He was asked questions. He begged of them to let him proceed. He treated the matter with a great deal of pleasantry, and stated, "If you do not let me speak I will make a failure; and, my friends, Nicholls would not like it if he was speaking here;" and with such things as that would pass it off. The interruption was repeated by some parties on the outside, with kind of jeers, and such words as "Will you let me ask you a question?" And so on.

Q. State whether any spirit was manifested, in language or otherwise, by any of these outsiders.—A. Well, I could see the parties who were on the stand felt scary, and they were glad to get away. They intended to go to Jackson that night, but the effect of the meeting here put that entirely out of the question—out of their line.

Q. The demonstration was such that they were alarmed for their personal safety?—A. Yes, sir.

Q. Mr. Reiley, you may state, from what you know, and all you know, all you saw and heard, whether in your opinion—in the first place I will ask you if you know or heard about these killings or whippings that took place?—A. I only heard of them. There were whippings; perhaps for different causes. Some were really whipped for stealing; one man—to be sure it is a little over the line in Baton Rouge; I sold him, myself, a lot of fifty acres. I gave him the contract, the article of agreement, to go and occupy it. He got permission from me to occupy the house and to build some additions to it. He took possession of it; when, about three months after, a crowd of men came one night and ordered him to go away, and then set the house on fire, and after firing the house killed him.

Q. What was his name?—A. Joe Johnson; he was constable; I don't know of any other reason for killing him. He was a constable in Baton Rouge. He was a man who worked for me years before. I had not seen him for several years. After he came to buy that land he stated that he had half a dozen to buy the rest of the tract.

Q. Did you know of any other case? Did you ever hear of any other case of killing or whipping in this parish? I mean within a year or a year and a half past.—Well, within a year and a half, perhaps, yes. There was the killing of John Gair and a colored girl, his sister-in-law. I know nothing of the facts; I happened to be in the road next morning and heard it.

Q. Do you know whether you heard of any whippings?—A. Well, yes, I have heard of several being whipped, but for what causes I have not heard; I don't know. I know at this time, so far as I have heard, in my immediate vicinity I have not heard of any whippings that had any political bearing or consequences. It was threats simply. I did not hear of any whipping; no, I will recall that. On a plantation two miles below, the plantation of my son-in-law, there came a party one night and took one of his men out of bed, whipped him very severely, and told him if he wished to remain to notify certain men on my place, such and such men on that neighbor's place, that unless they all left they would be served in the same manner. They gave them their choice, to leave or be whipped.

Q. What was that for? Was it stated?—A. It was not stated.

Q. He was to notify certain men on your plantation?—A. Yes, sir; and men on different plantations, that they must all clear out or be whipped.

Q. Now, do you know of any theory of your own why there were not republican clubs organized or meetings held in this parish during the last campaign?—A. I have a theory.

Q. Let us hear what it is.—A. My theory is that there was manifested a determination, a desperate determination, on the part of the democratic party to carry this election—to carry it anyhow. That sentiment was prominent from week to week—that the republicans had had their time; that their time was up; now that they were driven out of the parish, that there should be no more of the same kind here again.

Q. In the campaign the same sentiment was spoken?—A. Yes, sir. I do not believe anybody would have been safe on that account to have canvassed the State against the democrats. I asked a neighbor—a very strong democrat—I asked him if I had been a politician and started out with A, B, C, and D, if we could have got through without sacrifice of life. He said he did not believe we could. I don't think it was possible. On election-day, however, I must say, I never saw so quiet and peaceable an election. I could have voted five hundred republican tickets if the tickets had been here. But there was no hope of carrying on a canvass, as it was believed it was not safe. It was not because the republican party did not want to carry the election, but because they saw no hope under the circumstances of accomplishing anything; the pressure was too great.

Q. So that you think it was not even safe for any man to have gone about canvassing for the republican party in this parish or to organize republican clubs?—A. I am very positive of that in my mind that it could not have been safe.

Q. You may state whether a great many leading republicans have been driven out of this parish since this last canvass.—A. Yes, sir; they were all colored republican office-holders.

Q. Owing to this last canvass?—A. This last canvass only commenced in the middle of last summer. I don't know that they were driven out since then. They had begun in the summer before with the recorder and sheriff and a member of the Legislature, an ex-member of the Legislature not in office; they had all gone, and those left of the republicans in office I think resigned. I would like to be posted in regard to them. I know some of the members of the police jury resigned. Why they resigned I would like somebody to tell me. I know one that did. I saw his resignation published in the Patriot-Democrat and the reasons given.

Q. Now, sir, you may state what your opinion is as to the vote of this parish; what it would have been in the last election if the colored people had been left to vote as they pleased.—A. I suppose it would have been as at the previous election; no reason to doubt there would have been any change at all if left to vote as they pleased.

Q. You may state, if you please, in regard to the several republicans voting for democrats at the elections prior to the last.—A. I don't know that I can remember; but there was a gentleman that was voted for for member of the assembly, one for sheriff, and parish judge, who were democrats, were elected in this parish when this parish was largely republican. There has been a great deal said about that.

Q. I wish you would explain, Mr. Reiley, if you please, if I understand the state of the case, what was this attempt which was made, and you say was successful—A. There was, years before, an attempt to make a compromise, to have compromise between the parties, it being stated that the republicans had a majority, yet the democrats, it was felt, were entitled to some representation in the parish, and the proposition was made this last year, the election of 1874, that the republicans should concede to them the parish judge. They said, "Let us have the parish judge."

Q. What was his name, if you recollect?—A. Lyons, and a member of the assembly—Legislature.

Q. What was his name?—A. William H. Pipes; both very excellent men. They were placed on the republican ticket by the previous arrangement made. That is my understanding of the thing. I voted one of those tickets. I was voting for Judge Lyons and my friend Pipes. There was a gentleman nominated for sheriff; I cannot recall his name.

Q. Captain Fuqua, that was elected sheriff. Do you know anything about that?—A. He was a democrat; said to be.

Q. Elected sheriff?—A. Yes, sir; I don't know when; my memory don't serve me.

Q. When did you first begin to hear of any secret armed organization in this parish? State if you remember.—A. Well, the first, I think, that I heard of it was in the summer of 1875. I think so.

Q. Did you ever hear anything about what they called them, the White League or the Regulators?—A. I don't know really by what name they went, whether White League or what. I don't know what they called themselves. We generally called them Regulators.

Q. Did you ever hear anything of that organization in connection with political matters, in connection with intimidation of voters, either in a body or in squads?—A. No, sir; I don't think that they were so when they operated at all. I don't think that intimidation, so far as it was practiced at all, was done publicly, either by reading or holding political meetings. I don't think that it was done in that way; at least I have no knowledge of it. I think what was done was done at home. Thus, if I had wanted to intimidate, I could easily have intimidated them, my men, to vote. I believe it was done at home generally.

Q. That was the way it was mainly done?—A. I think so.

Q. What is your opinion as to whether these men came here, and as to whether these men who would come here and testify—do you think that these colored men sent for to come here and testify before this committee, that they have been intimidated or affected contrary to their will?—A. I think they are to a great extent under intimidation. I have no doubt they are, because they are easily frightened anyway, just as that man I met this morning.

Q. That is what he told you this morning?—A. Yes, sir.

Q. Is it not your opinion that at the present time the colored people of this State, as far as you have any acquaintance, are completely cowed and terrorized by white politicians?—A. Well, sir, they are politically.

NEW ORLEANS, *January* 11, 1877.

JAMES DE GREY sworn by the chairman.

By Mr. JOYCE:

Question. State your age and where you reside.—Answer. My age is thirty-six. I reside in Clinton, East Feliciana, La.

Q. You may state whether you know of your own personal knowledge, or whether you heard by report or information, as to any acts of intimidation or violence against colored people and colored voters in East Feliciana to interfere with their right of suffrage during the last campaign in that parish. Give instances and names as far as you can.—A. To commence back I would have to go back over one year, where an instance occurred that, in my opinion, brought forth intimidation in that parish. There was the case of John Gair, Robert Ray, (member of the Legislature at the time,) T. M. J. Clark, (recorder of the parish) and one or two others; there was Sam Chapman, that had to leave the parish on account of their safety. That occurred in July, 1875. Perhaps it would be better for me to go back a few months further, and state how these things came about. At one time there was a report in a certain neighborhood in the parish that is called Possum Corner of an alleged uprising of the colored people. This uprising, as I know and as I believe, was for the protection of one man who was president of a club.

Q. What club?—A. Of a republican club in that section of the parish, the fourth ward. He became alarmed from reports that he had heard of a threatened whipping that he was to receive—five hundred lashes. His name was Lewis Jones. When this became known among his friends, several of them flocked to him to prevent this occurrence. The white people in the neighborhood became very much alarmed, and especially women and children, from this report, and imagined there would be a general killing of women, children, &c., and were very much alarmed; and I have every reason to believe that a great many of the white men were alarmed. The matter was adjusted and no blood shed. Lewis Jones—at the May term of court of 1876 there was a true bill found by the grand jury. This occurred in 1875, this uprising. In 1876, at the May term of court, there was a true bill found against Lewis Jones and several other parties whom I cannot name, for the cause of this disturbance. They were brought into court and tried for this defense, but, owing to the charge of the district judge, as was reported by the white people, these men were set at liberty, these colored men. They had committed no offense. However, they were set at liberty. This charge to the jury created a great deal of dissatisfaction among the white people. They thought that these colored men ought to be punished for getting under arms. It commenced then to be a kind of knock-down arrangement on several plantations through the parish, and even in the town of Clinton. Colored men have come to the town of Clinton, and one or two, three, four, five, six, perhaps, would follow them up, and they would have a knock-down and general beating. This occurred twice to my certain knowledge in the town of Clinton. There was an attack made on S. M. J. Clark, the recorder of the parish, for writing an affidavit for one of the justices of the peace. There was an assault made on him. These colored men in the parish became excited, and it was a general conversation among them, "What is this thing to come to? Are we to be kicked, cuffed, and knocked down, and so on, and no protection offered? We cannot make an affidavit, cannot accomplish anything, and what is to be done?" It was overheard, so reported by two men, only one of whom I know, that Robert Ray, a member of the Legislature, made the remark, "Should any one knock him down and treat him so and so, if he could not get even with him he would go to his house and call him out at night and shoot him down." This occurred on Saturday, July 23, 1876.

By Judge NEW:

Q. What occurred on July 23, 1876?—A. This statement and kind of street broil.

Q. The statement by Ray?—A. Yes, sir. Let me see whether it was 1875 or 1876. It is 1875; this was in 1875.

By Mr. JOYCE:

Q. This matter before the term of court was made in 1875 instead of 1876?—A. Yes, sir. I was in the town of Jackson. I was tax-collector of the parish, and was in town that day assessing the town of Jackson. When I came home that night, after dark, there was a great deal of excitement both among the white people and colored people, and it was told me what was said and what had been done during the day. There was a committee that waited on Ray and asked him if he had made such a statement. Ray denied that he had made such a statement. It was reported by these two men who had said that they had overheard Ray make this statement, that one of the parties said that he would go to Ray's house and bring him out to make a statement on a stand in the court-house. This party went as far as Ray's gate, so I was told, to call Ray out. Ray would not come out of his house. There were several parties, a great many parties on the street—white men—and Ray feared to come out. This was on Saturday night, probably about nine o'clock. Ray was hiding in another house from his own. He had to leave his house. He was afraid and I went to him and told him there was no trouble; everything had quieted down, and he could go home with safety. During that evening I saw probably three or four or five parties walking around with guns in town, but didn't pay any particular attention to it. Ray believed that his house was guarded, was surrounded so that he could not get out. This was Saturday night, as I have stated. Sunday morning or Sunday before noon I went down town and went into Ray's house. This matter was discussed in his house, and so on, and everything seemed to be at peace, no trouble or difficulty, no strangers in town or anything of that kind; but about twelve o'clock I saw parties walking around through town with their guns and saw men on horseback leaving town and going out. There was one or two colored men told me to keep off the streets. From one square I saw a colored man, Henry Smith, the sheriff at the time. He motioned to me with his hand to keep back. I didn't know what he meant by it, but I went home. I live on the outskirts of the town. I went home between three and four o'clock in the evening, probably four o'clock in the evening. I was informed that the white people were coming from all directions in the parish to the town.

By Judge NEW:

Q. This was on Sunday evening?—A. Yes, sir. It was reported that the colored men were marching on the town to burn the town down and to kill, &c. It appears from a statement made by a white man living a mile and a half from the town of Clinton, that he had seen on his place, or near his place, fifteen or sixteen men under arms—colored men. They were lying down or sitting down with their arms there. They were questioned what they were there for and they would not make any statement whatever. This man came to town and reported or caused this alarm. Sunday night, I don't know what time, Gair and Ray and Clark left. The next morning I was told that they had left the town during the night. I came to town early on Monday morning. I say early—eight o'clock—after going to my breakfast, and the streets were thronged. From all directions there were armed men riding on horseback and some on foot, all over town. I stopped where there was a small group. I was not so long there before I heard my name mentioned. My name was mentioned in connection with this uprising, and I knew of this thing, &c. It was not long before I became engaged in this conversation, and I denied this thing. I didn't know of any uprising; had no knowledge of any uprising. I was charged with being seen talking with John Gair, and talking with Henry Smith, the sheriff, and holding private conversations, &c., and that I must have known of this uprising. Colonel D. C. Hardie was the spokesman of this crowd. He told me that they believed, and I took from that that the people believed that I was instrumental in bringing this thing about; that I knew that the colored people were uprising to burn the town of Clinton, and kill, &c.; and that I was charged with knowing these facts, &c.; and that if there was any difficulty between the colored people and white people, that I would be one of the first men to be taken out and dealt with. The night previous to Sunday evening I went over to Judge Lyons's house.

Q. This conversation with Hardie was on Monday morning?—A. Yes, sir. On Sunday evening I went to Judge Lyons's. He was a neighbor of mine, and he advised me to leave. That was on Sunday evening previous. He advised me to leave the parish. I told him that I would not; that I had not done anything to leave the parish, and I would not leave. To go back to Monday morning: Colonel Hardie had said that it was reported so and so; while I was not in direct communication with the plantation negroes, that it was believed that I was a radical leader; that I was the leader of the radical party in the parish; and that John Gair, Ray, Smith, Clark, and those men were at my bidding any time that I called on them; they done just as I directed them to do; that I had been seen in private conversation with these men, and that led them to believe that I knew about this uprising, &c. I satisfied Mr. Hardie that I didn't know of any uprising, and didn't believe there was any uprising. Gair and Ray, as I stated before, left Sunday night. There was resolutions passed on that day. I will say this: there was three men in the crowd that took me out of this crowd. They were apprehensive; at least they told me that I should not get into any trouble, and that I had better not stay there. They took me out of this crowd. There was resolutions passed that for the past troubles that had occurred they held Henry Smith, John Gair, and probably one or two others responsible, and that for any future trouble in the parish I should be held responsible. My name was read out in these resolutions, but was not published in the paper, in the democratic paper that was published here, the East Feliciana Democrat. My name was not published. I agreed with several of them about the injustice of the thing, that on account of general burning and killing and arson, and one thing and another—that if such an occurrence occurred anywhere in twenty-five miles of Port Hudson that I should be held responsible for it; that it was licensing certain lawless parties to take me out by the neck or shoot me down. I remonstrated against the thing as being an injustice. My name was not mentioned in the paper, but it was mentioned in the resolutions read from the stand.

Q. Were there any threats used to you at the time?—A. After these parties left. There was not there. I had to leave the parish. There was not a sheriff in the parish. I came to New Orleans to have a sheriff appointed. I recommended a man——

Q. What I want you to do is just simply to state whether you know, of your own knowledge, or whether you heard by report, of any cases of intimidation of white people against colored people of that parish in regard to their voting. State it just as brief as you can.—A. I am going to say this: When I came to New Orleans and recommended a certain white man, a prominent leader of that parish—when I returned to the parish I was not in the town of Clinton one hour when a committee waited on me and asked me what I had gone to New Orleans for and for what purpose, and when I had stated my purpose one gentleman told me that I must not have anything to do with that or my life would not be worth anything. That was on a certain day.

Q. Who was the man?—A. D. C. Hardie. Probably it was the next day. I won't say positively whether it was the second day or third day afterward. Colonel Hardie and Dr. Hall were a committee that waited on me again and told me most distinctly and positively that I must not have anything to do with politics. I must not make any recommendation, either radical or democratic. I must take no part whatever, or if I did my life would not be worth the snap of his finger. I wish to say this: They represented themselves to me as coming to me as my friends in this matter.

Q. Was there any other attempt to frighten you?—A. It ran along for a week or two. They said in connection with that, they told me, "You have been making officers and unmaking them for the last ten years, and you must stop it."

Q. Who told you that?—A. D. C. Hardie.

Q. Were there any other threats used toward you?—A. This matter ran along for a week or so, and there was a committee come.

Q. Another committee?—A. One of the gentlemen, Colonel Hardie—he was one of the committee to make—they came to me to make a recommendation for sheriff, and there was three names submitted to me to take my choice out of the three names to recommend for sheriff. I recommended T. L. East, a good man. I telegraphed that night to Governor Kellogg for him to be appointed sheriff. He was not appointed sheriff. The matter ran along a few days. I will say that Captain Joseph A. Norwood was recommended.

Q. What I want you to state is if there have been any threats used against you by anybody except what you have mentioned.—A. I mention that and other threats that I have heard since by other parties.

Q. State them.—A. When I stated there was resolutions read—when the chairman of the meeting read "responsible for all future troubles"—I heard afterward that a gentleman made the remark that the gentleman who read the resolutions, John Stone, that when he got to the name of James De Gray he should not have stopped there; that that was the only mistake that he ever made in his life. He ought to have stopped and said, "What ought we to do with him?" and that somebody would have said, "Let's hang him;" and he would say, "Go on and hang him"

Q. What do you know about colored men being intimidated in that parish? State the instances that you know.—A. I know several men who have been whipped—one man by the name of Charles Wilson who was whipped, and a man

by the name of Will Chaney; he was hung nearly dead, and let down again. A man by the name of Monroe Meyers.

Q. What was done to Monroe Meyers?—A. He was whipped. It was so reported that he was whipped; that they took him out and threatened to hang him, &c. Dangerfield Sloan was whipped. A man by the name of Lawson, on Miss Lou Lane's place—her carriage-driver. There were two men whipped on Capt. Joe Norwood's place; I don't know their names. There was some man on Major Mundy's place. There was a man whipped on D. W. Pipe's place. There was a man whipped on Mrs. Silliman's place.

Q. Do you think of any other? Were these men colored men?—A. Yes, sir; all of them.

Q. Have you continued to reside in Clinton since the election?—A. Yes, sir with the exception of the time I have been in New Orleans.

Q. What do you know about any republican tickets being sent into the parish of East Feliciana?—A. I don't know whether there was any sent there or not.

Q. Did you receive any?—A. No, sir; I did not.

By Mr. BEEBE:

Q. What is your occupation?—A. Well, sir, for the past year I have been deputy clerk in the tax-collector's office. I have a small plantation in connection with that.

Q. How many acres is your plantation?—A. Three hundred and forty-five acres.

Q. How long have you lived in the parish of East Feliciana?—A. I went to that parish in the year of 1866.

Q. You have resided there since then?—A. Yes, sir.

Q. What was Jones indicted for?—A. I cannot tell you what heading he was brought under. I cannot say what it was.

Q. Who was the man you recommended for sheriff in that parish?—A. T. L. East.

Q. Is he the only democrat you ever recommended for sheriff?—A. No, sir; I recommended a democrat after that—Dr. J. T. Monoham, the present sheriff of that parish, or was up to the time of the election.

Q. Was it in consequence of recommending East and Monoham that Colonel Hardie waited on you?—A. No, sir; it was in consequence of the recommendation of E. H. Lipperman.

Q. Did you recommend Lipperman for sheriff?—A. I did.

Q. When?—A. That was in 1875.

Q. A white man or a black man?—A. A white man.

Q. Where did he live?—A. In the first ward; about six miles from Port Hudson. He owned a large plantation there.

Q. Were you present at that meeting when those resolutions were passed?—A. No, sir; I was taken out of the crowd and taken away.

Q. You were not present?—A. No, sir.

Q. How many were present at that meeting?—A. I suppose on that day there was three or four hundred men.

Q. You did not hear Stone say what you reported that he said?—A. No, sir; I was told it by outside parties.

Q. Do you know the Rev. Mr. Riley, of that parish?—A. I do.

Q. Did you ever see or hear of any colored men being whipped on his place?—A. Yes, sir; I know of one man being whipped on his place and one shot.

By Mr. JOYCE:

Q. Do you know who by?—A. No, sir, I do not.

By Mr. BEBEE:

Q. These cases of whipping and lawlessness you state from hearsay?—A. Yes, sir; from hearsay.

By Judge NEW:

Q. You were back in Feliciana during the canvass?—A. I was there during the whole time.

Q. And up to the time of election?—A. Yes, sir; and voted at the election.

Q. You were not mistreated any way yourself during the canvass or on the day of election?—A. No, sir; not on the day of election.

Q. Have you been there since the election?—A. Yes, sir.

Q. You met with Colonel Hardie and Stone and other citizens?—A. Stone and I don't speak. I met Colonel Hardie. He came in the office and transacted business in the office.

Q. You were not molested or mistreated in any way when you went back?—A. I have only been here eight or nine days. I left the parish to come down here.

Q. I want to know whether you have been back to the parish since the election?—A. I didn't leave until seven or eight days ago; I came to New Orleans and went back. I came down here to make a return.

Q. Have you always voted the republican ticket?—A. Always, sir.

By Mr. JOYCE:

Q. There was no republican club in that parish during this last canvass?—A. No, sir; we could not organize a republican club.

Q. Was there more than one republican meeting held there?—A. There was only one republican meeting held there, and that was when Mr. Packard and party were up there. That was in the town of Clinton.

Q. State whether it would have been safe for a man to have gone through that parish organizing republican clubs and holding republican meetings, in your opinion.—A. No, sir; I don't think it would have been safe.

Q. Do you know of any effort having been made to organize a club?—A. In only one instance.

Q. Where was that?—A. There was a colored man by the name of Alonzo Brooks. He said that he was going to organize, but for some reason he did not.

Q. Do you know of any other effort being made?—A. No, sir.

Q. Do you know of Alonzo Brooks having got together any of his republican friends with a view to the organization of a club?—A. There was at one meeting, where Judge Lyons, I think, was, and Mr. McVey. They were on the democratic side, and Alonzo Brooks came up; I think it was in the town of Clinton. He said he would try to organize a republican club, but it never came off.

Q. You don't know that he made an effort to organize it?—A. He told me that he didn't dare to do it.

Q. Do you know that he made an effort to do it?—A. I don't know whether he did or not.

Q. You say that he told you that he didn't dare to do it?—A. Yes, sir.

By Mr. BEEBE:

Q. Did you ever hear that any republican tickets were sent to that parish?—A. No, sir; I wish to say this, that there were certain statements made by Major Wedge in Clinton. It is not my name, but I took it for my name; it was James Graham, as stated in the dispatch. I think it must have been intended for me. He said that I told him that it was a part of the programme to not have republican tickets. I don't think at any time I ever told Major Wedge any such thing at all.

By Judge NEW:

Q. Did you know before the election there would be no republican tickets in that parish?—A. No, sir; I didn't know. I was down here in New Orleans three weeks before the election, and I know that Kellogg and Packard urged me to do all I could, and, if nothing more, to carry one box. I told them that there could not be anything done in that parish.

Q. You made no efforts yourself to have republican tickets in your parish?—A. No, sir; I didn't try to do it. I told Major Wedge in one conversation, "I even said we will put you on as parish judge and give you the State senator." He said that it could not be done; he would not accept the position, and could not run on the republican ticket even if he was put on as parish judge. In the conversation I told him, "You have carried this thing too far, and you won't succeed in it as well as you think; you have carried this bull-dozing arrangement too far."

Q. Did you mean by that to say that the democratic vote of the parish would be thrown out?—A. No, sir.

Q. What did you mean?—A. I meant that they would not give the republicans any chance to put any republican tickets in the field.

Q. Do you know that the democrats of that parish were anxious that there should be republican tickets in the parish?—A. Yes, sir; I think so; Probably three or four days or weeks before the election, when they knew it was impossible.

Q. Do you not believe that if republican tickets had been in that parish they could have been safely voted at Clinton and at other points in the parish on the day of election?—A. I don't believe that could have been done.

Q. You don't believe that it could have been done?—A. They might have voted fifty or one hundred in the parish. The thing was so fixed that they could not have got a republican vote.

Q. If fifty or one hundred could have voted in the parish, what reason can you give why five hundred could not have voted in the parish?—A. The best reason why; because there was such intimidation carried on in that parish right along for a year before that time.

James Law (colored) sworn by the chairman.

By Mr. JOYCE:

Question. How old are you?—Answer. About twenty-six.

Q. Where do you reside?—A. Jackson, Louisiana.

Q. Do you reside there now?—A. That is my home, but I am in New Orleans, and have been here for the last month or so.

Q. Why are you stopping here in New Orleans?—A. There was such a reign of terror existing in the parish of East Feliciana on account of politics that, I being a republican, I was afraid that if I had staid there I might have been killed.

Q. What part of the parish do you reside in?—A. I live in Jackson; I am a merchant there, and have kept store there for the last three or four years.

Q. You may state, in the first place, if you know of your own knowledge of any acts of intimidation of any white democrats in the parish of East Feliciana upon colored voters in that parish, either yourself or any other colored man—if you know of any of your own personal knowledge.—A. Well, I know of the organization of a democratic club in the town of Jackson, and I know of colored men being notified by white men to join the club

Q. Give the names of persons as far as you can.—A. I remember Thomas Cook, a colored man; he has a carriage-shop in Jackson, and was advised by one of the leading citizens there, Dr. Pond, a white man.

Q. A democrat?—A. Yes, sir; he gave it to him as a piece of friendly advice to connect himself with the democratic club; that he would not be safe in his property and person unless he did. I know of Thomas Carney, an intimate friend of mine, and one who has always heretofore acted with me in politics on the republican side. He joined the democratic club, and came to my store and told me, the evening of the same day, that he had joined—that he had to join the club; said that he could not live there. He had been notified that if he didn't join he would be killed or have to leave the parish. I was notified by a young man by the name of Camp Catlett—said to be a lieutenant in that organization they have there, secret organization; I think they go by the name of "298;" they meet regularly in Jackson there Thursday night—to keep out of politics. He said that he never deviled in politics himself before, but he was going to take an active part in politics this year; the white people propose to carry this election, and he anticipated the shedding of a great deal of blood if the colored people, or the republican party, attempted to organize and put a ticket in the field. I asked if it was possible they could disfranchise colored men in that way. He said that the negroes and damned radicals had been ruling there long enough. The white people had been ruled by them for the last ten years, and they proposed to get rid of them. At that time I was treasurer of the insane asylum, and in a few days my term of office would expire, and I had given satisfaction to the board, and it was known that I would have been re-elected. All the officers and attendants, employés of the asylum, were enlisted in my behalf. I don't think there was one opposed to me. They were continually bothering the members about my election. Before I became treasurer of the asylum it was badly managed. Mr. Irwin was treasurer of the asylum, a merchant of Bayou Sara, and a democrat; but I succeeded Mr. Falls, and had got the thing into good shape, and that was the reason why the people wanted me as treasurer. Before I became treasurer they had not been paid regularly, but after I became treasurer they were paid regularly; and that is the reason why they were enlisted in my behalf. It was known that I was going to be a candidate, and Mr. Catlett came to me and said, "You have seen the notice in the papers that the bull-dozers had disbanded, and every man now that committed an outrage would be acting upon his own responsibility." He said, "That is no such thing." He said there was a little dissatisfaction in this primary election a few days ago that gave rise to the publication of this notice. But he says, "It is not true; don't you fool yourself. We have decided that no more republicans shall hold office in this parish, and don't you run for that office. If you do and are elected, you won't get home from the asylum." The board met in the asylum. Of course I knew he represented the sentiment of that organization. I have heard a great many acts that they had committed, and I did not allow my name to be used as a candidate.

Q. You may state whether the colored people voted at that primary election.—A. Not a single one to my knowledge.

Q. That primary election, as I understand it, is for the purpose of nominating candidates to be voted for on election-day?—A. Yes, sir.

Q. What we call conventions or caucuses?—A. Yes, sir. The thing is something new in our parish.

Q. You say no colored people voted at the primary election?—A. No, sir. You ask of instances of direct intimidation. We were notified in the Feliciana Ledger, a republican newspaper published and edited by E. L. Weber, the present senator in the State Legislature. He issued a call for a senatorial convention. It was to assemble at Point Coupee on a certain day. The senatorial district is composed of the parishes of East and West Feliciana and Point Coupee. I knew as well as the leading republicans there that we could not hold a nominating convention openly, so I sat down and wrote out credentials. I believe we are entitled to six delegates in that parish, and I wrote out credentials for six delegates. John Gair was, when he was living, president of the parish committee, and by our rules the president has to sign credentials. When John Gair was gone Henry Rivers was vice-president of the parish committee, and of course he succeeded John Gair in the presidency. I sent the credentials to him by a man living in Jackson by the name of Charles Mathews. I was to meet Colonel Powers that day in Port Hudson, where Rivers lived, and we were to hold a consultation, and I left the names blank. The names were to be inserted. Colonel Powers, Henry Rivers, and myself were to hold a consultation and decide who would be delegates and who would risk their lives to go to that convention. When the day came for me to go down I didn't think it was safe. I knew my movements were watched by the democrats and I wouldn't go, and I sent Charley Mathews, a man who never was conspicuous in politics, down there with the credentials written out. I left the places blank for the insertion of the names and left the blank for him to sign—for Henry Rivers to

put down his name as president of the parish committee. When Charley Mathews got there Colonel Powers was in company with Mr. Porter. He had been to Rivers's house, and Rivers and him rode on down to the store. This is what he told me; and he rode up to Colonel Powers and handed him the credentials. He said Mr. Porter asked what he meant by those papers.

Q. Was Porter a white man?—A. Yes, sir; he was a white man and a democrat. He asked what they contained; Porter wanted him to let him see the papers. He told him they were some papers connected with his affairs; some business that he had with Colonel Powers as tax-collector. He did that to keep him from forcing him to give him the papers. He knew that he would insist on his giving him the papers. Porter said, "By God, you have figured in politics long enough, and if you attempt to organize the republican party in this parish you will be killed. I know what it is for; you may think Colonel Powers is able to protect you, but he is not." That is what Mr. Porter told him. He came next Sunday and gave me that as his reason for not signing the credentials.

Q. That is, Rivers did?—A. Yes, sir.

Q. You may state any other reasons.—A. I know of Joe Gaton, a man living about four miles from Jackson, who was notified by the democrats—this is what he told me—to join a democratic club organized in Jackson by the democrats. He stated that he had been notified, and he did not obey the command of the democrats in joining the club. The democrats visited his house two or three times to whip him, and he had a hole cut in his floor and got down under the house. They could not find him at the time that they went there. His wife would tell them that he was not at home. They would come in and could not find him. He got so uneasy for fear they would catch him that he came to Jackson, and he went to Mr. Hazzard, the present mayor of the town of Jackson. He is one of the oldest citizens. He went to him to know what he would do; he is a prominent democrat and a man who has heretofore exerted considerable influence for the democratic party. He wanted to know what was best to do. Mr. Hazzard advised him to join the democratic party, and he would not be safe unless he did. So he joined, and has never been up there since.

Q. What was it about Isaac Perry?—A. This was also told me by Isaac Perry himself.

Q. Is he a colored man?—A. Yes, sir.

Q. And a republican?—A. Yes, sir; he ran for the Legislature in 1874. He has always figured in politics, and was secretary of the republican parish committee. He lived, I think, about eight miles from Jackson. Perry and I have been, in our childhood, associates. We went to school together and were very intimate. We differed sometimes in politics, not as to principle, but as to men—as to who should fill different positions in the party. We never differed as to principle. We always agreed as to principle. I sent for him to know if he would go over to Pointe Coupé to a senatorial convention as one of the delegates, and also to go down to New Orleans to the State convention as one of the delegates of our parish, representing the republican party. He told me no. I asked him why. He said that he had been visited two or three times by the democrats, and they failed to find him at home on the first two visits. On the third visit they found him. That time was in the day-time. I am not certain whether it was in the day-time or night. I know that they had visited him in the night and he was not at home. They asked his mother for him, and his mother told them he was not at home. She went on to say, "Your object is to whip Isaac, because he is a republican, and you intend, if Isaac is fool enough to let you catch him, to whip him." They had a line with them, and they pitched into her by way of retribution. The last visit they found Isaac Perry at home, and they asked him if he was secretary of the republican parish committee. He told them yes, he had been, but he was not in politics at all. He was asked if he had the proceedings of the parish committee. He told them, "No: Mr. Gair kept the books containing the proceedings of the parish committee all the time, and he didn't have the books to give them." They made him promise that he would keep out of politics. He said that was one reason why he could not go to the State convention or go to the senatorial convention; if he did, he would break the promise that he had made them, and death would be the punishment.

Q. State any other case that occurs to you.—A. I know of a man by the name of Nelson, who lived with John Scott Smith, a white man, near the corporation of the town of Jackson, who was whipped the very day that General Nicholls spoke in Clinton. He was whipped by a man by the name of John W. Smith, and another by the name of Tom McCuen, both prominent democrats.

Q. Were they white men and democrats?—A. Yes, sir; they were prominent white men and democrats.

Q. You may state whether there has been any other acts of intimidation against you; whether, in the latter part of September, 1876, you were notified by anybody that you must join a democratic club.—A. Yes, sir; I was visited by Mr. William Northsworthy, a citizen living in Jackson.

Q. A white man?—A. Yes, sir.

Q. A democrat?—A. Yes, sir. He was a candidate for nomination at the primary election—was at that time. He came down, he said, not in the capacity of a politician, but in the capacity of a citizen, to advise me. He says, "You own property here, and are interested in the country. The colored people in this section of the country will do as you do." He says, "We have had two or three meetings, and we could not get any colored men to join, with the exception of two or three." I think there was some colored men who had joined the democratic club—four of them boys under age—under twenty-one years of age. I subsequently hired one of them to clerk in my store. He was about 16, I think. He says "You are interested in this country; have got property here, and you must live here. You cannot leave your property and go away from here, and I want to know if you won't go and join the democratic club." He did not say "democratic club," but "join this club up here." He says, "You know the condition of the country; you know that your people are being whipped and murdered and everything of that kind, and we want to get—want to stop that thing, and if you all will join, this thing will be stopped." I said, "There is no probability of stopping it before that time?" He said, "No." I asked why. He said, "Well, you see the republican party have been ruling." I said, "You are willing to admit that these acts of violence are committed by democrats?" He said, "Certainly." "Well," I said, "you know the effect the democrats are trying to produce by whipping these colored people—keeping up a state of terrorism in this parish." He said, "Yes; and that is the very reason why I want you to join the democratic party." I said, "You want me to help you put these men in office?" He said, "Yes." "How do you expect to have a better state of affairs when you want to make the government out of the same materials that has kept up this state of terrorism?" He says, "That is something that I didn't come here to discuss. I want to know if you are going to join this club." He said, "You are a republican; can you afford to live in this community and be a republican?" I said, "I have always been a republican heretofore, but it is rather different now to what it was then." I said, "I am going to risk it." He said, "Well, you must accept the consequences, and not blame anybody but yourself." I said, "Now, Mr. Northsworthy, there is no use in trying to scare me into joining that club, because if I did it you would know that I did not do it with the sincerity you expect." I said, "You have got seven names on your list." I said, "There is not but one of those men who will vote the democratic ticket on the day of election—no, two." He asked who they were, and I told him Charles Shattuck and George Keller. The next day Shattuck came down to my store and told me he was republican in principle, but he says, "I am a poor man, and I have got a family." And he says, "I am working for these democrats." One-half of the town of Jackson, in the early part of last year, had burned up, and he was a carpenter employed in rebuilding the stores burned down; and he says, "I have been notified by these very men that have got me employed that if I don't join their club I cannot expect to make my meat and bread off of them. He says, "You understand me; I am a republican, but we have not any protection. I am not secure in being a republican; besides, I cannot afford to have the bread taken out of the mouths of my family and my mouth." And he says, "I have connected myself with them." He says, "You see we always expected protection up there. We expected every day that something would turn up that would furnish us some protection, so that we could organize the party, and go round, as we have all the time heretofore, and make speeches and put republican candidates in the field." He says that, "That the Government affords you no protection, and you cannot organize the party and go around making speeches. I am as good a republican as you are, and I shall not say anything about you. The democrats want me to go about and talk for them;" and he says, "If they pay my expenses and pay me for my day's work I will go round and talk for them; but I will not abuse any republicans." That was George Shattuck.

Q. Was there any attempt made to injure your property?—A. On the 15th—I think it was between the 12th and 15th of September, 1876, S. B. Packard, the present governor of this State, in company with Colonel Jack Wharton, J. Pinkney Harris, James Lewis, and Judge Campbell, they sent me a lot of notices before that time that they were going to hold a mass-meeting.

Q. A political meeting?—A. Yes, sir; a mass-meeting we call it. They were republicans, and they were going to be speakers, and I posted the papers as best I could; sent them around through the country by private couriers. I hired one man and paid him to take the posters around, but they failed to post them up, because they were afraid, and brought them back. I have got the posters now, I believe. At any rate they had a meeting, and I went there.

Q. Where was the meeting?—A. In Clinton. It was either the 12th or 15th. I went there, and Captain De Grey, who was just on the stand, Colonel Powers, and Mr. Anderson, who was supervisor of registration, had held a meeting and had chosen Rev. John A. Reiley as president of the meeting. Mr. Reiley was afraid to act as president; said that he would not act as president, and wanted Captain De Grey to act. He said that he would not. Then we were at a loss to find somebody to introduce the speakers. They did not live there. I volunteered and told the gentlemen that I would act as president of the meeting. I went up and introduced the speaker, and carried on the meeting. I went home. I anticipated trouble on the way, and I didn't go back the same way I came—the same road. I got home at night. That was on Friday. The next day we were to have a large mass-meeting in Bayou Sara. I went down to Bayou Sara to that meeting. On Saturday night the front of my store was saturated with coal-oil and set on fire.

Q. Do you know who by?—A. I will tell you in a few minutes. It was put out by my clerk or the man keeping books for me. I got home Sunday evening. Monday morning a man by the name of Crilly, (him and I were friends, but he was a democrat and I was a republican,) he told me that politics was the cause of it. He says, "You have got property here, and you live here," and he says "you are going around here making political speeches for the republicans, and the first thing you know your store will be burned up. You make a living in that store?" I said "Yes, sir." He said, "Very well; if you are not careful your property will be burned up." He said, "I advise you as a friend to keep out of politics; let politics alone, and come up and connect yourself with this democratic club." I told him that I would not do that. He said, in addition to that, "You are charged with having held a meeting in West Feliciana a few nights ago—a republican meeting—speaking to about sixty negroes, and advising them to raise clubs and vote the radical ticket." I said "That is a mistake." I said that "the condition of my health would not permit me to go out in the dark hour of midnight and make speeches; you know that is a lie." He said, "You are accused of it, and unless you go before the democratic club and make an explanation, you may be hurt." I said, "I didn't believe, and didn't know, that they had a right to ask what I should do." He said, "This democratic club tyrannizes this part of the parish." I said it didn't control me, and I did not mean to go. He insisted that I should go. He felt very friendly to me and he didn't want any trouble. He told me the name of the two gentlemen who set my store on fire. He said, "One saturated the door the last time after it had been put out," and he went to him and tried to get him to go away. He said, "He is a damned radical anyhow." He said, "If you burn his store down you will burn other property." He said that he was going to burn it up; and when they were saturating it the second time—the first time it was put out—my clerk told him, if they were determined to burn the store to wait until he got his individual effects out. He had his clothes in there and he wanted to get them out. This man said that he persuaded these gentlemen to leave there.

Q. Any other acts to you or threats that were made to you or any other colored men?—A. I know of lots of colored men who were threatened in Jackson; if they didn't join the club they could not expect to live in their houses safely.

Q. Do you know of any colored men who were whipped, or shot, or hung for any reason or purpose?—A. Yes, sir; I know that William Chaney—he was president of a republican club in the sixth ward—he was hung until he was supposed to be dead; he was insensible when he was let down. He promised to interfere with politics no more or be president of the club, and they let him alone. I know of one Monroe Meyers, who was taken out of his house by a lot of white democrats, as he said. He was president of a club also, and was turned loose because he would have no more to do with politics. I know that Aaron McKenzie was whipped so bad that his finger-nails were whipped off, and, as he says, put in a yellow-jackets' nest. Do you know what a yellow-jackets' nest is? It is a kind of little bee. He promised never to have anything of the kind to do with politics.

Q. Were there any republican clubs in that parish?—A. No, sir.

Q. Any republican meetings held, except this meeting when Packard and others spoke at Clinton?—A. There was no republican meetings held to my knowledge. I have heard of this Alonzo Brooks attempting to organize a club, and, being threatened, subsequently abandoned the idea. It was never attempted to organize a club in that parish.

Q. You may state whether, in your opinion, it would have been safe for any republican.—A. It would not have been safe. I will relate another instance that occurred. General Hugh J. Campbell came up in August to see if he could not organize the republican party in that parish. He came to Clinton and sent Colonel Powers over to Jackson. Colonel Powers arrived in the night, and he found me and this man Chaney, and Tom Cook, and one or two more leading colored men, and he requested us to go the next day to Clinton and consult with General Campbell, and see what we could do to organize the republican party. Tom Cook absolutely refused to risk himself. He said that he didn't want to have anything to do with politics; there had been so many men killed and whipped that he was afraid to risk it. He refused to go. Tom Chaney that night refused to go, and I sat down and wrote a letter. I told Colonel Powers the whole thing, about the general state of insecurity of life of any man who would attempt to organize the republican party. The fact of his being in Clinton and me going out to Clinton that day would arouse suspicion in the minds of the democrats, and my life would not be safe. I said that I had "some business at Clinton," and I went to the president of the democratic club and told him that I had "some business at Clinton," and wanted to disabuse his mind as to my purpose, and hired a horse and buggy from him, and went out there to see General Campbell. I slipped in the room back of the tax-collector's office and held a consultation with him and came out; and when I got home that night I was asked by several democrats—I was in conversation with this man Hazzard, who is now town mayor, and another man, and some parties called this other man out and said, "Don't talk with Law. He is a damned rascal. He is trying to organize the republican party. He has been out to-day in conversation with General Campbell." I went back, and I heard several times that they were coming down to talk to me, and wanted to know what I

was going to do, and I told them that I was not going to have anything to do with politics, and was not going to vote.

Q. Why were not you?—A. I was afraid. I am attempting to convey that idea into your mind now. I was absolutely afraid. I was elected in 1872 to the Legislature in that parish by the republicans; beat the democratic candidate in 1872. In 1874 I was a candidate and was defeated. There was a division in the republican party, and I was defeated.

By Judge NEW:

Q. By whom?—A. By Ray, a republican. Mr. Pipes ran as a democrat. It was a swap. In my end of the parish my friends would vote for Pipes and Law rather than vote for the other wing of the republican party. The animosity was so great in the other end, where Gair lived, over in Clinton, they would vote—make a swap for Gair for the senate and Pipes for the Legislature. They would make that swap rather than vote for the other wing of the republican party. By that means they divided us, and Pipes was elected to the Legislature.

Q. Would it have been safe for a republican to have gone through that parish holding republican meetings?—A. I rode over from Clinton with Mr. McClennan, a prominent democrat, in July, 1876, in a buggy, and he said, "that the republican party is dead in this parish," and he said, "I understand that Packard has announced in the paper that he would be here on the 15th of September. My God! if I was in his shoes I would not come to this parish. If he comes here I bet he will never get out."

Q. What was your opinion as to the result of the election of that parish of East Feliciana if the colored people had been left free to vote as they pleased?—A. My dear sir, they would have elected the republican ticket by a large majority. There is eight colored men that voted the democratic ticket. We always counted on about eight that we knew would vote the democratic ticket. They were under the influence of democrats in the parish. They were employed by democrats, and they used their influence over them, and took them to the polls. Some would take them in their buggies. Some are old, feeble men, and they took them right on to the polls and voted them, and put them in a buggy and carried them back home; that is, these democrats would. Outside of that there is not a democrat in the parish. That is my honest conviction.

Q. What do you know about any republican votes having been sent to that parish?—A. I have got now at home, in my office, a blank sent to me by the State campaign committee—the republican State campaign committee—and all I had to do was to insert the names of the candidates. In the republican party there has never been heretofore with sufficient authority to make a ticket for a whole parish. I could not allow my name to be published to the world as a candidate on the republican ticket in East Feliciana, knowing the danger in which I stood. I knew if I filled out that blank, and sent it down here and put my name in there, that I would not last to be voted for, and we could not hold a convention. I hung the thing on file in my office, and it is hanging there to-day. I didn't put a single name in. I consulted with Mr. Anderson, who was supervisor of the parish, and with Captain De Grey, and it was understood that Captain De Grey, if we could have a ticket at all, him and I were going to run for the Legislature and we were going to try and compromise with the democrats—try to give them the clerk of the court or parish judge, and we would have been willing to give them recorder and sheriff and everything they wanted if they would let us have our representative ticket, and make our canvass for governor, President, and Vice-President. We offered to do that, and were willing to make any compromise with them if they would let us organize.

Q. It has been testified to by some witnesses before the committee that there was an understanding with the State central republican committee—an understanding that there was to be no republican votes sent into that parish; that that was the programme.—A. If it was the programme, I did not understand it. I will tell you another conversation that took place between Governor Kellogg and myself and Andrew Dumont, chairman of the republican committee. Mr. Anderson had been shot at and had left the parish. I came down here just before the election. I did not want to be there on election day, because I knew if I attempted to vote the republican ticket what would be the result. I feared what would be the result, and I could not bear to vote the democratic ticket, so I just went off. I was advised by some white men not to remain on election day. Every man in town had joined the democratic club for protection except Charles Matthews and myself; so about ten o'clock on the day before election I jumped off and came to New Orleans. I went in one day to see Governor Kellogg. I heard that he had appointed another supervisor to supersede Mr. Anderson, a man who was willing to go up and risk his life and stay there, anyhow, to carry out and perform the duties of supervisor. Not knowing whether it was true or not, I went to see the governor if it was true. The governor said that "he was a God damned red-headed rascal, and he ought to go back up there;" but he was scared to death. Anderson came down scared to death, and he ordered him to go back and hold the election. I asked if he was going. He said he didn't know; he guessed he was gone. He said he appointed some man by the name of Harrelson. He said he appointed him, but he would not go, and said, "What in hell is the matter with you all up there?" I said, "The matter is we want to have a republican ticket in the field, and there is no man up there has got enough nerve to try it." The next day I heard Mr. Anderson was gone, and I went to see the governor, and said, "Look here, governor, why don't you do something about this thing? We have not got any ticket." Says he, "Haven't you got any ticket?" I said, "No." Said he, "Why don't you nominate a ticket?" I said, "You know very well we could not nominate a ticket up there." He says, "Well, I cannot do anything about that; but I am going to have an election in that parish. The democrats have got it all their own way." I went into Mr. Burke's office. He had an office in the State-house. I heard that Dumont was up there, and I went up to see him, and I asked him "Did this man Anderson go back to East Feliciana?" He said, "Yes, I am told that he has gone." He says, "You have got your tickets up there?" I said, "No, we have not held any convention, and did not try to have a convention." Said he, "Let us now make a ticket here, and we will have the tickets printed and sent up." I says, "Who is going to vote them?" I said, "Who are you going to send them to?" Said he, "Where is De Grey?" I said, "De Grey is scared out of his breeches; he won't touch a republican ticket, and it is as much as anybody's life is worth to get a ticket in the field." He said, "That is hell," and said, "By God, I don't know what we will do about it," and that was the last of it.

Q. Do you know anything personally yourself in regard to that boy that was taken and killed by these two men?—A. I am well acquainted with the boy and with the two gentlemen charged with having murdered him.

Q. If there is anything else that you desire to state you may do so.—A. I don't know anything else that I desire to state; I know of so many things.

By Judge NEW:

Q. How many colored votes, in your opinion, did Mr. Pipes get for the Legislature when he was elected?—A. Mr. Pipes got the solid white vote, which is about 800, I think—800 and some odd; I don't know exactly how many he got.

Q. How many colored votes do you think that he got?—A. I think he got about 400.

Q. You say that at the Packard meeting at Clinton Mr. Reiley was afraid to preside?—A. Yes, sir.

Q. You were not afraid?—A. Well, I thought I would risk it.

Q. You did preside?—A. Yes, sir.

Q. You were not disturbed while presiding?—A. I was not disturbed, but the speakers were.

Q. Were you disturbed on your way home? Was any personal disrespect shown to you?—A. No, sir; I jumped on my horse——

Q. Answer the question whether any personal disrespect was shown to you.—A. I didn't give anybody an opportunity.

Q. Was any personal harm done to you?—A. No, sir.

Q. You say that you would not have been afraid to vote the republican ticket on the day of election?—A. No, sir.

Q. Do you mean to say that if you had offered to vote in East Feliciana on the day of election that you believe that you would have been injured?—A. Yes, sir.

Q. How do you account for the fact that two or three republican votes were cast in that parish on the day of election and the persons who voted were not harmed for it?—A. I can account for it this way, that some man picked up a democratic ticket and wrote a republican's name on it and voted.

Q. That is your opinion?—A. That is my private opinion.

Q. Do you know such to have been the fact?—A. I don't know such to have been the fact.

Q. If those who voted the republican ticket and made use of no strategy for the purpose of deceiving others, how do you account for the fact that they were not harmed? If those who voted the republican ticket voted it without any disguise, and without employing any strategy to conceal the fact, how do you account for it that they were not harmed?—A. I account for it in this way: the object of the democrats was to carry the election. If they carry the election, one or two votes against them didn't hurt.

Q. Why do you believe then you would have been hurt if you had voted?—A. I suppose if I had attempted to vote the republican ticket and the balance of the colored people saw me they would have attempted to vote it, and it would have brought on a fuss.

Q. Suppose there had been no other colored people voted the republican ticket at the poll where you voted, do you think you would have been harmed for voting it? Suppose you had gone to the poll in East Feliciana and voted the republican ticket, and there had been no other republican ticket voted at that poll but yours, do you believe that you would have been harmed?—A. Well, I believe this: I believe that the democratic party held me responsible individually for any attempt on my part, or any attempt on the republican party in that section of the parish where I live, to have put a republican ticket in the field, or to have voted the republican ticket, and the fact that my voting the republican ticket would develop a preconcerted plan to have more republican tickets.

Q. Will you be kind enough and polite enough to answer my question? I ask you whether you believe if you had gone to one of the polls in East Feliciana and had voted the republican ticket, and had been the only person casting a republican ticket at that poll, that you would have been harmed or hurt for casting that ticket?—A. Yes, sir; I do.

Q. You say that Governor Kellogg was determined that there should be an election held in East Feliciana. That is your statement?—A. That is my conclusion from what he said.

Q. Can you tell how it happened, if he was so determined to have an election held in East Feliciana, that there were not republican tickets in the parish to be voted?—A. Please state your question again.

Q. Can you explain how it was, if Governor Kellogg was determined—how it happened there were no republican tickets in the field in that parish?—A. Yes, sir; the making of any republican ticket in any parish in this State is left to the local republicans, to the republicans residing in the parish. The governor and the State central committee have nothing to do with it. They hold conventions and nominate their ticket, and the nominations are usually all sent to the State central committee. We generally send a man down long enough before the election, and get the tickets, and get back, and get them distributed to the different clubs throughout the parish in order to have them voted.

Q. What has been the practice, so far as you know, as to the printing and distributing of republican tickets in the out-parishes? Have these tickets been generally printed in New Orleans and sent to the parishes?—A. They have been printed at New Orleans, under the supervision of the republican State central committee.

Q. And sent to some republican in the parish?—A. The republican parish committee hold a meeting and designate one or two of their own members to go to New Orleans and get the tickets and bring them to the parish.

Q. How many republican meetings do you know of being held in the parish of East Feliciana during the late campaign?—A. One.

C. Where was that held at?—A. In Clinton, sir.

Q. That is the only republican meeting you say you know of having been held in the parish?—A. Yes, sir.

Q. Do you know of any republican who was whipped or shot for attending that meeting? If so, state his name and where and when.—A. I know of a number of colored people sitting up with a corpse on Mr. Singletary's plantation, about six miles from Jackson. There were several colored men who attended the meeting—the republican meeting held in Clinton. On the night that they were sitting up with the corpse there was a lot of white men, democrats—a colored man told me about it. He was one of the party.

Q. Was one of the party with the white men?—A. One of the party that was sitting up with the corpse. He said that Mr. Alex. Skipwith was one of the white men in the crowd. They ran in and said there was one man in there, and he said, "You are one of the damned men that attended the radical meeting," and he drew his pistol to hit him, and the colored man broke and run, and in the scuffle they knocked over the corpse, and when the man was running out they shot at him, and one of the colored men jerked up something and hit this Alex. Skipwith, and then got away. The colored man, he left the parish and went over into Point Coupee, and he was going back to the parish again——

Q. Tell me whether a colored man was whipped at that place that night. If so, who was the man and by whom was he whipped?—A. I don't remember of one being whipped that night.

Q. State whether a colored man was shot that night at that place. If so, who was he, and by whom was he shot?—A. I know that he was shot at; I don't know that he was shot.

Q. You don't know that there was a colored man shot?—A. No, sir.

Q. Do you know of any other case, after the holding of that meeting in the parish, where a colored man was whipped or shot for attending that meeting?—A. Well, sir, I could not say that I know of persons. I heard that such was the case.

Q. State an instance of one, or state where you heard that a colored man in the parish was shot on account of having attended any republican meeting in the parish.—A. That is the only republican meeting that I know of being held.

Q. Well, state what case you heard of where a colored man was shot for attending that meeting.—A. I don't know of one that was shot.

Q. State if you know of one being whipped for attending. If so, state name, and place, and circumstance.—A. I know of no whipping, with the exception of that night there was several licks struck.

Q. There was no whipping any further than that?—A. No, sir; not that I know of.

Q. Did you file an affidavit before the returning board?—A. Yes, sir.

Q. Was it ever read over to you after it was written?—A. I dictated that all myself.

Q. You knew its contents when you signed it?—A. Yes, sir.

Q. You say, "I have heard of many instances of colored men in said parish having been whipped and shot for attending republican meetings." State the many cases that you have heard of where colored men were shot in that parish for attending republican meetings in the parish.—A. The plural is a mistake.

Q. Well, meeting.—A. That is correct.

Q. State the many cases where men were shot for attending a meeting?—A. I had reference to that particular case. I did not mean shot, but shot at. I suppose that is a typographical error.

Q. State the many cases you have heard of men being whipped all over the parish. First confine yourself to the many cases where men were shot.—A. I told you that I have reference to that particular case.

Q. You do not then pretend to known of any other instance than that?—A. Not for attending a meeting in 1876.

Q. Now state any case of which you thought or referred to where a colored man was whipped on account of having attended a republican meeting.—A. This man Nelson that I have referred to.

Q. You say that he was whipped on account of having attended the meeting?—A. Yes sir.

Q. How do you know that he was whipped on that account?—A. Because I heard him say so. He said because he attended the meeting he was whipped.

Q. What was his given name?—A. I don't know his given name.

Q. What part of the parish does he reside in?—A. Near Jackson.

Q. Where did he say that he was whipped?—A. About two miles from Jackson.

Q. By whom was he whipped?—A. John W. Smith and a man by the name of McCuen.

Q. How long after the meeting?—A. I think it was about three weeks.

Q. Did you never hear of any other cause of his being whipped?—A. No, sir.

Q. You said a while ago that you could not remember of any other case than the one where they were sitting up with the corpse connected with this meeting?—A. So far as any effort of shooting was concerned.

Q. Take the year of 1875. Can you state any case in that parish where a colored man was shot on account of having attended a republican meeting; if so, who was it?—A. What we understand—we understand a man to be a republican when he attends a republican meeting and votes the republican ticket.

Q. State any one in the year 1875, in that parish, who was shot on account of having attended a republican meeting?—A. I know of the sheriff, Henry Smith; he is a republican and attended republican meetings all the time, and figured conspicuously.

Q. What republican meeting did he attend on account of which he was shot in the year 1875?—A. There was no republican meeting in 1875.

Q. What republican meeting at any time prior to 1875 was Henry Smith shot for attending?—A. They were shot because they were republicans.

Q. You don't know of his being shot on account of having attended a republican meeting?—A. Well, not outside of his being a republican.

Q. Why did you state in your affidavit that it was on account of having attended republican meetings that republicans were shot?—A. I just told you that that was an error.

Q. This, then, is not true?—A. That portion is not true. That is an error that crept in.

Q. How many colored men have you known to have been killed on account of political reasons in the parish of East Feliciana since the 17th day of November, 1875? Name them.—A. I think there has been some. There was several.

Q. Name one since the 17th day of November, 1875, killed in the parish of East Feliciana for political reasons?—A. I didn't make that in the affidavit.

Q. You just state, if you can, whether you remember one that you are willing to swear to was killed in the parish of East Feliciana since the 17th day of November, 1875, for political reasons—a colored man—A. We understand there that every man—every man who has been killed in that parish since the 25th day of 1875—was killed for political reasons. This murder of a colored man by John Jackson—I cannot think of the colored man's name—was always understood to be done for political reasons.

Q. When was he killed?—A. Last year.

Q. What time in the year? Do you mean 1875?—A. No, sir; 1876.

Q. Who killed him?—A. John Jackson.

Q. What was his color?—A. A black man.

Q. A black man killed a black man?—A. No, sir. John Jackson is a white man.

Q. Who did he kill?—A. A man living on John Stone's place. I cannot think of his name.

Q. Was that in 1876 or 1875?—A. In 1876.

Q. How do you know that that was for political reasons?—A. That is my understanding.

Q. What did you hear that makes you believe he was killed for political reasons?—A. The terrorism as carried on by the democrats as to republicanism.

Q. State some specific fact, or some specific information, relating to that particular killing that came to your ears, on account of which you concluded and now conclude that he was killed for political reasons.—A. I cannot state anything more than the fact of his being a republican.

Q. That is all the reason you can give?—A. Yes, sir. I heard he was a very active politician, and for that reason he incurred the dislike of this man John Jackson.

Q. That is all the information you have upon that subject, on account of which you thought he was killed for political reasons?—A. Yes, sir.

Q. State any other, will you, since the 17th of November, 1875, where a colored man was killed in that parish for political reasons?—A. It was my belief there was another man, but I cannot remember his name.

Q. I would like very much to have his name.—A. I would like to think of his name.

Q. In what part of the parish did he live?—A. In the eastern part of the parish.

Q. By whom was he killed?—A. By a man by the name of Thompson.

Q. What was Thompson's first name?—A. I cannot think of it.

Q. Killed in 1876?—A. Yes, sir.

Q. You cannot tell the colored man's name?—A. I cannot think of the colored man's name.

Q. What particulars did you ever hear about that killing?—A. I never heard any particulars, save that he was killed.

Q. You heard one was a democrat and the other a republican?—A. Yes, sir.

Q. The man was a colored man and a republican?—A. Yes, sir.

Q. And the man who killed him was a white man and a democrat?—A. Yes, sir.

Q. You never have heard the particulars of the killing?—A. No further than that.

Q. You never have learned anything about what was said between the parties or by the parties to each other, or any of the immediate circumstances or surroundings connected with the killing?—A. I understood that the gentleman had a crowd of white men with him, and this colored man was coming from church. This white man met him and shot him, and he said: "The damned radical insulted him, but he would never insult any other white man."

Q. Do you know whether the man who killed the man was named Eugene Thompson?—A. I don't know.

Q. Didn't you hear Eugene Thompson was shot at by the colored man whom he killed very shortly before?—A. No, sir.

Q. You never heard that?—A. No, sir.

Q. You never heard that a shot was fired by the man killed, the shot entering the very sack of meal Thompson was sitting on?—A. No, sir.

Q. These particulars are new to you and unheard-of by you before?—A. Yes, sir; new to me and unheard-of before.

Q. Name another, if you please, killed for political reasons since the 17th day of November, 1875.—A. I gave it as my impression. I know of a colored man who was killed down—that was in the southeast portion of the parish, but I cannot think of the man's name who killed him.

Q. Do you know whether he was white or black?—A. The man was black; the man that killed him was a white man.

Q. Do you know what that was for?—A. I cannot say. I can give you my opinion.

Q. Is it your opinion that every time a white man kills a black man, that he kills him because of his politics?—A. No, sir.

Q. Is not this true, that if you in any case should hear of a colored man being killed by a white man, and should not hear some particular reason for it, would you not conclude at once that he was killed for political reasons?—A. No, sir.

Q. You would not?—A. No, sir.

Q. Take the case you were last referring to; what do you know about that case?—A. I know nothing of my own experience.

Q. What information did you get that led you to believe that he was killed for political reasons?—A. I have been informed that he was killed by a white man.

Q. By a white man or white men?—A. By a white man.

Q. For what reason?—A. I had no other reason save the fact that they differed in politics.

Q. Was that given to you as a reason?—A. That is the only reason I ever heard.

Q. By whom was it given to you?—A. It was general report.

Q. None of the circumstances were named?—A. No, sir.

Q. No particulars at all?—A. No, sir. I hear of killing that has been done up there, that there has never been any investigation.

Q. I suppose you have heard in your life of the killing of a man when you did hear of the circumstances connected with it at the same time?—A. Yes, sir.

Q. Is it not true that when you heard of a killing you always heard of the circumstances attending and surrounding the killing?—A. Yes, sir.

Q. Will you name another case?—A. I cannot name another.

Q. You state in your affidavit filed before the returning board that no less than thirty colored people were killed in East Feliciana during the last twelve months for political reasons, and this affidavit is sworn to by you November 17, 1876. Now give us these thirty persons, if you can.—A. I cannot name thirty persons.

Q. Why did you state that not less than thirty persons were killed?—A. My mind is not like that book. I cannot keep every word down. You must give me time to explain. I know of killing that was done in the night-time. I know of crowds of white men. I have seen them meet and go off in the evening and come back in the morning, and when they would come back I would hear of some colored man being killed.

Q. Give us some of these cases?—A. I remember the murder of Isaac Mitchell.

Q. Was that in East Feliciana?—A. No, sir; West Feliciana. This crowd went from East Feliciana.

Q. Confine yourself to East Feliciana.—A. I remember—I could not name the man—it got to be such a current thing—almost every day.

Q. Give us some of them.—A. I never paid much attention to it. Somebody would come in and say, "There was a negro killed out here last night." I remember a man that was killed down in the southern portion of the parish of East Feliciana, on the line of the second and third wards.

Q. What was the name, if you can remember?—A. I cannot think of the man's name right now.

Q. Give us the name of the man who killed him, if you remember.—A. I don't know the man who killed him. He was killed by these crowds, as was supposed.

Q. What information did you receive as to the time that he was killed?—A. In the night.

Q. What year?—A. Eighteen hundred and seventy-six—last year.

Q. What did you learn about the cause of his being killed?—A. I never heard any cause.

Q. You don't remember any reason that was given at the time for their being killed?—A. No, sir; saving the general opinion.

Q. Did you hear any opinion of that kind expressed by any particular person that you can remember?—A. I heard it expressed by everybody; by every colored man.

Q. Did you hear white men express that opinion?—A. None except they were republican white men. I have spoken to colored republicans—I remember having a conversation with Colonel Powers, and he said this: I said, "What are you going to do? This killing is going on in this parish. What are we going to do about getting up a republican ticket?" And he says, "My God, you cannot get up any republican ticket here."

Q. Give me some other case, if you remember.—A. I cannot give you a distinct case. You want me to give you names.

Q. Narrate the case. If you remember the name, state it.—A. You asked me about men being shot for political reasons in East Feliciana. I remember of Marshal Keyer.

Q. What year?—A. Eighteen hundred and seventy-six.

Q. How do you know he was shot for political reasons?—A. That was my understanding; that was the general rumor.

Q. Did you ever hear of any of the special circumstances that surrounded the killing?—A. I did not, except that I understood that the shooting was done by a man by the name of Pemble.

Q. What circumstances did you learn about it as to whether they had a quarrel or trouble?—A. I understood there was some difference between them.

Q. What was that difference?—A. I don't know.

Q. Did you ever hear what the difference was?—A. No, sir.

Q. You did hear there was some difference between them?—A. Yes, sir; I heard there was some difference between them.

Q. Did you ever hear that the difference between them was a political difference?—A. I heard that they differed as to politics, and that was one of the causes of it. When the effort was made to arrest Pember the white people defied the sheriff.

Q. You say now that the difference you heard between them was a political difference. Is that the fact?—A. They differed in regard to politics. Here is the conclusion: There has not been any cases in that parish where republicans have ever killed democrats; and the fact that democrats always killing republicans was sufficient cause for the belief that when they were killed—when republicans were killed by democrats, that it was for republican reasons.

Q. You give that as a reason for believing that when a colored man was killed by a democrat that he was killed for a political reason?—A. When we never had any other cause.

Q. You have stated that you heard that this man who was killed by Pemble——A. He was not killed.

Q. Shot?—A. Yes, sir.

Q. You heard that there was a difference between them. State whether you can now state what you heard that difference was.—A. No, sir; I cannot.

Q. Then you don't pretend to say that the difference you heard between them——A. Well, no, sir; I can't say that positively.

Q. Give us another case.—A. I cannot remember any other case.

Q. Have you stated all the cases you now remember?—A. All the cases I can remember at this time.

Q. Why did you fix the number thirty?—A. I gave it as my knowledge. I kept up more closely with them at that time, but I have been in other business since I have been here, and I have not paid much attention to it.

Q. Has not your memory been refreshed by having filed this affidavit and by answering the interrogatories?—A. That has been some time ago.

Q. It was in November. Would not that refresh your memory?—A. Yes, sir; if I should look over the affidavit and apply my mind to it, I should recollect now.

Q. You have stated some five or six cases which occurred in 1875 and 1876 on account of political reasons. Why did you fix the number at thirty?—A. Because I am pretty certain that I am not mistaken.

Q. You believe now that since November 17, 1875, there has been as many as thirty colored persons killed in the parish of East Feliciana for political reasons?—A. Yes, sir; I do.

Q. Who was it that you said attempted to burn your store?—A. I didn't state who it was.

Q. Have you ever been informed who did it?—A. Will you expect me to give you a name?

Q. Yes, sir; it is your duty to state what you know.—A. You will expect me; you won't compel me?

Q. It is your duty.—A. I don't wish to jeopardize my life, but should I give the names of parties here and I went back to East Feliciana, I might be killed for it.

Q. Were you ever told who the parties were? Did any person say who burned your store?—A. Yes, sir.

Q. By whom were you told?—A. This was told me in private.

Q. By whom were you told? It is your duty to answer the question.—A. I was told by Mr. Frank Crilly.

Q. Did he ever tell you that more than one did it?—A. Yes, sir; more than one.

Q. Did he give their names?—A. Yes, sir.

Q. Whose names did he give?—A. I refuse to give the names.

Q. You refuse to answer the question?—A. I refuse to give the names of those parties.

Q. You say your store was saturated with coal-oil?—A. Yes, sir.

Q. How do you know that fact?—A. I saw and smelt the coal-oil the next morning.

Q. Was your store burned down?—A. No, sir.

Q. It was not burned down?—A. No, sir.

Q. To what extent was it burned?—A. All the front door was burned black.

Q. What time in the night did it happen?—A. My clerk told me it was about midnight.

Q. Did he see it?—A. Yes, sir.

Q. How did he happen to see it? Where was he staying?—A. The oil was poured on the door and he was inside all the time, and some of it ran inside and it made such a fuss that it waked him up. He slept in the store.

Q. Did you learn that the burning was attempted by white or colored persons?—A. White persons.

Q. Had you any trouble with your family or kindred that caused you at the time to suppose that some of them did it and caused you to so express yourself as to those persons?—A. No, sir. I had some trouble just before that, but I didn't suspicion that it was done by them.

Q. Did you ever express such an opinion afterward?—A. No, sir; I don't remember of ever expressing an opinion of that kind. In fact, I know that I never expressed an opinion of that kind.

By Mr. BEEBE:

Q. You say there were two occasions when your store was set on fire?—A. That was the same night.

Q. Twice the same night?—A. Yes, sir.

Q. Was it the same parties each time?—A. That was the information that I received, sir.

Q. You say you had some difficulty with some members of your family?—A. Before that.

Q. How long before?—A. It had not been a great while before.

Q. Can you give us an approximate idea of how long before?—A. Yes, sir.

Q. Well, how long before?—A. Two months or two and a half.

Q. Had you any difficulty with any parties, relatives or others—any altercation, two and a half months before?—A. Yes, sir.

Q. Who?—A. I had a fuss with a gentleman there. He was no kin to me.

Q. White or colored?—A. A colored man.

Q. A democrat or a republican?—A. A democrat, but he was dead.

Q. Who built your store—the building; who constructed it?—A. One man by the name of Bohelia.

Q. Who owns the building?—A. I own it.

Q. Did you own it at that time?—A. Yes, sir.

Q. Was it insured?—A. Not a dollar, sir.

Q. Goods insured?—A. Not a dollar, sir.

Q. You spoke of a doctor giving you some advice, or giving some advice to a colored man, a friend of yours, to join the democratic club. You didn't hear the doctor give the colored friend that advice, did you?—A. No, sir; the colored man told me so.

Q. You spoke of a convention called to meet at Point Coupee by Mr. Weber.—A. Yes, sir.

Q. When was that?—A. It was in the latter part of the summer, a while before the election.

Q. Eighteen hundred and seventy-six?—A. Yes, sir.

Q. For the purpose of nominating candidates to be voted for in the parish?—A. Yes, sir.

Q. Who were the candidates?—A. Mr. Weber was a candidate, and some other gentleman; I don't remember of another candidate being in the field. There were several men spoken of, but I don't believe there was any other name presented before the convention. Captain De Grey was.

Q. De Grey was a candidate?—A. It was said that he was a candidate. His name was presented before the convention. I did not hear of his being a candidate before.

Q. You spoke of what one J. Goten told you that the mayor, Mr. Hazzard, had said. Did you ever speak to the mayor about it?—A. No, sir; I never discussed politics with him.

Q. How many men were engaged in the whipping of Nelson?—A. To my knowledge, there was two; so they informed me.

Q. Who were they?—A. This was in the evening, when the democrats were returning from the Nicholls meeting in Clinton.

Q. Who were the men?—A. He told me that it was John W. Smith and John McCuen.

Q. How many attended the meeting addressed by Packard and others at Clinton?—A. I suppose there was about three hundred colored people and two hundred and fifty white people.

Q. How long had you known Frank Crilly?—A. I have known him ten or fifteen years.

Q. How did he come to tell you who these men were that set your store on fire?—A. Well, he told me, to satisfy me, that it was done for political reasons?

Q. Was he a white man and a democrat?—A. Yes, sir.

Q. He told you that the others who did it were white men and democrats?—A. Yes, sir; he told me their names, and I knew they were white men and democrats.

Q. Did he enjoin you to secrecy?—A. Yes, sir.

Q. On what account?—A. Because if it was known that he told me who it was done by he would be afraid of the men himself.

Q. Your clerk also told you who they were?—A. No, sir; he did not know who they were.

Q. Did not you state that they spoke to him?—A. He spoke to them. He was inside of the store and they were outside.

Q. How many of them were there?—A. He didn't say how many there were; he simply gave me the names of some of the parties.

Q. Who put the fire out?—A. My clerk.

Q. How long was it after the first time that it was the second time fired?—A. Well, he said that they fired it and he put the fire out, and went back and was standing up in the store, and he heard the oil flowing on the front of the house. They had a can and were putting the oil on the front of the house, and he said that he heard it and spoke to them, and they ran off

Q. They did not set it on fire the second time?—A. No, sir; they didn't put fire to it.

Q. Did anybody else see these men except this man, Frank Crilly?—A. Not to my knowledge. He prevented them from firing the store the second time.

Q. What time of night was it?—A. It was about midnight.

Q. You say that there was a division of the republican party in 1874?—A. Yes, sir.

Q. Who headed the different parties?—A. I headed one and John Gair the other.

Q. Were you identified with Weber?—A. Yes, sir.

Q. Which was the regular organization of the republican party, the Weber or the Gair division?—A. The Gair division was the regular organization.

Q. Then you headed the organization which was not the regular organization?—A. Yes, sir.

Q. What is the largest republican majority ever polled in the parish of East Feliciana?—A. I think it is a thousand, or something about a thousand.

Q. Was that on a full vote?—A. Yes, sir; a full vote.

Q. How many white democrats are there in the parish, do you state; about eight hundred?—A. Yes, sir; probably eight hundred.

Q. Now, in the questions which Judge New propounded, you stated about one man, Thompson, having killed a man. Was he a colored man?—A. Yes, sir.

Q. Who told you that Thompson killed him?—A. I was told by several different men I can name.

Q. Any one who saw it?—A. Yes, sir.

Q. Who told you who saw it?—A. A man by the name of John Austin.

Q. Is he a white man or a colored man?—A. A colored man.

Q. What did he tell you?—A. He told me that he shot him, and there was a great crowd not far from him when he shot him; a crowd of white men.

Q. Where was it?—A. It was on the road coming from church.

Q. Do you know P. Charles Butler?—A. Yes, sir.

Q. Did you ever hear of his shooting a colored man?—A. Yes, sir.

Q. Since the election did you hear of his shooting one?—A. Yes, sir; I heard it since the election.

Q. Did you ever hear of his shooting any one before the election?—A. Yes, sir.

Q. A colored man?—A. No, sir; a white man.

Q. Didn't you hear of his shooting a man in the leg in a drug-store in Jackson?—A. No, sir; I heard of him shooting a man before a drug-store and killing him.

Q. Where did the ball hit him?—A. In the abdomen.

Q. Did you never hear of his shooting a man and hitting him in the leg in Jackson?—A. Yes, sir.

Q. Was he white or colored?—A. A white man.

Q. Did you ever hear of his shooting any other colored man other than the one you spoke of since the election?—A. No, sir; I don't remember.

The witness then stated as follows:

The man that done the firing and put the oil on the store, Mr. Crilly told me, was a man by the name of Richard Harbor, who lives in the town of Jackson, and James Stratton.

Q. Both white men and both democrats?—A. Yes, sir; they were the two men that they seen at the work.

GEORGE T. NORWOOD, sworn by the chairman.

By Mr. JOYCE:

Question. What is your age?—Answer. Twenty-nine.

Q. You may state where you live.—A. I live in East Feliciana Parish, four miles north of Clinton.

Q. How long have you lived there?—A. Well, sir, I have lived there all my life. I lived in Texas a year and a half. That has been three years ago. With that exception, I have lived there all my life.

Q. You may state whether you know of your own knowledge, or from information that you have received from others, whether the colored people of that parish have been intimidated by white democrats.—A. Well, sir, it is my opinion that it is so, and I can only give you facts that I have heard.

Q. You may state all you know about it, or what you have heard in regard to that subject, running back, say, for the last year and a half or two years.—A. Well, sir, I could tell you my version of the whole matter. It commenced about two years ago. The Lewis Jones affair was the first that I heard of, and I think that was seized upon by certain men who claimed to be leaders of the democratic party in East Feliciana as a pretext to carry the election this last year just gone. The Lewis Jones affair, as I understood it, came about in this way: There was a man by the name of W. R. Skipwith who had been on an expedition with some parties to Bayou Sara after Weber. On his way back—I think he was a little drunk—and on the road he met up with some negroes, and they asked him, I think, the question, what was the matter; how this thing came up; and he made the remark to them that if such men as Weber and Lewis Jones were taken out and hit five hundred lashes, that would settle it all. That is my understanding of what Skipwith said. I suppose they added to it a little, and told Lewis Jones that Skipwith said he was going to take him and hit him five hundred lashes. Jones got his friends around him, as he said, to defend him, and I think he, perhaps, had pickets out on the road and stopped people. He gathered a big crowd around him. The first I heard a man by the name of Pemble and Thomas J. Hunt came to my father's house. They came there and said that they wanted myself and my two half-brothers to go out and notify the neighborhood, and the other one to go along with them. I didn't want to be riding all over the country notifying people, and I concluded to go with them. I went along, and I soon found out that Mr. Pemble had been whipping a negro up there for some cause or other, and that he was worse scared than hurt, and that he was going around to get his neighbors into it, if there was any killing to be done, to save himself. I think I told some of my friends that I did not want to be unnecessarily alarmed. We went to George W. Norwood's place. We called them up, but they didn't go with us, but they said that they would be with us by the next morning. We went over to David W. Pipes's, and called him up and notified him; and we went on out the cross-roads, near where Lewis Jones was camped. This was about daylight; and when we got there there was several people there; Colonel Powers was there with a few men. The crowd increased from that until some time along in the day we moved on to Dr. Singleterry's.

Q. Toward Clinton?—A. No, sir; it was west from Clinton—northwest—in above Jackson. Jackson is northwest from Clinton. This was rather northwest. We there stopped and halted near Clinton for a while. I seen soon that such crowds didn't pay me to get in, because there was a lot of young men that were wild and reckless, and they wanted to go to the negro camp and shoot into them. I think Lewis Jones demanded Bob Skip—I think he had a written demand for him. They went telling numerous tales about what they would see, first in one camp and then in another. There was a negro man seen passing across the field with a gun. Colonel Powers ordered a man by the name of Henry Skipwith to go and take his gun away. It was some hundred yards from where we were, and we could see. It was an open field. Henry Skipwith rode up and took hold of his gun; the man seemed inclined not to give it up. Skipwith jerked it out of his hand and hit him over the head two or three times and brought him to Colonel Powers. Some of them ordered him to sit down, and he seemed a little out of humor about the way that he had been treated, and he didn't sit down as fast as he might, but was still going

to sit down. One or two jumped at him; I believe Powers struck him with his saber, and Billy Nash was about to shoot him, and one man had to sit down on him to keep Nash from shooting him. There were witnesses there who went right over to the negro camp and created some stir. After a while they got matters adjusted. Some gentlemen went over into Lewis Jones's camp, and they fixed up matters.

After that I never went out, except on one occasion, and that was on the day that John Gair was killed, because I did not feel disposed to get into trouble. I did go to Clinton on the day that John Gair was run away. I rode in to see what was the trouble.

Q. You were going on to explain what your opinion was in regard to the effect of these kind of gatherings.—A. They exasperated the white people. Judge Dewing, at the next term of court, I think, charged the grand jury, so I learned—I think I read the charge—he charged the grand jury pretty strongly in regard to the suppression of such gatherings as Lewis Jones's. Under that charge the grand jury found a bill against Lewis Jones and several others. When they came to trial before the petit jury, I think Judge Dewing charged the petit jury a little differently from what he charged the grand jury, and the petit jury acquitted him. That excited the people still more.

Q. Was Lewis Jones a colored man?—A. Yes, sir. I believed, in my opinion, and that of the best lawyers in Clinton, there was no law to punish Lewis Jones for the offense that he had committed. He sent them word that he was on his own place, only he stopped the people passing on the road. They did do that. That is the only thing that he did that I thought was wrong in the matter—that is, if he really thought he was in danger. Dewing charged the grand jury one way and the petit jury another, and the people became very much exasperated.

Q. Go on and state what particular acts of intimidation you know of.—A. In the last campaign I didn't take any part. I never went to a republican meeting, because there was none there.

Q. Why didn't you go?—A. I didn't think it would be very healthy for me to go, and I cared nothing about it one way or the other. I had been a democrat, and always believed in the principles of the democratic party, and I didn't care to go. They perhaps would look on me as a spy. I did not go where I was not wanted.

Q. State whether you know anything of your own knowledge.—A. When I say that I did not go to political meetings, I didn't go to club-meetings; I went to large speakings. When E. W. Robinson was here, the candidate for Congress, I heard him speak, and I heard General Nicholls. I went there on the day of the Packard meeting, but I was mistaken in the time, and only got there to hear a part of the speech. I went because they were distinguished men, and I wanted to see them. On the day of the Robinson meeting I was standing in Meyer's door in Clinton.

Q. That was a democratic meeting?—A. Yes, sir; Mr. Cross was to make a speech, but Robinson was the only man that made a speech of any consequence; perhaps some of the small fry did, but I don't know; local politicians might have spoken the same day. Mr. Cross was a candidate on the democratic ticket. I was standing in Meyer's door leaning up against the door-facing. Out on the sidewalk there was a man by the name of John M. Robbins and Adam Sensley—I believe he claimed to be a democrat up here; he and Jack Benton, a one-legged man, and a negro that I didn't know. I didn't know him at the time, and didn't take the trouble to inquire who he was. I didn't know that I would be a witness, and didn't care anything about it particularly. This Robbins was talking to this colored man. Robbins was standing on one side of Adam Sensley and Benton on the other. It attracted my attention, because I had heard these men talk so much about negro equality; and this was about as close as I ever got to a negro. Robbins was telling this man, "Yes; I will protect you;" and the fellow says, "You promised to protect me." Robbins said, "Yes; I am going to do it, too." The fellow repeated it two or three times. I didn't know anything about what he meant. I am just stating what I heard Robbins say to this man. The negro kept telling him, "You promised to protect me;" and Robbins kept saying, "Yes; I am going to." Then he remarked that he was going to take the name of every negro that voted the radical ticket, and he was going to make him smell hell after the election.

Q. State whether you ever heard any of the colored men complain that they had been interfered with or unduly forced to join democratic clubs.—A. Yes, sir; I heard that all over the county. The colored people know pretty well who to talk to. They look on every white man as a democrat. Every man that they didn't know to be a republican they would tell him that they were not intimidated, because they didn't know who to trust, and they were afraid of being dealt with by the democratic party. I venture to say if a republican was sent there, I don't care who he is, if you could find a republican that both parties would have confidence in, let them be informed so by somebody whom they believe, and not let any democrats know his business, and there is not one but that will say they were intimidated and they were forced to vote the democratic ticket.

Q. Can you name any that ever talked to you?—A. Yes, sir; the very day that he came to testify before the committee in Clinton, Rod Dunn, he told me—I heard him say a half a dozen times, there was no question about it about their being forced to vote; that they voted that way because they could not help themselves.

Q. Can you name any other who has told you so during the late canvass or that you have heard talk about it?—A. Dave Kilburn. He was one of the men that I testified to in that affidavit that was made before the returning board. Dave Kilburn told me that they all had to vote that day the democratic ticket, but they didn't do it with a free grace. He said that they made a little show—I was commissioner in the seventh ward—they made a little show of rejoicing at the polls, but they had a great deal rather cry.

Q. Was he a colored man?—A. Yes, sir.

Q. Any other instance that you can think of?—A. There is an old man, William Wright; a few days after the election he was riding around——

Q. Is he a colored man?—A. Yes, sir. He came up on the day of election to vote. He claimed that he had lost his registration-paper. There is about four hundred in the parish who claim that. He took that as a little excuse to get out of voting. He voted in the bull-dozers' box. He voted the democratic ticket, and he asked me a few days after the election what was the news. I told him that there was some talk of their throwing out the vote of this State. He remarked, as he rode off, "God grant it." He voted in the bull-dozers' box. He claimed that he had lost his registration-paper.

Q. Do you remember any of the rest that you talked to?—A. I didn't talk to them much. I just heard this—just in connection with my business at home.

Q. Have you heard anything of any of them being injured in any way?—A. Yes, sir; there is whipping all over the county.

Q. What was the general impression that those whippings were for?—A. The whipping was not altogether for political purposes. You see the plan of these people was to get the colored people so badly cowed before election that they would do anything that they told them, and they dragged in as a side issue the seed-cotton business. The seed-cotton business was an outrage on the people—to let a man's crop be taken off at night when he was in his bed. That was an outrage and the people were exasperated, and they had right to be about that thing, but that was dragged into this affair as a side issue to satisfy the minds of the people.

Q. Your idea is, if I understand it, that they used that as a sort of pretext for whipping these people and getting them subdued, so that when election time came they could make them do as they wanted to?—A. Yes, sir; they commenced some time before the election so as not to have the charge raised on election day.

Q. Your idea is, that on election day it was not necessary to have any intimidation?—A. No, sir; I never saw a more quiet election than was held there. I was in the house all day. I have been told about their sending runners out, but in every instance they would send two negroes, so to make it as indirect as possible, so that the word could not come directly through these people.

Q. What do you think—is it your opinion that a republican would have been safe during the late campaign to have gone through the parish of East Feliciana organizing republican clubs and holding republican meetings?—A. I have no doubt in the world about it. I think they would be in very great danger. In fact I would not like to have risked it.

Q. Living as long as you have, and knowing as much as you do about the people, you say you would not have risked your life to do any such thing?—A. No, sir; and I am a little uneasy about risikng my life to go back there now.

Q. You have always been a democrat?—A. I never voted any other ticket. I voted for Tilden and Nicholls at the last election, and never voted any other ticket.

Q. What, in your opinion, would have been the result in that parish if the colored people had been left free to vote as they pleased?—A. I believe they would have voted almost to a man. I think the party was a unit in the last election, but were affected by this maltreatment that they had received. I believe I told a great many people there—at least told neighbors around—that if they left the negroes alone in the last election of this State, if they could wipe out their record, if the democratic party could have wiped out their record for the last two years in Louisiana and other Southern States, that they would have carried the State without any trouble—carry it to a certain degree. They could have made terms or dictated their own terms, I believe, in our parish.

Q. You have no doubt but if these men had been left to vote as they pleased in this parish that the parish would have gone republican?—A. Yes, sir; I believe so without any doubt. I believe they are more of a unit to-day, if they could vote freely and fairly, than they ever were before.

Q. State whether, in your opinion, there are two classes of democrats in this parish; that is, a class of men who are above this class of things, and would not tolerate them, and would not countenance them, and, on the other side, a set of desperate men that are ready to do anything to carry their bad ends.—A. Yes, sir; and the conservative class are completely overawed by this other class, because if a man opens his mouth they call him a radical thief, robber, and everything of that kind.

Q. Your idea is, in this parish, to say nothing about anywhere else, that the bad element of the democratic party have control instead of the conservative, better element?—A. Yes, sir; I think they have taken control. I don't think they are in a majority. It did not prove so at the primary election. The issue at the primary election was the "bull-dozer" and the "anti-bull-dozer" ticket. That was the issue. That was in the primary election held on the 18th of July. The anti-bull-dozer ticket was carried. It footed up about 145 majority. I think Charlie McVey beat Cross 145. Dr. Perkins beat his opponents. He had two opponents, and he doubled both of them together.

Q. Your idea is that, although the conservative, the better element, of the party is in the majority in the parish, yet that this other element carries it by force?—A. Yes, sir.

Q. By a strong hand?—A. Yes, sir.

Q. Did the colored men take any part in that primary election?—A. No, sir; not even those who voted the democratic ticket all the while. They were not allowed to vote, as I understand it.

Q. Do you know why they didn't vote?—A. I suppose the reason was that if they allowed them to vote they might come in and name a man that they didn't want. That would have been equivalent to allowing them to vote fairly.

By Mr. BEEBE:

Q. You say that they did not even allow those colored men who had always voted the democratic ticket—didn't allow them to vote at the primary election?—A. No, sir; no colored man voted at the primary election.

Q. Were there colored men who had always voted the democratic ticket.—A. Yes, sir; several.

Q. How many?—A. Several. I can get you the names of them easily if you want them. There are several of them.

Q. How many are there in the parish who have always voted the democratic ticket?—A. Probably a dozen.

Q. What is the number of colored votes in the parish?—A. I think eighteen hundred or two thousand; I won't be positive about that.

Q. What is your present occupation?—A. I am a farmer, four miles north of Clinton.

Q. Is that the only occupation you have?—A. That is all I have.

Q. When were you in the parish of East Feliciana last?—A. I left there Wednesday, and came down on the boat.

Q. You came down, did you, on the boat?—A. Yes, sir.

Q. Do you know George J. Reily?—A. Yes, sir.

Q. Did you come down with us on the boat?—A. No, sir.

Q. Were you served with a subpœna in Feliciana to appear before this committee?—A. I was served with a subpœna to appear before the Senate committee—at least the sergeant-at-arms left it at the house. I rather dodged to keep out of the way, to keep from coming. I was informed, as I had seen the subpœna, I was bound to come.

Q. If you had received a subpœna to appear before this committee, would you have attended?—A. Yes, sir.

Q. Would you have testified?—A. Yes, sir; I would have testified.

Q. Would you have testified as you have here now?—A. Yes, sir.

Q. Would you have felt that you were in any more danger there in testifying than here?—A. I would.

Q. Will you explain why you are in more danger in testifying there than you would be in testifying to the same facts here?—A. For this reason: I don't know that I will go back yet; I rather think it doubtful. I am going to stay here until I find out how the land lays.

Q. Who are you afraid of?—A. I don't know that I am afraid of anybody. I am not afraid of any one.

Q. I do not mean to impugn your personal courage; but through whom do you apprehend interference?—A. From a set of men that belong to the democratic party.

Q. Will you name some of them?—A. I would not like to do that, because I don't know. I don't know that I am afraid of any one man.

Q. Have you in your mind the name of any one man from whom you would apprehend personal violence on account of your having testified to your understanding of the truth as it affects that parish?—A. I don't know that I have any one man. I have heard that they cursed and abused me around pretty extensively.

Q. Who has?—A. A man by the name of Lewis More.

Q. Who told you?—A. My brother told me. He was told so by a young man in Clinton.

Q. They didn't hear him say this?—A. I understood that he cursed me, and they went to him and asked him, and he denied it.

Q. Where does he live?—A. In Clinton.

Q. How old is he?—A. He is about my age, I guess. He cannot be so old—twenty-six or twenty-seven years old.

Q. Were you in the parish during the period of registration?—A. I was.

Q. Was the registration conducted fre ely and peaceably?—A. The registration, so far as I know, was conducted peaceably and freely.

Q. Was there any disturbance on election day at any of the polls?—A. Not that I know of.

Q. Was it, so far as you know or have heard, a peaceable and quiet election?—A. It was the day of election.

Q. You say there are two classes of people, a conservative class and a class whom

you regard as embodying what is known as the intimidating element there?—A. Yes, sir.

Q. You stated, also, that the conservative class, so you distinguished them, outnumber the other class?—A. Yes, sir.

Q. In what proportion do you suppose the two parties exist?—A. I don't know. I told you as near as I could—Mr. McVey's elect a majority over Cross; the line was not strictly drawn, because the conservative class did not want to make the issue, because it might have lost them votes. Mr. McVey got a majority over Cross of about 145.

Q. Speaking from your knowledge of the people—and you have quite an intimate knowledge of the people—from that stand-point of the eight or nine hundred voters, how many of them do you suppose deprecated the action of the other class?—A. I suppose at least one-half, perhaps a little more than one-half—the only way that I can judge of the matter—that was simply an opinion. The only means that I have of judging was in regard to this primary election.

Q. You believe that of the whites of this parish, from your knowledge of those that live in the parish, that one-half or thereabout would resort to acts of lawlessness for the purpose of coercing or intimidating colored voters?—A. That is my opinion, sir. I know of a great many who was opposed to it. Mr. Kernan was opposed to it at the outset, and I expect he is to-day, if the truth was known.

Q. You say that you don't believe that you would have been safe in attempting to organize republican clubs in that parish?—A. I don't think republicans would have been safe.

Q. Have you in your mind any man or men whom you can give the name of who would have injured them?—A. I think that the leaders that had control of the democratic organization on the last election would have injured them; in fact, I heard it all over the parish.

Q. Who are the leaders?—A. K. A. Cross, I think, is the head center.

Q. Do you think he would have countenanced any injury of colored men?—A. Yes, sir.

Q. Who else?—A. I don't know but what Dr. Sanders was a leader. He was a great bull-dozer; Joe Jones was another great bull-dozer; Captain Joe Norwood was another.

Q. What act of violence did you ever know Cross to commit in that direction?—A. As I said a little while ago, I don't know of any act of violence.

Q. Do you know of any act of violence ever having been committed by any of these men that you have named?—A. I have heard that they killed John Gair.

Q. Who did you hear killed John Gair? Did you hear that Cross was one of the parties?—A. I heard it asserted and heard it denied. I have heard both ways. I don't know whether he did or not.

Q. Will you be kind enough to name any other act of violence perpetrated by any of these men you have named?—A. As I stated, I don't know of any. I simply heard.

Q. Do you know of an attempt having been made to organize republican clubs in that parish during the canvass?—A. I know Alonzo Brooks and his father had a republican meeting a short while before the election, and I know it created quite a stir around there.

Q. You have been a democrat, you say?—A. Two years ago I acted with the democratic party. I acted with them then, but I did not vote, because I hadn't got my citizenship from Texas.

Q. When you say that they commenced two years ago—these democrats of that parish—commenced this system of intimidation, whipping, &c., do you speak from personal knowledge or from rumor?—A. I don't speak from personal knowledge about any of it. I never saw them whip anybody.

Q. Did any democrats of recognized position in the party ever intimate to you, two years ago, that they proposed to resort to this system of whipping for the purpose of having the negroes intimidated, so that there would be no necessity for acts of lawlessness during this election?—A. No, sir; I just heard it talked around.

Q. Who did you hear talk it?—A. It was generally reported all over the country; understand me, when I say two years ago, I don't mean before the last election when Pipes was elected to the Legislature, but I mean about that time. When I say two years, I mean approximately. It may have been a year ago and a half. I don't mean exactly two years ago.

Q. I did not suppose you were being definite as to the time, but I asked with reference to that time, whatever it was. Who did you hear make any statement of the kind or intimate anything of the kind?—A. I can tell you what I know. I don't like to do it, because it was a relative of mine. He said that Colonel Powers had been over to Grant Parish and come back; and he said that it worked like a charm over there.

Q. Who is this Colonel Powers?—A. Tax-collector of East Feliciana.

Q. Frank Powers?—A. Yes, sir.

Q. Is he the one you spoke of as being in connection with the Jones uprising?—A. Yes, sir.

Q. You got from Colonel Powers this idea, that two years ago they proposed to resort to this course of whipping, &c?—A. Yes, sir; that is what he said.

Q. Did he say that he was a party to that, or proposed to be, or did you understand that to be the case?—A. I understood that he approved of it—that it was a first-rate idea.

Q. This Roderick Dunn, when did you see him?—A. I saw him the day that he was before your committee. He lives on our place.

Q. Did you have any conversation with him during the session of the subcommittee?—A. No, sir.

Q. Did you know that he had testified before the committee?—A. No, sir.

Q. Did you know that he had testified that he was intimidated and that the colored men were intimidated?—A. I think he testified that he was not intimidated.

Q. Is he not an elderly man?—A. He is middle-aged, perhaps forty or forty-five. I heard him say that he had always been a democrat, and God favored him; that they didn't cross-examine him much. I can tell you in regard to what I have heard old Ben. Collins say.

Q. What did he tell you?—A. My step-father first told me of Norwood making this remark, that it worked like a charm. Norwood was taking certificates that they had not been intimidated, and when old Ben Collins came up he wanted him to give this certificate. He told him that he could not. He says, "I cannot do it, because it is not true." They were intimidated. Nobody intimidated him. He had heard of a man being taken out of a house and whipped until the skin was whipped off. He said he was not going to say who told him. He told him it was something to quash the whole matter, and finally got him to sign the certificate. I got to joking with him, and told him that he ought to put in all that old Ben said—let it all come.

Q. Were you in Clinton at the time Gair and Ray left there?—A. I was there that evening.

Q. Did you see anything or hear of anything that evening having been done to them?—A. That evening—I will tell you how I came to be there. I didn't see anything, only a crowd of men in town, and they went out and got a few negroes that they said had been out in the woods.

Q. You do not know anything of your own knowledge about Gair and Ray leaving?—A. No, sir.

Q. You say you never saw any act of violence perpetrated by either of these men?—A. No, sir.

Q. Did you ever hear of any act of whipping done on the plantation or farm of Mr. Reily, the clergyman?—A. George Reily told me so.

Q. What did he tell you?—A. That there was a negro whipped; I don't remember for what—whether he went to a republican meeting or would not join a democratic club. He said that the man ran off.

Q. Did you ever hear of any colored man being whipped in which either of the Reilys participated?—A. I have heard some men say that George Reily was a bull-dozer himself.

Q. When you say that these men are bull-dozers, do you know it from any knowledge you possess of your own of their participating in it?—A. No, sir; I don't know anything about it. I was not a bull-dozer.

Q. You did go out on one or two occasions?—A. I went out when the negroes were plundering the whites; that was the first report that came out. I found that there was no truth in it, and I went back home.

Q. How long were you out?—A. Perhaps five or six hours. It might have been twelve hours. I left home about twelve or one o'clock, and got back home the next evening.

Q. How far was this Camp Jones from Clinton?—A. I think it was, perhaps, ten or twelve miles.

Q. How large a company of whites were there with you?—A. There was three hundred, I reckon.

Q. Who was in command of them?—A. Colonel Powers, I think, was the chief commander. They elected officers, and first elected Mr. Reily.

Q. Who was this judge whom you say charged the grand jury with reference to that matter?—A. Judge Dewing.

Q. What was he politically?—A. I think he is a republican.

Q. White or colored?—A. A white man.

By Mr. JOYCE:

Q. Do you know anything about how the vote stood in East Feliciana in 1874?—A. The republican party was split. Mr. Pipes was a member of the Legislature, elected by the democrats.

Q. Do you remember whether this was the way the vote stood: democratic, 847; republican, 1,688?—A. Yes, sir; it may have been that way; I don't recollect at all.

Q. Do you remember what the number of registered voters was in 1876; whether it was white men 1,004, colored 2,127, or about that proportion?—A. I think that is about it; I am not certain; I would not testify to the facts of it because I don't know, although I was clerk for a short while on the board of registration, but I could not keep the figures. I don't remember now; that is about it.

WILLIAM S. DAVIES sworn by the chairman.

By Mr. JOYCE:

Question. You belong to the United States Army?—Answer. Yes, sir; the Thirteenth Infantry; second lieutenant.

Q. State your age.—A. Twenty-seven.

Q. State whether you were stationed at any time in the parish of East Feliciana.—A. I was there from about July 18 to November 13, 1876, or about that time.

Q. You may state what you know in regard to the condition of the affairs of that parish during the registration and election, the feeling of the white and black people there, and whether the fact came to your knowledge that there was any intimidation of colored voters by white democrats. State all you know about it. If there were any specific instances brought to your attention state them.—A. All I know of the affairs of the parish is from report, and riding across the country with a detachment, and inquiring among the people. The general impression seemed to be that the colored people were afraid to vote as they pleased, and when I would ask them if affairs were quiet in the parish, they would say that they were not; that they were afraid to vote except they voted the democratic ticket. No intimidation was brought directly to my notice, but I know of such cases having occurred from what Captain Rogers told me of two cases that were brought before his notice, he being the commanding officer.

Q. You were there under him?—A. Yes, sir.

Q. Did you go about the parish much during the time that you were there?—A. Yes, sir; I did; short distances.

Q. State whether you took pains to talk with the colored people.—A. From Baton Rouge I went to Clinton by land; I was ordered to go. Every other plantation that I would come to I would halt and ask if they felt safe and secure; the answer would be that they did not. I was in command of a mounted detachment.

Q. You had these men with you?—A. Yes, sir; I was in command of a mounted detachment.

Q. State whether you inquired of a number of colored men upon that subject.—A. Yes, sir.

Q. About the parish?—A. Yes, sir; a great many of them.

Q. What did they tell you in conversation?—A. That they were intimidated; that they were afraid to vote any but the democratic ticket, and therefore they didn't think that they would vote at all.

Q. Did they tell you why they were afraid?—A. They said that they would be in danger if they voted the republican ticket; if they were to vote they were afraid of being run out of the parish, and having their families scattered.

Q. Are there a good many colored people in that parish who own little places and some property, or do they rent?—A. I am not certain. I know there is a great many of these little places occupied by these people, but I don't know whether they own them or not. They seem to be running these places.

Q. Did you see any of these people, or hear complaints that came to Captain Rogers, and enter complaints to him?—A. No, sir; I not, did although they told me of it afterward. There was one complaint that was made to me which I overlooked when I was telling you before. It was during the first period of our stay here. One morning I was in the barracks, and there was a little girl—a colored girl—came up and stated there was some men hanging her mother. We sent out a detachment, and the report was made to Captain Rogers. It was on a plantation this side of Clinton, some little way, and I think belonged to a man by the name of Montgomery. That is the only case that came directly to my knowledge, and of course I did not act on that. Captain Rogers acted himself. Another time, when I was in command, during his absence, I was called upon for protection by some colored people who wanted to hold a meeting, which I offered to give them.

Q. What kind of a meeting?—A. A political meeting. They said that they had held a religious meeting, and they had been broken up, and that threats had been made against them that they could not hold this political meeting, and wanted to be sure that they would be protected. I told them that they would be, but they did not hold the meeting after that; they were afraid to, and said that I could not protect them after they left the parish.

Q. State whether at the time you were at Jackson, whether colored people came to you there.—A. I was ordered to Jackson shortly before the election, I think about a week, and had a detachment with me in order to guarantee protection to the colored people. It must have been upward of fifteen or twenty that came to me and wanted to know if they would be protected on the day of the election. I told them if they wanted any protection they could come there and demand it, and have it, and nearly all went away stating that they didn't think they would vote at all, because they knew the consequences would be disastrous to them if they were to vote as they wanted to.

Q. Do you know about any colored man being whipped while you were there? If so, how much, and for what was it said that he was whipped?—A. There was the case that I spoke of, that came before Captain Rogers. He told me that he saw a negro whose back was almost cut to pieces. This negro had been given some re-

publican papers by the postmaster, and he had distributed them among the colored people out in the country; that is the reason that was assigned.

Q. From what you saw and know of the condition of affairs in that parish, would it have been safe for a republican to have gone in there and organized republican clubs, do you think?—A. I would not have done it myself without my uniform.

Q. You think your uniform was all that protected you?—A. Of course I would not have done it either way, because I had nothing to say on either side. I mean if I was a citizen.

Q. How do you think it would have been if a man should have gone there and held republican meetings; do you think he could have done that safely; canvass, as we call it—gone there and made republican speeches?—A. No, sir; I do not think he could, safely, with the same license that would be given the other side, because I think that would be called incendiarism—stirring up the negroes, or something of that kind.

By Mr. BEEBE:

Q. What State did you enter the Army from?—A. I am a graduate of the Military Academy.

Q. From what State were you appointed?—A. California.

Q. Were you a resident of California at that time?—A. Yes, sir.

Q. You made an affidavit before the returning board, did you not?—A. Yes, sir.

Q. Are you familiar now from memory with the substance of this affidavit?—A. No, sir; I have not seen it.

Q. Have not seen it since you made it?—A. No, sir.

Q. Did Captain Rogers investigate the case of the negro who was whipped and about whom he told you?—A. Yes, sir; I think he did.

Q. Did he tell you that the negro was whipped because he had read some republican papers before he investigated it or afterward?—A. He simply told me that the negro was whipped on that account.

Q. When did he tell you that?—A. After he had seen the man.

Q. Was that the negro's statement, or was it the result of the investigation?—A. That I don't know. He just mentioned it to me at the time. It was something that I had nothing to do with.

Q. Did you mingle among the white people in that parish?—A. Yes, sir.

Q. Did you hear them complain about pilfering and depredations of their stock, crops, and so forth?—A. Yes, sir.

Q. Is it your opinion that there was such depredations committed?—A. I think there have been, in some cases; yes, sir. I don't think it justified the extreme measures that were taken.

Q. Did you have any difficulty with any colored men yourself, in the parish, personally?—A. No, sir.

Q. Did you have any angry talk with any colored person?—A. Yes, sir.

Q. Will you state who?—A. I forget his first name; I think his name was Robinson.

Q. Where did that occur?—A. It occurred at a saloon in Jackson.

Q. Was his name Aaron Robinson?—A. Yes, sir.

Q. Do you know what he was politically?—A. I think he was a democrat.

Q. Did you threaten to shoot him at any time?—A. Yes, sir.

Q. In order to be fair to you, make any statement in reference to the matter you wish.—A. We all happened to be in the saloon together. I had come down to find Captain Rogers. While standing in there some altercation arose between this Aaron Robinson and parties in the saloon. This Aaron Robinson drew a revolver. I didn't see him do it, but he drew a revolver and fired at Captain De Gray, and hit him in the head—in the scalp. At the time that the shot was fired, Captain De Gray and Aaron Robinson had gone into another room. I heard the shot and jumped into the other room, and saw Captain De Gray covered with blood. In the excitement of the moment I drew a revolver and said that I would kill the man, but put up my pistol and went home with Captain Rogers. There was nothing political in it at all.

Q. Was that the only occasion in which you had any altercation with Robinson?—A. Yes, sir; I didn't know him by sight. I would not know him now.

Q. Did you know anything about what brought on the difficulty between Robinson and De Gray?—A. No, sir; I did not. The difficulty was first with Colonel Powers and Aaron Robinson.

Q. In your presence?—A. Something that I didn't see.

Q. You don't know how the altercation came about?—A. I don't know how it started. I don't know, because my back was turned to the parties. The first that I saw of the thing was when I was standing off a little distance, and this man Robinson was standing by the counter. Then they went in the other room, and the shots were fired.

Q. Did he go in the other room before De Gray did?—A. That I don't know.

Q. Did he go in the other room before?—A. I don't know.

Q. Did you arrest Robinson?—A. No, sir; I had no right to arrest any one.

Q. Were not you in the parish for the purpose of preventing disturbances?—A. Yes, sir; the command was.

Q. But you felt that you had no right to act except upon an order?—A. Yes, sir.

Q. Were you on duty at the time?—A. No, sir; I was in citizen's dress—just come in from a ride.

E. A. RIGLEY (colored) sworn by the chairman.

By Mr. JOYCE:

Question. You may state your age and residence.—Answer I am thirty years old.

Q. Where do you reside?—A. I am residing now, at present, in New Orleans.

Q. Where did you formerly reside?—A. In the parish of East Feliciana.

Q. When did you leave there?—A. I left the parish of East Feliciana on the 28th, if I am not mistaken, as near as I can recollect, of 1875, but I have been back in the parish several times since.

Q. Why did you leave there, if you please?—A. I have lived in the parish all my life, with the exception of from that time, and about three years and six months I was in the United States Army; then I returned home, and I have lived there up to this time.

Q. Why did you leave there, if you had any reason?—A. As I consider, I had very good reasons to leave. I was in fear of my life, and protection to myself.

Q. And came to New Orleans?—A. Yes, sir; came to New Orleans.

Q. State whether your life had been threatened.—A. I had been threatened in a good many instances, which made me believe it was not safe for me to be there.

Q. You may state what office you held in that parish at that time.—A. I have been deputy sheriff there from 1872 to 1874, deputy sheriff two years. I was elected as constable of the fifth ward, and then elected deputy sheriff.

Q. State whether, when you were there, you took an active part in politics as a republican.—A. I was considered one of the leaders. I was the last secretary of the fifth-ward club, and always have taken an active part in behalf of the republican party.

Q. State whether you undertook to organize a republican club; if so, what was said or done to you about it?—A. I was told frankly out——

Q. State in the first place whether you attempted to organize a club?—A. No, sir; I did not in the second ward. That has been here lately, just before the election.

Q. Go on in your own way, then.—A. The commence of this trouble—there was a great deal of excitement through the country. I suppose you have been going over the Lewis Jones affair a good deal. I will commence there.

Q. State whether you have been back up there since that time to do anything; if so, what, and what did you learn?—A. I left the parish for this cause, that my brother-in-law, John Gair, had been murdered a short time before I left, and my sister-in-law, called Babe Matthews, was hung also. I was told by parties there that myself nor no other republican leader in that parish would be allowed to organize a republican club in that parish; that the white folks had made up their minds to carry that parish by all hazards. I was told in that connection by several parties that they intended to run every republican leader out of that parish.

Q. Who were these men? Give their names.—A. I can give names of several that I have heard make these remarks. I heard from John Brown; B. M G. Brown is his name. He is an old man; the old man and his son. I heard Lewis Moore state so on two different occasions. He was not talking to me then, but he made it in the post-office. He was talking to other parties, and said that they intended to run every damned radical leader out of the parish, or kill the last man here. I heard Captain Joseph A. Norwood say that they intended to carry it. I could not stay there, and let the parish go on that way, without taking some part in trying to show the people the way to vote, and doing what I could on behalf of the republican party, and I left the parish.

Q. You may state whether you were threatened, yourself?—A. Yes, sir; I was visited and threatened twice. One time when I was threatened there was a party came to my house disguised and questioned me a good many questions. Just after the row started in the parish, some way or other, it seemed as if they were trying to find out what I knew about it. If I did know, I would not have told them; but I knew nothing about it, and told them so. They told me that I had better look out for myself.

Q. Did you know them?—A. I recognized them before I left.

Q. Give their names.—A. David I. Norwood and John Heath, I think, were the two men. They came to my house disguised in Federal uniform, playing themselves off as Federal officers. Then, at another time, about a month after——

Q. Who is this David I. Norwood? Is he the son of Joseph A. Norwood?—A. Yes, sir. Then, at another time, there was a crowd came up there. I don't know who these were. They were disguised, and I could not recognize them. They were armed with revolvers and shot-guns.

Q. Do you know whether they were white men?—A. Yes, sir; they were white men; the language was that of white men. I knew there was no colored men in the parish who could use language like they did because I am personally acquainted in that parish, know very nearly every one. They told me just like this: that if they heard of me organizing or attempting to have anything to do with the republicans of that parish, that it would not be worth—nobody would know what would become of me—they would not know what would become of me. I was led to believe at different times that I could not stay there. I came to town and visited town. I was abused on the road and several other places by Bob Pemble and Alick Skipwith.

Q. What did they say to you?—A. I had always been a peaceable kind of a man, and everybody gives me that name. I was in Horton's, and they were in there. They raised some disturbance, and some of them allowed that they were going to give me a hell of a whipping, and every one who had anything to do with the republican party, and then gave me notice to prepare myself. I left town, and I have never seen them since.

Q. Did you see Allen Myers after he was whipped?—A. Yes, sir; he had to leave the parish and went back.

Q. Do you know who whipped him?—A. No, sir; I do not.

Q. Do you know Charles Williams and Austin Sloan?—A. Charles Williams and Austin Sloan was whipped some time after that. I saw them in July, I believe.

Q. What did they tell you about what they were whipped for?—A. Austin told me that he was whipped because—some time just before I left the parish—I hardly know how to come at that—he was whipped because he had made a speech at a republican meeting. At that time they were attempting to raise a company to defend themselves.

Q. Did they say that these men told them so?—A. Yes, sir; six or eight men whipped them; they told me that.

Q. You may state whether you went to the parish last October, and what your object was in going.—A. I went in October some time. I don't recollect the day, but the latter part of October some time. I went there at the solicitation of Mr. Kellogg and others. I thought I would go there and organize the parish—Mr. Packard and others. I went there and staid in the parish a week secretly, from one place to another, among the prominent men in that party, and I found it was a matter of impossibility to organize any club in that parish; and knowing the danger in which I stood—at that time the register had been run off; it was said that he was shot at. I don't know whether it was true or not, but that is the impression among the colored people generally, that he was shot at, and they advised me to go away from the parish; that they could not organize without they had a squad of soldiers, so that there would be protection. There was one man who was making speeches. He came to my office and said, "If you go back to New Orleans and get Governor Kellogg and Packard to give us protection, even eight days previous to the election, every man in this parish would vote the republican ticket." He says, "I am taking part with the democrats. You know why I am doing it, to save the colored people from being murdered and killed, like they were a few months ago. When I go about making speeches I make them as light as I can, but I have to say some words that they tell me. After I make a speech I tell them that I can trust that that was the only way that we could organize, and it is the best thing that we can do to go and join them, because they could give protection; and then, when we get protection from the republicans we can turn over and vote the republican ticket. If we elect our ticket we will be protected. You will have to vote the democratic ticket unless you get protection."

Q. State whether, in going over the parish at that time, you learned that the white democrats were making threats against colored republicans.—A. Yes, sir; I heard that.

Q. State whether H. B. Vaughn said anything to you. If so, what?—A. Yes, sir; I went to several plantations, and they told me that they could not hold any talk with me; that they were even afraid to be seen talking to any man that had influence in the parish. In the first ward the head men were Bob McClennan and John W. Smith, and they were looked to be leaders in that section of the country. These men, all they had to do was to send their parties out and the thing would be done.

Q. Were Smith and McClennan democrats?—A. Yes, sir.

Q. White men?—A. Yes, sir. I had a great deal of conversation, and found that it was not safe to come back. I came back with the intention of going right back. I met Mr. H. B. Vaughn; he has always been a good man to me, and always when I catch him I talk to him and get what I can out of him, because what he says I generally believe it more or less. He told me, "You had better stay away from that parish. What do you want there anyhow? You have got your business arranged in other people's hands. We have got no use for you fellows up there until after the election, and then you may come back. We have got no use for you damned fellows up here. We are going to carry that parish by a thousand majority. The negroes are afraid, and we are going to keep them so." I took him at his word, because I always trusted him.

Q. State whether you were visited at your house.—A. Yes, sir; twice. I testified about that. Some time before that they came—before the registrar was run off; when I got there I found him driven off. I thought there might be something in it. I always made it a point to talk to this man. I had a conversation, I think, on the Governor Allen, talking over a good many things, and he advised me to go away from there.

Q. Do you remember whether anybody said to you that they had nothing against you personally?—A. Yes, sir; I have been told that personally—only my radical opinion—that is all they have got against any colored man, that I know of. In our section of the country the excuse that they gave is this cotton-stealing. There is nothing about that. I don't believe there is a case on record where a man has been brought up for stealing cotton, but there has been several killed and lynched.

Q. What did they say to you about colored men and white republicans holding office in that parish?—A. They didn't talk much to me, only that they were determined the negroes should not hold office. They said they wanted to put men identified with the country, and who is an honest man and a gentleman. I always liked the gentleman principle, and tried to follow it.

Q. Have you ever seen, yourself, any colored men who have been shot or whipped?—A. I have seen two shot.

Q. Give their names.—A. I recollect one of their names. I recollect both if I can bring them to memory. One was a boy about nineteen years old.

Q. Do you know who it was that shot the boy?—A. He was shot on the Liberty road, inside the corporation line John Jackson, I think it was said—I didn't see him—and Peter Green. Another man on the road out east from Clinton, by the name of Jerry Norman. He was shot by a man named Thompson.

Q. You may state whether any of the colored people of that parish ever made any complaint to you that they were intimidated or interfered with by the democrats.—A. A great many times.

Q. Can you give the names?—A. While I was up here I had a great many visit me.

Q. Can you give the names of any of those colored men who entered these complaints? What I want is to have you to give me the names of these colored men who have made complaints to you.—A. Primus Gilmore, he told me that he would never have voted the democratic ticket if he had his own choice; Aaron Robinson, John Harmon, Andrew Perkins, Jim Williams, Mage Flemming, Isaac Selby, Daniel Berryhill, Alonzo George—it is so many I don't recollect.

Q. They all complained to you?—A. Yes, sir; while I was up there.

Q. That they were intimidated?—A. Yes, sir; they didn't say intimidation; they said that they were afraid of their lives. They didn't know what intimidation was particularly, but if they voted the republican ticket they were afraid they could not live there. If they had had any protection, they would have done it.

Q. Do you know the fact that many colored republicans were obliged to leave the parish and come to New Orleans, and have never gone back?—A. Yes, sir; as I was going to state, I have been back there since, but I was not able to stay there. There is Mr. Smith, T. M. J. Clark, Willis Worsham, —— Sloan. Mr. Law—I think he was afraid to stay there and vote himself; John Gair. There is so many of them. There is over a hundred or more down here; I see them every day or two: Anthony Jackson, Alonzo Brooks, and others. They would not stay there to vote. They told me that they had to vote the democratic ticket or else they could not vote at all, and they proposed not to vote the democratic ticket, and they came off.

Q. Will you tell me what is your opinion as to whether a man cou'd have gone through that parish safely organizing republican clubs and holding republican meetings?—A. I speak emphatically not.

Q. I mean during the last canvass.—A. That is what I am speaking of—1876. No, sir; they could not.

Q. What do you think the result of the election would have been in that parish of East Feliciana if the colored people had been left perfectly free to vote just as they pleased?—A. I think we would have had a large majority for Hayes and Wheeler and the State ticket, from 800 to 1,000 republican votes. I know most every colored man in the parish who votes the democratic ticket. I am satisfied of that fact.

By Mr. BEEBE:

Q. How many colored men voted the democratic ticket there?—A. There is about six or eight there. I think the change of a President would have changed one or two of those votes.

Q. When were you back in the parish of East Feliciana the last time?—A. I think the latter part of August some time.

Q. You have not been there since the election at all?—A. No, sir; I have seen a great many persons since the election, though.

Q. When you went back the last time, was that the time you went to organize the republican party?—A. Yes, sir; I went there for that express purpose.

Q. Where did you go from?—A. From here.

Q. How did you go?—A. On the steamer Pargoud.

Q. Where did you land?—A. Port Hudson.

Q. Did you stay long at Port Hudson?—A. Not over an hour and a half in the town.

Q. What time of day was it when you landed?—A. I think between seven and eight o'clock in the morning.

Q. What place did you visit after leaving Port Hudson?—A. After I left Port Hudson I went to Barry's. I staid with the colored people there, and talked with a good many of them, and then I went on.

Q. Where did you go from there?—A. I went from there to Ed. Somes's plantation.

Q. How far from Port Hudson?—A. In the way I went, I think about two miles. I walked there.

Q. How long did you stay there?—A. I staid on that place an hour or two, or two hours, perhaps.

Q. Talking to the colored people?—A. Yes, sir.

Q. Where did you go from there?—A. To the Leperman plantation. I staid there until after two o'clock.

Q. Then from there where did you go to?—A. To Henry Lee's, on the Leperman plantation—way up through. It is a large plantation.

Q. Where did you go from there?—A. I went over to McNeally's plantation. It was night—about dark.

Q. Where did you go after dark?—A. I went to George's house and to my own place.

Q. There you staid all night?—A. Yes, sir.

Q. Where did you next go, on the next day?—A. I came to town.

Q. What town?—A. Clinton.

Q. What time of day did you get to Clinton?—A. Saturday evening about dark.

Q. How long did you stay in Clinton?—A. I staid there, on the edge of town, a day and a half.

Q. Where did you go from Clinton?—A. Out through the eastern portion of the parish.

Q. How did you travel through the parish?—A. I traveled at nights.

Q. Both night and day?—A. Yes, sir; I went through the fields in the day-time.

Q. Did you see any white people?—A. On Saturday night I met a gang of white men armed with guns of some kind; I didn't see what kind. I was going up the road, and I met them right on the road, and I stopped and they passed by.

Q. Did they say anything to you?—A. They didn't see me.

Q. Was it after dark?—A. Yes, sir.

Q. Did you see them?—A. Yes, sir.

Q. Who were they?—A. I could not recognize them.

Q. Is that what you meant by saying that they went through secretly?—A. I went secretly to most of the white people.

Q. You saw no white people except those that you saw that night?—A. I saw some, but they didn't speak to me, or I to them.

Q. Where did you see Aaron Robinson?—A. At the house, there in Clinton.

Q. Was it then that he told you about his voting the democratic ticket?—A. Yes, sir.

Q. Who else was present when he told you?—A. Yes, sir; several persons; four or five.

Q. Name them.—A. John Harmon, Primus Gilmore, Aleck Poole, Andrew Perkins, Aaron Taylor.

Q. Any white person present?—A. No sir; several women.

Q. Was this statement made by Aaron in a loud tone, so that they could all hear?—A. It was said to myself, Andrew Perkins, John Harmon, and Dock Layer.

Q. Is he a physician, or is that simply his name?—A. I didn't say doctor; I said Dock.

Q. Is he a physician?—A. No, sir.

Q. Do you think colored people would be afraid to come before this committee at Clinton and state that they were intimidated?—A. I think so; a great many.

Q. Do you think they would all be afraid?—A. No, sir; I think some men has got courage to do it.

Q. Do you think there would be any danger from their doing so?—A. I think there would.

Q. You think Aaron Robinson is not very courageous?—A. Aaron? You don't know him; he works every kind of way; he always keeps on the side that he thinks is going to carry him through safe. When the republican party seems likely to get along all right, he is with that party, and when the democratic party seems the most likely, he is with that party.

Q. You think that he is disposed to go with the party that is going to win?—A. I would not trust him, anyway, not in that respect.

Q. You trusted him when he told you that he was afraid?—A. I mean in this way: if he sees that he is going to be in danger in some way—if the democrats threaten him, and he sees that the people are in danger, and that he can do them some good, he will do it; but if the republican party gets in power he is with the republicans again, where he belongs. That is what I mean about it. I know he is not in good faith with the democrats.

Q. You think that he would have courage enough to say if he wanted to vote?—A. Yes, sir.

Q. Are you and he pretty good friends?—A. Very good.

Q. Do you believe that he would deny under oath if he told you anything of this kind?—A. No, sir; I do not.

Q. Do you believe if under oath he would either decline to answer or state that he did tell you so?—A. Yes, sir; if he did not, I would be there and tell him that he did.

Q. You would believe what he said about it under oath?—A. Yes, sir.

Q. Did you ever hold any office in that parish?—A. I have.

Q. What office?—A. I was elected constable of the fifth ward, and then I was appointed deputy sheriff under Ray during the time that he was sheriff, and then on the police-jury.

Q. Are those all the offices that you held?—A. I have been inspector of weights and measures different times.

Q. How much of the time during the last three years have you held office?—A. This was in 1872 that I was inspector of weights and measures; in the last two years I have not held any. My time expired in 1874.

Q. Have you held any office in connection with the public schools?—A. No, sir.

Q. Have you ever been a teacher?—A. No, sir.

Q. Did you have public schools generally through the parish?—A. Yes, sir.

Q. In each ward?—A. Yes, sir.

Q. How much of the time?—A. I think from four to five months during the year.

Q. Every year?—A. Every year.

Q. You have heard no complaint among the colored people?—A. Yes, sir; I will tell you why, if you give me time.

Q. What complaints did they make?—A. The complaints were made because they could not get a school on every plantation in the different wards.

Q. Did they expect a school on every plantation?—A. Yes, sir; they seemed to expect so, by being told so by the white people.

Q. Has there been a difference in the republican party, as among themselves, politically?—A. Only at one time.

Q. When you went up to the parish of East Feliciana, did any one pay you any money to pay your expenses?—A. I borrowed some money to go up on.

Q. Whom did you borrow some money from?—A. Mr. Nash.

Q. Of anybody else?—A. No, sir; I borrowed $6 to pay my way up there. That is all I got.

Q. What is your present occupation?—A. Well, I am doing first one thing and then another. I have been running a farm. I have not been doing anything much, particularly.

Q. Have you received any money, or any pay, from the republican party or any member of it?—A. They always look out for their friends, generally.

Q. You are a friend of theirs?—A. I am a republican, I hope, sir.

MONROE MEYERS (colored) sworn by the chairman.

By Mr. JOYCE:

Question. You may give your age and residence.—Answer. As near as I can give it, I am about going on fifty-two, ever since six weeks before Christmas.

Q. Where do you reside?—A. I live up there opposite Clinton.

Q. You live in East Feliciana Parish?—A. Yes, sir.

Q. How long have you been in New Orleans?—A. I have been here ever since Tuesday evening.

Q. Last Tuesday evening?—A. Yes, sir.

Q. How long have you lived there in that parish?—A. I reckon I have lived there near about thirty years or forty.

Q. What ticket have you voted?—A. I have voted the republican ticket ever since, until this last election.

Q. You may state whether you have been interfered with by anybody in regard to your voting.—A. I was taken out from my house one night on account of it. They told me that I was a radical president of the republican party—of a club—and I told them I was; and they told me, had it broke up. I told them I wouldn't have anything more to do with it if they didn't do anything to me. They questioned me.

Q. They told you you had got to quit it?—A. Yes, sir.

Q. When was that?—A. It was last winter; I think it was in the winter.

Q. What time was it?—A. Last winter, I think it was—last spring or winter; well, it was somewhere along in the winter, I cannot tell exactly when.

Q. When they told you that you must quit it what did you tell them?—A. I told them that I would.

Q. Was that the reason why they didn't do anything to you?—A. Yes, sir. I had some white friends in the bunch—my young masters, they used to be. They caught up with them, and said that I was ignorant, and didn't know nothing, and I was pushed into it, and they would not wish for them to hurt me, and to allow me another chance, and probably that I would come out and leave them.

Q. How many men was there that came to your house?—A. I don't know, but I can tell you as near as I can. There was near about thirty or forty.

Q. Were they on horseback?—A. Yes, sir.

Q. Did they have guns?—A. Yes, sir.

Q. Were they white men?—A. Yes, sir.

Q. Did you know any of them?—A. Yes, sir.

Q. You may give the names of those that you know.—A. Massa William Doty, Aleck Doty, Timothy Rogers, Dr. Pharis, Gipy Dunn, and John Benton.

Q. What did you say that they inquired of you, if you were president of the republican club?—A. They said that I was president of the republican party, or the republican club, and says I, "I was president, and had designed and quit it;" and said he, "You have got to quit. We have dropped them down, and we will have no more;" and said he, "Now, you come and go with us, and leave them, and if you will say that you are going to go with us we will never come to your house any more;" and they never; they have never disturbed me.

Q. Did you tell them that you would?—A. Yes, sir.

Q. Did you go and join their club?—A. Yes, sir.

Q. Did you vote the democratic ticket?—A. Yes, sir; I did.

Q. They never troubled you after that?—A. No, sir; they never troubled me after that.

Q. When was this club that you were president of?—A. Well, I was president for eight years, I think.

Q. That was the club in 1872 and 1874—those elections?—A. Yes, sir; I was president of them.

Q. Let me inquire if anybody else disturbed you or said anything to you in regard to your voting except these men that you have stated?—A. No, sir; no more than they said—the time that they had the meeting and they had my name signed. I didn't want my name signed, because I didn't know anything about it; I didn't know what I was going into.

Q. What meeting was that?—A. A democratic meeting. They had my name down as president of my club. I told them that I did not wish my name to be down there, because I did not know what I was doing. They said they had put it down, and says they, "You must let it stand there." I never said anything more then, but went home. I understood that they said that I had to join them anyhow. I didn't hear any of them say so. I will tell you the fact. There was a colored lady that lived close by, and she visited a white lady, and she told the colored lady to tell me to either join them or leave the country. I didn't think I had done anything to leave the country for, so I went and joined them.

Q. Why did you join the club and vote the democratic ticket?—A. I thought it would be best for me to do it; I wanted to live comfortably and happy, and I wanted to lay down in peace and get up in peace. I had a family, and I wanted to maintain them.

Q. State whether you were afraid if you did not join their club and vote their ticket that they would harm you in any way.—A. Yes, sir; that is what I feared. I did not want to be harmed any more, and went and voted the ticket on that account, for I had rather do that than always be in trouble; so I went and assisted them.

Q. Do you know of other colored men that were interfered with?—A. I cannot tell you that I know of any that were interfered with, but I heard that they were interfered with. I never seen it. I could tell you that I heard of the interfering.

Q. Give us their names, and state what you heard and who they are.—A. I heard that Thomas Fluker—that is not in my neighborhood; that is over on the river a piece—I heard that they whipped him, but I cannot tell what about. He lived in Saint Helena Parish. I heard that he had went and stole a harrow, and that was what they whipped him about. I tell you what I heard.

Q. Do you know him?—A. Yes, sir; I knew him.

Q. Do you know what his politics were?—A. Yes, sir.

Q. What was he?—A. He was a radical, or a republican.

Q. Do you know who whipped him?—A. No, sir; I do not. It was on the other side of the river, and I don't know.

Q. Who was the other man that you heard about, if he was a man that lived in your parish? If he was not, I don't care about inquiring about it.—A. There was no other man in my parish whipped.

By Mr. BEEBE:

Q. Where did you vote at the last election?—A. I voted at Clear Creek, at the school-house.

Q. Do you know what ward it was in?—A. The eighth ward.

Q. You have always voted the republican ticket?—A. Yes, sir.

Q. Did you ever vote for any democrats at all before this last time?—A. No, sir.

Q. You were president of a republican club up until last election?—A. Yes, sir.

Q. When did the people come to your house?—A. They came there—as near as I can tell you, it has been so long—I think it was last winter or spring. It was after Christmas or before; I don't know which.

Q. You mean a year ago?—A. Yes, sir.

Q. Did they talk to you about anything else but politics?—A. Yes, sir; they talked—they told me about cotton.

Q. What was it?—A. They asked, did I know who bought cotton from Mr. Kent. I told them that I did not. They asked if I bought any, and I told them no, that I did not. They asked, "Did a man by the name of Thompson buy any?" I told them, "No, sir; he did not." He said, "Don't you know of anybody else?" I knew of one man, Lewis Cavelier. He said he didn't buy it from Mr. Kent; he bought it from Si Holmes. He got through picking cotton, and he told them boys to go to the field and scrape cotton, and get what they could. I suppose they went and got it.

Q. Did they talk to you about this for the purpose of finding out who had stolen cotton?—A. Yes, sir; they said that was what they were hunting.

Q. Did they accuse you, or charge you, with having taken any at all?—A. No, sir; they just asked me did I.

Q. They asked you did you take any?—A. Yes, sir.

Q. Were these men whom you named a little time ago your old master's people—Doty?—A. Yes, sir; William and Aleck Doty were all that were with them. Massa Henry would have been there, but he was sick.

Q. There were no colored people with them?—A. No, sir; there was no colored men with them but me. I was with them.

Q. Did you ever tell any of the colored people that you didn't want to vote the democratic ticket?—A. Yes, sir.

Q. Who did you tell?—A. That I could hardly tell.

Q. You told a good many?—A. I told all around me, and everywhere, that I didn't want to vote the democratic ticket, because I never had voted it, but rather than be disturbed I would vote it.

Q. Have they talked to you any time since that time that they came to your house?—A. Yes, sir.

Q. When was this club meeting held that you were speaking of?—A. I declare I cannot tell you what time.

Q. Who was it that put your name down as president of the democratic club?—A. Mr. John Robbins, I think, was the one that put my name down.

Q. Did John Robbins tell you that he would put your name down, and you must let it stand?—A. Yes, sir.

Q. Did they say that they would do anything to you if you did not?—A. They said, "It is down there, and you must let it stay there." I told them that I didn't care about it being there.

Q. Did you go there and serve as president of the club?—A. I went there twice—the time they put my name down, and then once since.

Q. Have you heard of any other colored people who put their names down because they were afraid?—A. Yes, sir; Charlie Johnson, he put his name down.

Q. Do you think if you had not voted the democratic ticket that they would have hurt you?—A. Yes, sir; I think so.

Q. Who did you think would have hurt you?—A. I don't know; the bunch might have hurt me.

Q. You are afraid of the heap?—A. Yes, sir.

Q. How did you come to be down here at New Orleans?—A. They sent for me.

Q. Who did?—A. I don't know, sir; the marshal came to me—he sent a sheriff out to me.

Q. Did you know that you were subpœnaed up in Clinton by this committee when we were up there?—A. No, sir.

Q. Are you going back when you get through?—A. Yes, sir; I am going to try.

Q. Do you think they will hurt you because you have told what you think is the truth?—A. Yes, sir, they might; but I will go and try.

Q. Do you know Aaron Robinson?—A. Yes, sir.

Q. Did he make democratic speeches?—A. Yes, sir.

Q. What made him do that? Did he ever tell you?—A. No, sir.

Q. Did he ever talk with you about voting the democratic ticket?—A. No, sir. I never heard him speak, but my boys said that they heard his canvass. I never heard him speak at all; in fact, I was never to none of their speeches. I never heard none of the black people speak. I went to a democratic speaking.

Q. You were subpœnaed by the marshal to go before the Senate committee. Have you been before that committee?—A. Yes, sir.

Q. Has any one talked to you about what you have testified to?—A. Yes, sir.

Q. Who?—A. I don't know him—the republican man in the other house; I don't know what his name was.

Q. Was he a member of that committee?—A. Yes, sir.

Q. Has any one else talked with you?—A. Yes, sir.

Q. Who?—A. I don't know who. They both talked to me, just like you do.

Q. Have any others?—A. No, sir; no soul has spoke to me about what I was to testify or nothing.

Q. Have you had any conversation with Mr. Law since you came down here?—A. No, sir; not much. I have not talked as much with him as with the other boy, Rigsby.

Q. Did you talk with Rigsby about testifying here?—A. Yes, sir; I was there while he was talking.

AARON MCKENZIE (colored) sworn by the chairman.

By Mr. JOYCE:

Question. How old are you?—Answer. Something like thirty-eight or thirty-nine years old.

Q. Where do you reside?—A. Up on Beaver Creek, fifteen miles the other side of Clinton.

Q. What parish?—A. East Feliciana.

Q. How long have you lived there?—A. I was birthed there.

Q. Born and bred up there?—A. Yes, sir; come all the way along up there.

Q. What ticket did you vote?—A. The last time I voted the democratic ticket, but all the time up to the present I have voted the radical ticket.

Q. You have voted the radical ticket up to the last election?—A. Yes, sir.

Q. You may state if anything happened to you just before the election; this last election.—A. Yes, sir; there was a great deal happened to me.

Q. Go on and state.—A. Tuesday night, one week before the election, they had a speech up there.

Q. Who had this speech?—A. Aaron Robinson and John Skipwith, I believe.

Q. Democratic?—A. Yes, sir. They asked if I was going down, and I told them I didn't know; at least I concluded I would go down and listen at them. I went down and listened at them, and some of them got talking. I didn't pay much attention to the speech any way. Some boys kept bothering me there, and I says, "I cannot hear the speaking if it is a mile off, or four mile." He made me mad. I thought then that they were throwing out some words to make me mad. They came that night to my house and called me.

Q. Who came?—A. I don't know; some unknown party—some party which gave it to me pretty well when they caught me. They came and called me out. As I opened the door they said—one grabbed me by one hand and one by the other, and they carried me out Well, I walked on a piece with them, and said I, "What has I done that you want to abuse me?" "Never mind, God damn you; I will show you how to talk." "What have I done? Do you want to whip me about politics?" I asked. "Do you want to whip me about voting, or anything of that kind?" I said, "If you want to whip me about voting, or anything of that kind, I will let you know; I will give you the reason." "Never mind, God damn you; we will give you hell to-night." I says, "Please, gentlemen, don't whip me." They commenced frittering on me with sticks and pistols over the head. They had pistols; I know that they had. I went on with them.

Q. What did they say that they would do?—A. They said, "God damn you, we will give you that." I said, "Please, massa, don't shoot me." They said they were going to carry me to Mr. East. I knew that that was not so, for Mr. East was down with the rheumatism and could not get about, and I was waiting on him every day. "I am going to carry you to Mr. East." I knew if they carried me up there it was all right. I knew that he would not let them do anything to me. When they got against the house they began frittering me again. I began to talk pretty loud for Mr. East to hear, but the house was tight, and he could not hear it. They knocked me down to my knees three or four times—they were trying to knock me down. They then called for a rope. I suppose they called for a rope to tie me. I says, "Please, gentlemen, don't tie me." One caught my arms, and I jerked, and I reckon I must have thrown him a good piece; I don't know. I jerked away from them, and first I would run one way and they would head me another, and I would run the other way and they would head me that way, and they just run me around in that way until they just worried me out. As I wheeled and run by one I wheeled right over a log, and they just covered me, and they gave me a good beating.

Q. What did they whip you with?—A. Sticks and switches. One part was switches, and after the switch wore out it was a stick. They whipped me and carried me to a yellow-jacket's nest and laid me down on it, and they let them sting me too a plenty.

Q. How many men were there?—A. There was four came to my house and then there was four or five came to the woods.

Q. They took you into the woods?—A. Yes, sir.

Q. Were they white men?—A. Yes, sir.

Q. Did you know any of them?—A. No, sir; they were parties I didn't know; if they had been any around our settlement they would not have done it.

Q. What did they tell you as to why they were whipping you?—A. They would not give me any reason. I asked them for what they were whipping me, and they said, "My big toe;" that was all the satisfaction that they would give me.

Q. They would not tell you what they whipped you for?—A. No, sir; I had the opinion when I asked the question if they were not whipping me about politics; that was my opinion; I asked the question to find out if it was, and they said, "No, God damn you; you should not vote if you wanted to vote."

Q. What did they say about voting the democratic ticket?—A. They said one thing to me; they said to me, "You expect to vote on the day of election?" I didn't know whether I did or not; that is all they said to me

Q. When did they say that—when did that take place?—A. That was three months before election.

Q. Was that the same night that they whipped you?—A. No, sir; they abused me mightily, and I went to Mr. East the next morning, and he done up my wounds, I laid down on the bed and he called for things to put on me.

A. Did they ask you to join the democratic club or say anything about it?—A. No, sir; they came to me that night and asked if I was going to hear the speaking; I said I didn't know, "I may go and I may not." They said I might join or not, just as I pleased; they said everybody to their notion; it was a terrible thing to me.

Q. Did you say that you had not much to do with politics?—A. I told them, I says, "I have never had much to do with politics and never had much interest myself about it;" which I didn't. They said to me that night, "God damn you, don't you report this in Clinton to-morrow morning." I told them "No, sir; I was not going to."

Q. What did Mr. East say to you about it, if they suspected that you had circulated the story in town?—A. He said that it was wrong, and that if he had known it they should not have done it, but that he had no idea that it should have been done, or he would have sent out and had it stopped. He didn't like that any man should do any such thing.

Q. What did he say, if anything, about his keeping these fellows from coming back to you, by saying you ought not to tell who whipped you? What did he say about that any time to you?—A. He asked me, "If anybody whips you, you have a right to tell who whips you if you know who done it. You have no right to tell a lie about it; because you are here, a laborer for me, and now they stop my labor going on, and if you know who it was you can tell."

Q. Did he tell you that these fellows had heard that you had told?—A. No, sir; he didn't tell me that, if my memory tells me right.

Q. How badly did they whip you?—A. They cut me some four, five, or six hundred lashes.

Q. Lay you up?—A. Yes, sir; three weeks or more.

Q. Did you hear of other colored men being whipped?—A. Yes, sir. There was Zeek Glover; he was whipped there; he was the one that reported me.

Q. He came to town and reported that you had been whipped?—A. Yes, sir; they whipped him three or four days before.

Q. Did you hear of any other colored man who had been whipped?—A. Yes, sir; I heard of some that had been whipped, but I didn't know who it was or where. I didn't like to talk that that I didn't know.

Q. Did any colored man tell you that he was afraid to vote the democratic ticket?—A. They said so; that they wanted to vote, and they didn't know hardly what to do about voting.

Q. Wanted to vote what?—A. They wanted to vote the republican ticket. They said that they wanted to vote, but they didn't know hardly what to do.

Q. Did they tell you why?—A. No, sir; I didn't ask them, because I was afraid to ask them; I was afraid to ask any questions at all.

Q. What do you suppose that these men whipped you for?—A. I think, in my view, that they whipped me about politics, and I asked them two or three times, and they said, "No; you should not vote if you wanted to." I said, "If you want me to vote I will vote. I will do anything that will keep you from whipping me." They said, "If you want to vote you sha'n't vote." I said, "If you don't whip me I will vote." Then, "Gentlemen, if you don't kill me I will vote." I went all along. I didn't know what they were going to do with me.

Q. How far did they take you away from the house?—A. About three or four hundred yards.

Q. Were you a man of family?—A. Yes, sir.

Q. Was it in the night time?—A. Yes, sir; about nine, ten, or eleven o'clock.

Q. Had you gone to bed?—A. Yes, sir.

Q. What clothes did you put on?—A. My coarse, every-day clothes—my shirt-sleeves.

By Mr. BEEBE:

Q. You were laid up about three weeks?—A. Yes, sir; about three weeks.

Q. Didn't you go out of the house during that time?—A. I could bobble about a little, and then for a month I was not able to do any work.

Q. How soon did you get out of the house after they whipped you?—A. I got up the next morning and came up to the house.

Q. Up to Mr. East?—A. Yes, sir.

Q. How far was that from where you live?—A. One hundred and fifty yards.

Q. Has anybody told any stories about your taking any cotton, or stock, or anything of that kind?—A. No, sir; everybody knows blamed well that I don't steal.

Q. Nobody reported that you did?—A. No, sir.

Q. Mr. East didn't know anything about this?—A. No, sir.

Q. You say they were not men in the neighborhood?—A. No, sir; if it had been they would not have whipped me.

Q. Do you know who they were?—A. No, sir.

Q. Did you know whom any of them were?—A. No, sir.

Q. Did you join the democratic club?—A. No, sir; I never joined a club at all. I only voted on the day of election, and went on back home.

Q. Didn't you belong to any club at all?—A. No, sir; I didn't join it.

Q. Was there anything said that night by any of these men accusing you of taking anything?—A. No, sir.

Q. They didn't accuse you of taking any cotton or hogs from anybody?—A. I will tell you; that is what I have come to. Well, it has struck my remembrance what they said when they turned off—that I would not pick cotton. I said if I did pick cotton, I says, one of them is right here picking every day. He knows if I did pick cotton. They said, "You won't pick cotton." I said, "Yes, I do."

Q. Who was it that spoke to you three or four months before the election about voting?—A. Mr. Doty was going along, and he says, "Ben." I says, "Sir." "Are you going to vote election-day?" I says, "I don't know, Mr. Doty." "Well," says he, "Ben, I would vote some way or other. It don't make any difference which way you vote, but I would vote some way."

Q. Did Henry Clay East say anything?—A. He didn't bob at me about voting, one way or the other.

Q. Did you ever talk with Mr. East about your reporting this whipping?—A. Yes, sir.

Q. Did Mr. East tell you that it had been reported in Clinton that you had been whipped—that you had been up there telling about being whipped?—A. Yes, sir; he went to town and came back, and was telling his wife. He said somebody had gone to town and reported a lie about Aaron McKenzie coming up to the house and I putting some stuff on his hands.

Q. When was that?—A. After I was whipped—about two weeks after I was whipped, or three. He was telling his wife about it.

Q. Did you hear him?—A. Yes, sir; he was telling it, and I was up in the house.

Q. These men didn't say anything about politics—they didn't want you to vote?—A. Yes, sir; they said I should not vote if I wanted to.

Q. Do you recollect how matters went when they were registering voters there?—A. Yes, sir; I remember the time when they first came to register—they had gone through it before I knew it.

Q. Didn't you get registered?—A. No, sir.

Q. How did you vote?—A. I voted straight along so.

Q. Without being registered?—A. No, sir.

Q. You were not registered?—A. No, sir.

Q. Did you vote in the bull-dozer's box or the regular box?—A. Yes, sir; I reckon so. It must have been in that box, I reckon. In fact, I didn't take any notice in what box I voted, because I went down and put my ticket in, and went back home. I was poorly, and went back home. It was cold, and I could not stand the weather. The wind blew against my face right smart all the time and chilled me.

Q. You came down to the election in New Orleans?—A. Yes, sir.

Q. Who did you come down here with?—A. I came down with Marshal Larkin.

Q. Where did you go after you came down?—A. He carried me to the custom-house.

Q. Did you go to make an affidavit there?—A. Yes, sir.

Q. Who wrote the affidavit?—A. I disremember what them men's names was.

Q. Who paid you for coming down?—A. I think Mr. Steele was the man who paid me.

Q. How much did he pay you?—A. The first time he gave me twenty and some odd dollars, I think.

Q. Who paid your fare down on the boat?—A. Mr. Larkin paid it. I paid it back.

Q. You paid it yourself?—A. Yes, sir.

Q. How long did you stay down here?—A. I staid down here a week and a half.

Q. Did they read over what was in that affidavit before you signed it?—A. Well, I don't know, sir.

Q. You don't remember that?—A. No, sir.

Q. You had signed the paper before that, hadn't you?—A. No, sir.

Q. Had you been asked to?—A. Up in our neighborhood?

Q. Yes, sir.—A. I know where you are getting to now. Mr. Poole came to me and asked me—he says, "Aaron McKenzie—that is your name?" I said, "Yes, sir." "I have got a paper, and I am going around to see if there is any intimidation." He says, "Do you know of any?" I didn't know what in the name of God he meant by that, and I told him, "No, sir." And he wrote it down; and I never took hold of the pen with my hand, and he didn't ask me to. I was putting cotton in the gin, and he didn't ask me to do it. I went on about my business, and he didn't ask to take hold of the pen.

Q. Was he the only one that asked you to sign any paper?—A. Yes, sir.

Q. Was there anything paid?—A. There was nothing paid me.

Q. What did he say was in that paper?—A. I heard him reading the paper to them there; but I was busy putting up cotton, and I didn't pay much attention to the reading of the paper or nothing.

Q. Did he pay you anything for that?—A. No, sir.

Q. He never gave you anything?—A. No, sir; nothing; and I ain't going to get nothing, I reckon.

Q. Have you testified before the other committee, or is this the first time?—A. This is the first time I have been in this house.

Q. You went before some others?—A. Yes, sir; twice at the custom-house.

Q. This last time you were down here?—A. Yes, sir.

E. A. RIGSBY recalled at his own request.

The WITNESS. There is something that I said about the republican party taking care of their friends. I work about at one thing and another. I have not got any money. I meet one of my friends, and I ask them to loan me a dollar or two, and I pay that back. That is what I meant to say. I didn't finish.

Q. Have you talked with any one about making this correction?—A. No, sir.

Q. Didn't you speak to any one in the room?—A. No, sir; I thought of it myself.

Q. Whom have you worked for?—A. I have worked on the levee.

Q. Whom have you worked for on the levee?—A. I have worked for Mr. McGinnis.

Q. What is his politics?—A. There is no politics about him.

Q. Whom else have you worked for?—A. I don't recollect the gentleman's name.

Q. I mean since you came down here.—A. I have not worked for anybody.

Q. You have not been paid anything by any republican for work?—A. No, sir.

Q. You have not received any compensation from any republican for labor?—A. No, sir; I have been on no list or nothing.

Q. Where you worked has been for others?—A. Yes, sir; that is what I meant.

This testimony establishes beyond all question the fact of intimidation in all three of these parishes, and virtually settles all the questions involved in this investigation as to them.

In addition to this positive evidence of intimidation from witnesses which I was permitted to call, we have the admissions of a large number of witnesses, from each of the three parishes, called by the majority of the subcommittee, drawn out on cross-examination, which fully corroborate all the facts sworn to.

Not having the testimony before me I am compelled in this case, also, to rely upon minutes which I took during the examination, and my memory, for the statements of these witnesses.

Judge Hughes testifies that colored men have been intimidated to some extent.

Thomas T. More says that regulating may have run into political matters.

Nelson Ball says he saw 100 mounted and armed men in one of said parishes in October, 1876.

John Haley swears that he heard that bodies of armed men passed through the parish the Sunday night before the election.

Littleton Jones heard of the presence of regulators in the parish; that they had attacked Senator Weber, and tried to kill him while crossing the river.

Major Wedge says that he knows that armed white men rode through the sixth ward of his parish.

Alex. Pool testifies that colored men told him they should vote the democratic ticket, but they would not if it was not for certain men whom they feared.

Wm. King says he knew Willis Wisham; that in July, 1876, four or five men came to his cabin and inquired for him; that they were armed with pistols, and he was frightened. These men said Willis had been talking about the Gair and Matthews matter, and told King to tell him when he came back that he had better get out of there.

Wm. Hansberry swears that one Maxwell, a white democrat, told him that he could not vote the democratic ticket and live there; that he would be cleaned out. He says he was afraid and went and joined the democratic club and voted the democratic ticket, as he was ordered to do.

Henry Matthews says he heard that bodies of armed white men were riding through the parish during the canvass.

John Sensley says that he heard that it was said at a democratic meeting the night before the election that the colored men must vote one way or the other or they could not live in that country.

He says he believes that many of the colored men did not vote as they wished to; that many of them would have voted the republican ticket if they had been allowed to.

Josiah Johnson testifies that he voted the democratic ticket against his will; that Anthony Wilson, a white democrat, told him the night before the election that if he did not get out and vote the next day the head and foot boards of his coffin would be nailed the next night. "I had intended to vote the republican ticket before that."

He also says that squads of armed men rode about the parish; that they stopped at his house and told him he must come out to the democratic meeting; this was in the night-time, after he had gone to bed.

He says that he thought if he did not go to election and vote the democratic ticket he would certainly be harmed.

Solomon Jefferson swears that he heard a speaker at a democratic meeting say that unless the colored men voted the democratic ticket they would have to suffer the consequences; that if colored men did not vote with the white democrats they would find out that there had never been any bull-dozing such as there would be after the election.

W. A. Cane says that he did take the names of the colored men who voted the republican ticket on election day.

Austin Williams says that he was told that if he did not vote the democratic ticket he could not live in the parish.

J. P. Monahan admits that he told Henry Smith, when he came back to Clinton, that his life would not be safe if he staid there.

Isaac Butler says that he heard that the bull-dozers were riding around the parish whipping and beating colored men.

Dan Wisham testifies that he had always voted the republican ticket, and should have done so at the last election, only that he did not want to be bothered

Anthony Wilson swears that he did not vote the democratic ticket of his own free will. He says that white democrats came to his house in the night-time, after he and his family had gone to bed, and threatened him because he had been organizing republican clubs. They told him they were bull-dozers, and that he must join their club and vote the democratic ticket. They also visited other colored men the same night, whom they threatened in the same way. I told a white democrat about it, and he said the white people were determined to change the government, and were going to make the colored people help them.

Nathan Morgan testifies that one white democrat told him that if he did not vote the democratic ticket he would wish he had. Other colored men told me I must vote the democratic ticket or the white people would hurt me.

Bruce Pipes says that more or less of the colored men voted the democratic ticket because they were frightened; he understood that if they did not vote that ticket they would be killed or hurt. He also says that he did not vote that ticket of his own will.

J. W. Mann testifies that he did not get up a republican club because republicanism was not popular in that ward.

Henry Brookhart swears that regulators were around down to last summer; heard that colored republicans were killed. Knew Watson; his store was burned and he shot at. Julius Green, an active republican, was shot at on his way home from church.

Alex. Robbins admits that he rode around with fifteen or twenty other armed men in night-time down to September, 1876; that they took colored men out of their beds; that they practiced this all through the summer and fall of 1876.

Leon Jastrumski says, "I heard of bodies of armed men, called regulators, who traveled through the country last fall and in the early part of the winter."

J. W. Dupree swears that he heard of an organization of men who were in the habit of going about the parish committing acts of violence upon colored people.

V. M. Lange testifies that he has heard of colored men being killed in that parish on account of their politics.

L. C. Morris says he has heard of bodies of armed men riding through the parish in the night, and that the colored people were intimidated thereby; that these men had shot Myers and his son, and committed other acts of violence.

E. D. Wood says he has heard within the past year that bodies of armed white men were riding through the parish in the night-time, committing depredations upon colored men.

A. H. Levy says he has heard the reports of violence upon colored people by white democrats for some time past. The colored people all have the impression that there is intimidation, and that it is carried on by white democrats. He says he saw a man only a week before who told him that he was forcibly taken from his house, and a rope put around his neck, and whipped, and told to leave the parish, and that he left. He further states that this man is a republican, as all the colored people naturally are when left free, and that he was roped because he was a republican. The effect of these acts of violence has been to hinder a fair expression of their opinion at the ballot-box. He says he knows, from report and otherwise, that many colored men were compelled to vote the democratic ticket and join democratic clubs to save their property and lives. The colored men had all been sufficiently cowed and intimidated before the day of election.

Jackson Hamilton says he heard of acts of violence to colored men because they were republicans.

Mortimer Price swears that it is his opinion that many of the colored men voted the democratic ticket because they were frightened to it.

These colored men are weak-minded and timid. They had families, and did not know but what they would be hung, and so they thought if they joined the democratic party they would get along.

Charles J. Verbois says he had heard of the bull-dozers, and that they were riding around the parish a few months before the election.

Gustave Le Blanc swears that there was considerable bull-dozing done in the parish; that the general complaint among the colored people was that they were afraid of them. The colored people are republicans when left to their own judgment, but a good many were afraid to vote as they wished.

Some of the colored men were scared by these bull-dozing stories. They are timid. The stories had an effect upon their minds.

The state of the public mind among the white democracy in those three parishes upon political matters, and the safety with which republicans could have advocated their principles and exercised the elective franchise, is well illustrated by the answer given by a white democratic witness, called by the majority of the subcommittee, to a question put by the chairman, in which he said that it would be safe enough for a republican to come there to live "if he behaved himself;" and when inquired of what he meant by that, he replied that a republican would be safe to come there to live if he let politics alone, and did not attempt to stir up the negroes by talking politics to them.

In regard to the testimony of many of the white witnesses, I am compelled to say that the desperate and reckless manner in which they testified I have never seen equaled, and I only put it in the mildest form when I say that no man who is not blinded by prejudice, or willfully obstinate through partisan zeal, can read their testimony taken before the subcommittee and give it the least possible weight.

Something has been said in the course of the examination in regard to there not being any republican tickets at the polling places in the parish of East Feliciana at the last election. But all democratic anxiety on that point is set at rest by the evidence of James Law, which shows that why there were none was because no man could be found in that parish bold and reckless enough to receive and distribute them.

In closing this branch of my report I desire to state that I have attended closely and earnestly to the work we have had in hand, and have endeavored, to the utmost of my power, to divest my mind of all partisan or political bias, and, as far as possible, considerately and candidly weigh the evidence, as it now occurs to me, which has been allowed to be taken under the rule established by the committee, and to arrive at the truth; and, after a careful investigation and mature reflection upon the whole case, I am forced to the conviction, and do therefore report, that as far as relates to the said three parishes of East Baton Rouge and East and West Feliciana, the following facts will be found, from the testimony, proved beyond question or reasonable doubt:

1. The organization and existence in said parishes, as early as the spring or summer of 1875, of bodies of armed and mounted white men, called the White League, or Regulators, with complete regimental and company organizations.

2. That these bodies of men were in the habit of riding through said parishes in the night-time, whipping, shooting, hanging, and driving off colored republicans.

3. That the colored people, being naturally timid and easily frightened, were intimidated by these acts of violence from voting the republican ticket, and forced to join democratic clubs and vote the democratic ticket.

4. That in the last political canvass the democratic party was desperate, and was determined to carry the election at all hazards, as will be seen by confidential circulars issued from headquarters; to accomplish which a certain element in the party did not hesitate to resort to any measures to secure the colored vote, without which they knew they could not succeed, as the colored men in Louisiana, when left free, are almost unanimously republican.

5. That the alleged original and ostensible object and purpose of the White League, or Regulators, was to break up thieving and the destruction of property; but the testimony shows that when they were fully organized they were manipulated by the leaders, changed into democratic clubs, pledged to vote the democratic ticket, kept in working order and on duty down to the very time of the election, and made to do the work they were originally designed to, and that was, by terror and acts of violence, to control the colored vote.

6. That these bodies of armed men were seen at different points in said parishes during the spring and summer of 1876, in squads of from five to one hundred, all mounted, and armed with rifles, shot-guns, and pistols.

7. That the white democrats shot John Gair, Gilbert Carter, Isaac Mitchel, and scores of other prominent republicans, for political reasons, and whipped and drove away most of those they did not shoot or hang.

8. That a large portion of the white people in said parishes have no proper appreciation of the value of human life, and believe that the only way to manage the colored voter is with a bludgeon in one hand and a pistol in the other.

9. That at one poll, at least, in one of said parishes, on the day of election, every colored man who voted the democratic ticket was furnished with a passport or safe-conduct which showed that they had voted the democratic ticket, and that they were to be protected against the White League, the Regulators, or any other body of armed white democrats.

10. That in every political campaign, until the last, republican clubs had been organized and kept up in every ward in said parishes, but during the last canvass not a republican club was organized in either parish, and only one republican meeting was held in each parish, and these were attended with great peril both to the speakers and the republicans who were present.

11. That democratic clubs were early formed in every ward of each of the parishes, and the colored voters were given to understand that unless they attended and joined they would be obliged to leave their homes and flee the country or suffer the consequences.

12. That the great increase of democratic clubs, and in the number of colored voters roped into them, and the immense change and falling off in the republican vote since 1874, in the light of the testimony we have taken, shows the terrible pressure of fear and terror brought to bear upon the colored men in these parishes by the desperate men working in the interest of the democratic party.

13. That no democratic colored man, and scarcely a white democrat, has ever been killed in either of said parishes; it has generally been the colored republicans; and in nearly every case where it has been attempted to be claimed that the cause of the homicide was a personal difficulty, it has failed, but has generally disclosed the fact that the murderer was a white democrat, and the victim a colored republican.

14. That from July 24, 1875, to December 24, 1876, twenty-four murders were committed in the parish of West Feliciana, twenty of the victims being colored, while in the parishes of East Baton Rouge, where Morgan, the coroner, was notified not to hold any more inquests, and East Feliciana, there were nearly an equal number during the same time, many of which could be traced directly to political causes, and that being the most reasonable apology for most of them.

15. That on one occasion a large body of these democratic White Leaguers or Regulators entered the office of Judge Dula, parish judge in West Feliciana, and, with violent language and threats of personal injury, demanded his resignation, on some false pretense, but really because he was a republican.

16. That the same, or another body of armed men of like character, entered the court-house in Saint Francisville, in the same parish, when the court was in session, and in a threatening and violent manner broke up and dispersed the court, and then compelled the immediate resignation of all the republican members of the police jury.

Every man engaged in these lawless outrages upon law and order was a white democrat, and each man they drove out of office was a republican, and yet these men say it had no political significance.

17. That men supposed to belong to the same marauding party made an attack upon Senator Weber and attempted to shoot him in his own house; and not succeeding in this, afterward waylaid him and attempted to kill him while crossing the river on his way to his home at Saint Francisville.

18. That a large body of armed white democrats, supposed to be a portion of the same organization, under the lead of Joseph A. Norwood, lieutenant-colonel of the White League in the parish of East Feliciana and chairman of the democratic central committee in said parish, in October, 1875, entered the court-house in Clinton, while the court was in session, drove Henry Smith, the republican sheriff, out of the court-house, and shot him, firing twenty-five or thirty shots at him while he was running across the court-house yard to avoid them; and with threats and violence broke up the court, and drove Judge Dewing, a republican judge, out of the parish, because, as they alleged, they took offense at the manner in which he charged the jury in a certain case which had been tried before him; and, in consequence, there has not been a term of court held in the parish since, as Judge Dewing does not dare to go back there to attempt to exercise the functions of his office.

19. That on the 11th of July, 1876, a body of armed men took Gilbert Carter, a bright, respectable colored man, and an active and earnest republican, out of his bed and house in the night-time, and when he attempted to escape from their tortures, they shot him to death at his own door, in the presence of his wife and children, who upon their knees, in an agony of grief, implored them to spare his life.

20. That they also killed Isaac Mitchel and Ephraim Armstrong, two other colored republicans, in the same way, and attempted to murder Julius Green, another active colored republican, while on his way home from church with his wife, on a Sabbath afternoon. That on the night of the 27th of May, 1876, the white democrats attempted to assassinate W. G. Lane, a prominent republican and candidate for the legislature, at the Horney House, in the city of Baton Rouge, because he was a republican and had been the prime mover and principal actor in a republican convention which had been held there on that day.

21. That they tied John Gair, one of the most intelligent and bravest of the colored leaders in the State of Louisiana, to a tree, and shot him to death, and hung his sister-in-law, Babe Mathews, to a tree in the court-house yard at Clinton.

22. That, in addition to these cold-blooded murders, they have, during the past two years, whipped and beaten scores of colored republicans, for which no possible reason can be assigned except that they were republicans, and that they refused to join the democratic clubs or vote that ticket.

23. That nearly every leading republican, both white and colored, residing in said three parishes, has been driven away from his home by the threats and acts of white democrats, and are now exiles in New Orleans and other places, and dare not return for fear of being killed.

24. That no republican in either of said parishes has dared to come before this subcommittee, for fear of losing his life or his property, to assist in the examination of the witnesses or to testify, although they have been invited and urged to do so.

25. That it is very apparent, from the testimony as taken, that the majority of the subcommittee have been generally very careful, in this investigation, not to put upon the stand those who have been personally engaged in these acts of violence and murder, as shown by the testimony which was used before the State returning board at New Orleans.

26. That during our whole investigation there has seemed to be a studied effort on the part of the majority of the subcommittee, as will be seen on reference to

the testimony, to so frame every question as to clearly and plainly suggest to each witness the answer to be given, the effect of which has been, as I think, unintentional, of course, on the part of the majority of the subcommittee, to cover up and justify all these acts of murder and violence, and thus to bolster up and strengthen the democratic theory, instead of getting at the real truth and inwardness of the conduct of the white democracy during the late campaign in Louisiana.

27. That nearly every negro put upon the stand, except some few who had always voted the democratic ticket, has plainly shown by his manner that he was testifying under compulsion, and that he does not go back upon those in whose presence he was testifying, or refuse to testify to what he had been told.

They all told the same story, in very nearly the same language, which indicates very clearly the perfect system to which this intimidation has been reduced, and the complete and utter subjection of the colored people in said parishes.

28. That a great many of the colored men who have testified before us have been forced to admit that they joined democratic clubs and voted that ticket against their will, and because they were given to understand, in various ways, that unless they did so they would be murdered, whipped, or driven from the parish.

29. The testimony, I think, also shows most conclusively that, although it was given out in 1875, when the White League or Regulators were organized in these parishes, that they were to break up thieving and lawlessness, yet it was then intended and designed that they should be used in the then approaching political campaign, and that during the fall and winter of 1875, and the spring and summer of 1876, they were used for that purpose, in consequence of which the colored people were so perfectly frightened and cowed by the murders and acts of violence committed by these armed democratic bands, that when the canvass commenced they had only to say to the colored men that they had better join the democratic clubs and vote that ticket, and they knew at once that such an admonition meant compliance or death.

The republican vote in these three parishes in previous years is worthy of consideration as bearing upon the matter under investigation.

The republican vote, as appears by the official register, was in 1868:

East Baton Rouge	2,835
East Feliciana	1,674
West Feliciana	1,689

In the presidential election that year, General Grant received:

East Baton Rouge	1,247
East Feliciana	644
West Feliciana	1,136

The republican vote was in—

1870.		1872.	
East Baton Rouge	2,440	East Baton Rouge	2,459
East Feliciana	1,273	East Feliciana	1,690
West Feliciana	1,174	West Feliciana	1,309
1874.		**1876.**	
East Baton Rouge	2,516	East Baton Rouge	1,051
East Feliciana	1,688	East Feliciana	1
West Feliciana	1,358	West Feliciana	780

The official registration of voters in 1876 was:

WHITE.		COLORED.	
East Baton Rouge	1,801	East Baton Rouge	3,552
East Feliciana	1,004	East Feliciana	2,127
West Feliciana	406	West Feliciana	2,218

The democratic vote in 1876 was:

East Baton Rouge	2,270
East Feliciana	1,740
West Feliciana	1,246

The foregoing figures prove beyond the shadow of a doubt that every democratic vote in those parishes should have been excluded from the count. Witnesses may be mistaken or falsify, but the legitimate inference to be drawn from these figures is veritable and conclusive.

I also append to this report copies of the protests made by the supervisors of registration in those three parishes, showing that the law has therein been complied with.

These several protests were backed up and supported before the returning board by a vast number of affidavits which may be referred to.

Protest of F. A. Clover, supervisor of registration for the parish of East Baton Rouge.

STATE OF LOUISIANA, *Parish of Orleans:*

F. A. Clover, being duly sworn, states that he was appointed supervisor of registration in and for the parish of East Baton Rouge, in the State of Louisiana, during the time of registration and revision of registration held last preceding and preparatory to the last election, held the 7th day of November, 1876; that as such supervisor of registration, he conducted said registration and revision of registration from the 28th day of August to the 28th day of October, 1876, inclusive; that during the said time of registration and revision of registration there were riot, tumult, acts of violence, intimidation, and bribery, and corrupt influences at and near the several places of registration and revision of registration in said parish, which said riot and tumult, acts of violence, intimidation, disturbance, and corrupt influences did tend to prevent, and did prevent, a fair, free, peaceable, and full vote of all the qualified electors of said parish; that by reason of said riot, tumult, acts of violence, intimidation, disturbances, and corrupt influences, the election held in said parish on the 7th day of November, 1876, was not a fair, free, full, and peaceable vote of all the qualified electors of said parish; that the facts relating thereto are as follows: During said period of registration it came to my knowledge in my official capacity that a large number of the qualified electors of said parish (colored men) were forced to join democratic clubs and told if they did not vote the democratic ticket they would be "bull-dozed," or "regulated," by which words I understood to be meant armed bands of men visiting said voters, and by whippings, shootings, or other violence, putting them in fear of their lives and forcing them to flee their homes.

That some time near or during registration, a colored man named William Y. Payne, a qualified elector of said parish, was visited at his house in the night by an armed band of white men, who took him from under his bed, put a rope or lariat around his neck, and attached the rope to the pommel of a saddle on a horse or a mule, and dragged him to death.

That a short time before or during said period of registration, a colored man named Isidore Herron, a qualified elector of said parish, a justice of the peace, and a republican, was visited by an armed band of men at night at his house, and taken prisoner by them; said parties put a rope around his neck, attached said rope to the pommel of a saddle, and dragged him nearly to death, and whipped him.

That during said period of registration a band of armed white men, masked, went to the house of one Aleck Gilbert, a colored man, qualified elector of said parish, and a prominent republican leader, for the purpose of killing him, (Gilbert,) and not finding him, forcibly took Alice Gilbert, his wife, out of the house, and placed a rope about her neck, threatened to hang her for the purpose of forcing her to disclose the whereabouts of her husband.

During said period of registration, it came to my knowledge, in my official capacity, that bands of white men patrolled the roads of said parish almost nightly on horseback; this for the purpose of striking terror into the minds of the colored people, thereby preventing them from voting the republican ticket.

At a short time before or during registration it came to my knowledge, in my official capacity, that in several instances armed bands of white men had visited the houses of colored republicans and voters, and taking them from their houses and whipped them; this for the purpose of striking terror into the minds of the colored people, and causing them to be in fear of their lives and persons should they vote the republican ticket.

That a short time before or during said period of registration there came to my knowledge, in my official capacity, several instances of white men having shot at and wounded colored republicans; this for the purpose of striking terror into their minds, and preventing them from freely and peaceably exercising their right to vote.

That during said period it has come to my knowledge, in my official capacity, that republican meetings were interfered with and disturbed by armed bands of white men, with threats of violence, abuse, oaths, cursing, and by following the republican speakers and threatening them in a violent manner; that by such disturbance and violence the peace of the republican meetings was disturbed, republicans were prevented from attending, and were driven away from said meetings.

That during said registration large numbers of colored voters were induced by fraud and false representations to deposit their registration-papers for safe-keeping with white democrats, and did so deposit them; that this was done for the purpose of depriving said colored voters of their votes, and also for the purpose of causing said papers to be illegally used and fraudulently voted upon by parties other than the rightful voters.

That during said registration the colored republican voters of one of the largest sections of said parish, to wit, that at and about the town of Port Hudson, where it has been customary to have a voting-poll, at which about 500 voters have usually voted, and a republican majority of about 300, or more, requested me not to establish a voting poll at said town, and gave as their reason therefor that they would not be allowed to vote the republican ticket at that poll, but would be forced by threats and violence to vote the democratic ticket.

That during the whole period of registration and revision of registration there existed in said parish a continued state of fear, dread, intimidation, and terrorism; that this terrorism was caused by the facts above recited and other similar ones, of which proof can be given; that there was a general feeling of insecurity among republicans in their lives and property; that republicans dared not, at several times during said registration, canvass parts of said parish; that large numbers of colored republicans did not dare to attend republican meetings; that said intimidation and terrorism was produced by white democrats, for the purpose of preventing colored republicans from peaceably and freely exercising their right to vote, and did so prevent them.

That the effect produced by the aforesaid riot, tumult, acts of violence, intimidation, disturbances, and corrupt influences in preventing a fair, free, peaceable, and full election, was to deter large numbers of qualified voters in said parish from voting, and compel other large numbers of the qualified electors to cast their votes under coercion and duress and against their own free will, and to procure the fraudulent and unlawful casting of ballots by parties not entitled to vote thereon; that the number of qualified electors deterred by such riot, tumult, acts of violence, intimidation, and terrorism from voting was about 1,500; that the number of qualified electors of said parish who were compelled by such terrorism and intimidation to vote under coercion and duress against their will the democratic ticket was about 484.

Supervisor of Registration for the Parish of East Baton Rouge, State of Louisiana.

Sworn to and subscribed before me, at New Orleans, La., this 18th day of November, 1876.

Protest of James E. Anderson, supervisor of registration for the parish of East Feliciana.

STATE OF LOUISIANA,
Parish of East Feliciana:

James E. Anderson, supervisor of registration for the parish of East Feliciana, under oath declares and states that he was a supervisor of registration in and for the said parish of East Feliciana during the registration or revision of registration held preceding the general election which was held on the 7th day of November, 1876, and that he was present in said parish during the time of said registration or revision of registration, and of the said election, with the exception of a period of about nineteen days, in the months of October and November, during which last-named period he was unable to remain in said parish and to exercise his functions as supervisor therein by reason of the insecurity of his life.

That prior to such absence he had been assaulted within said parish, and an attempt was made to destroy his life; that said assault and attempt to take his life were made in the night-time, by parties to him unknown; that he has every reason to believe that said attempt and assault was made for the purpose of intimidating and preventing him from the free and proper discharge of his official duties as said supervisor; that he finally returned to said parish on the 1st day of November, 1876, under the assurance given in New Orleans to himself and to the governor of the State that his life and personal safety should be protected from further danger; that during the time of registration or revision of registration aforesaid there were in said parish riot, tumult, acts of violence, intimidation, and disturbance, and corrupt influences at places within said parish, at or near the places of registration or revision of registration, which riot, tumult, acts of violence, intimidation, and disturbance and corrupt influences did tend to prevent and did prevent a fair, free, peaceable, and full vote of all the qualified electors of said parish; that by reason of said riot, tumult, acts of violence, intimidation, and disturbance and corrupt influences the election held in said parish on the 7th day of November, 1876, was not a fair, free, full, and peaceable election, nor was there a fair, free, peaceable, and full vote of all the qualified electors of said parish.

And he doth further declare and state that for and during the entire period of registration aforesaid of voters in said parish a systematic and effectual plan of intimidation of such voters as were supposed to intend to vote against the wish of white citizens or democrats was carried on throughout said parish; that such persons were menaced with serious consequences to their persons and property, until the belief became general throughout the parish among the colored voters that such voters who shall attend the election and deposit their ballots for any persons excepting the candidates of the democratic ticket would suffer harm, violence, and death.

That bodies of armed men were reported to me as having often ridden about the country during the said period of registration, and having harassed, intimidated, maltreated, whipped, and sometimes shot such voters; that qualified voters, colored persons, known to be republicans, were in frequent cases during said period of registration harassed and maltreated by gangs of masked men, and by them whipped, on account of their refusal to promise to vote the democratic ticket in said election; that in the month of October, a short time prior to said election, an attempt was made to assassinate him, the said supervisor.

That on Sunday night preceding the election Lieut. W. S. Davis of the Thirteenth United States Infantry was fired upon by some parties in ambush in said parish; that the above-recited acts had the effect to intimidate and put in fear of bodily harm and of death the republican voters of said parish.

That, in consequence thereof, a belief became general among such voters that to vote for any but the democratic candidates would put in jeopardy their personal safety and their lives, and that of their families, or drive them to the necessity of flight from the parish; that this conspiracy and concerted system of intimidation was so effectual, that although, in a fair and free election, there would have been, as he is informed and believes, a large majority for the republican candidates, there was not a single voter in said parish who was not so intimidated that he did not dare to vote for a republican candidate, except one vote cast for the republican candidate for lieutenant-governor and two votes for Hayes and Wheeler, although not for the republican electoral ticket.

That the number of qualified electors of said parish who were deterred by such riot, tumult, acts of violence, intimidation, and disturbance, and corrupt influences from voting as aforesaid were about eighteen hundred in number.

That the number of qualified electors who were deterred by such riot, tumult, acts of violence, intimidation, and disturbance, and corrupt influences, from voting for the republican candidates, and who were coerced thereby to vote for the democratic candidates were, as nearly as can be estimated, about four hundred.

And affiant further states that he did not affix the foregoing statement of riot, intimidation, &c., to his returns of the election at the time of mailing them, because he would have been in danger of his life to have done so at that time.

JAMES E. ANDERSON,
Supervisor of Registration, Parish of East Feliciana.

STATE OF LOUISIANA,
Parish of Orleans, ss:

Sworn to and subscribed before me this 10th day of November, A. D. 1876.

HUGH J. CAMPBELL,
Judge Fourth District Court for the Parish of Orleans.

Protest of D. A. Weber, supervisor of registration for the parish of West Feliciana.

Personally came and appeared before me, the undersigned authority, D. A. Weber, who, being duly sworn, doth depose and say that he resided in the parish of West Feliciana and State of Louisiana; that he is supervisor of election for said parish; that from the 15th day of August, A. D. 1876, to the 7th day of November of the same year, and during the time of registration and revision of registration, parties armed with the most improved repeating fire-arms passed to and fro throughout the said parish of West Feliciana, sometimes inviting colored men to join democratic clubs under circumstances calculated to terrify said colored men and to enforce their compliance with such invitation or demands, sometimes committing acts of violence, intimidation, and disturbance, all of which said acts did prevent and tend to prevent a fair, free, peaceable, and full vote of all the qualified electors of said parish and deter the electors of said parish, to the number of eight hundred, from voting at the said election on the 7th day of November, A. D. 1876, in accordance and wishes of said electors.

(Signed) D A. WEBER,
Supervisor of Registration.

Subscribed and sworn to before me this 15th day of November, 1876.

JNO. P. SOUTHWORTH,
Commissioner United States Circuit Court, District of Louisiana.

The conclusion, therefore, to which I am irresistibly led, after a long and laborious investigation, and a careful consideration of the whole case is, that at the commencement of the campaign the democrats determined to carry the State. That for this purpose they selected the parishes which had given the largest republican majorities in 1874, where they would have the most to gain and the less to lose in case they were thrown out by the State returning board; that in those parishes they carried on a system of violence and terrorism that paralyzed every republican and gave them the complete control of the colored vote, so that those who could not be forced to vote the democratic ticket were kept away from the polls, and I therefore find that, had the colored people in those three parishes been left free to vote as they pleased, the republican majority would have reached at least fifteen hundred or two thousand upon the most liberal count for the democratic ticket.

All which is respectfully submitted.

CHARLES H. JOYCE.

DEFICIENCY FOR GOVERNMENT PRINTING.

Mr. WALDRON submitted a conference report; which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill of the Senate No. 1222, to provide for a deficiency in the appropriation for the public printing and binding for the current fiscal year, having met, after full and free conference have been unable to agree.

HENRY WALDRON,
JOHN L. VANCE,
CHARLES B. ROBERTS,
Managers on the part of the House.

WILLIAM WINDOM,
JOHN SHERMAN,
WILLIAM A. WALLACE,
Managers on the part of the Senate.

The report was received and the committee discharged.

Mr. WALDRON. I move that the House further insist upon its amendments and request another conference.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. SAYLER. I move that the House now take a recess until to-morrow morning at ten o'clock, and I ask unanimous consent that there be an understanding that a further recess be then taken till five minutes before twelve o'clock.

Mr. RUSK. I object to any such understanding.

The motion of Mr. SAYLER was then agreed to; and accordingly (at four o'clock and thirty-five minutes p. m.) the House took a recess until to-morrow morning at ten o'clock.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk under the rule, and referred as stated:

By the SPEAKER: Memorial of the Legislative Assembly of Dakota Territory, for the vacating of the Indian reservation set apart by order of the President of the United States, November 28, 1876, to the Committee on Indian Affairs.

Also, memorial of the Legislative Assembly of Dakota Territory, for the right of way over the public domain to a railroad and telegraph line from Fort Abraham Lincoln to the Little Missouri River, to the Committee on Railways and Canals.

By Mr. BAKER, of Indiana: Three petitions, signed respectively by Charles F. Howk and 36 others, of Mongo; W. C. Glasgow and 65 others, of La Grange; Levi E. Miller and 12 others, of Kosciusko, Indiana, for cheap telegraphy, to the Committee on the Post-Office and Post-Roads.

By Mr. BANNING: Five petitions, signed respectively by P. Powell & Son, Gibson & Co., H. M. Merrill & Co., and others; Joseph R. Peebles' Sons, F. Helfferich & Sons, James L. Haven & Co., and others; E. T. Carson & Co., Julius J. Bantlin, T. T. Brown & Co., and others; Lewis Livingston, Fort, Sadler & Bailey, and others; one by Bloom & Herzog, Louis Stix & Co., J. N. Doniphan & Co., and others, all importers of Cincinnati, Ohio, that the law regulating import duties on goods purchased in Europe be so modified as to permit the use of safes or express trunks for the transportation of imported goods in quantities less than a car-load, and upon their arrival at the point of destination the same to be opened, the goods inspected, appraised, and duties paid thereon, as is now provided in case of sealed cars containing imported goods, to the Committee of Ways and Means.

By Mr. BELL: The petition of George B. Chandler and others, for the repeal of the bank tax laws, to the same committee.

By Mr. BLAIR: The petition of John M. Brackett and others, of New Hampshire, of similar import, to the same committee.

By Mr. CABELL: The petition of citizens of Franklin County, Virginia, for cheap telegraphy, to the Committee on the Post-Office and Post-Roads.

By Mr. CATE: The petition of J. C. Mayfield and others, of Portage County, Wisconsin, of similar import, to the same committee.

By Mr. CAULFIELD: The petition of citizens of Illinois, of similar import, to the same committee.

By Mr. CUTLER: The petition of citizens of Parsippany, New Jersey, of similar import, to the same committee.

By Mr. DAVY: The petition of citizens of Rochester, New York, against the passage of the bill (H. R. No. 796) extending letters-patent for buckles to Sheldon S. Hartshorn, to the Committee on Patents.

By Mr. DOBBINS: The petition of citizens of New Jersey, against the passage of the bill (S. No. 1056) concerning commerce and navigation, and the regulation of steam-vessels and sailing-vessels, to the Committee on Commerce.

By Mr. FOSTER: Two petitions, one from importers of Toledo, the other from importers of Cleveland, Ohio, that the law regulating import duties on goods purchased in Europe be so modified as to permit the use of safes or express trunks for the transportation of imported goods in quantities less than a car-load, and upon their arrival at the point of destination the same to be opened, the goods inspected, appraised, and duties paid thereon, as is now provided in case of sealed cars containing imported goods, to the Committee of Ways and Means.

By Mr. HATCHER: The petition of citizens of Saint François County, Missouri, for cheap telegraphy, to the Committee on the Post-Office and Post-Roads.

By Mr. HATHORN: The petition of Almira A. Knapp, for a pension, to the Committee on Invalid Pensions.

By Mr. KASSON: The petition of L. A. Thomas, M. C. Woodruff, and others, for Government aid for a branch of the Pacific Railroad from Sioux City westward, to the Committee on the Pacific Railroad.

By Mr. LANE: The petition of T. B. Willard, Alex. Simon, and F. S. Matteson, for an appropriation of $100,000 for the improvement of the mouth of Coquille River, Oregon, to the Committee on Commerce.

By Mr. LAPHAM: The petition of citizens of New York, that pensioners be paid from the date of their discharge, to the Committee on Invalid Pensions.

By Mr. LEAVENWORTH: The petition of E. B. Judson and 51 others, of Onondaga County, New York, for the repeal of the bank-tax laws, to the Committee of Ways and Means.

By Mr. MUTCHLER: The petition of C. A. Rittenhouse, for a pension, to the Committee on Invalid Pensions.

By Mr. NEAL: The petition of S. E. Carey and 52 others, citizens of Brown County, Ohio, for a post-route from Ash Bridge to Fincastle, Brown County, Ohio, to the Committee on the Post-Office and Post-Roads.

By Mr. SPRINGER: Joint resolutions of the Legislature of Illinois, memorializing Congress in reference to certain land scrip, to the Committee on Public Lands.

By Mr. STENGER: The petition of citizens of Port Royal, Juniata County, Pennsylvania, for cheap telegraphy, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Mercersburgh, Franklin County, Pennsylvania, for the repeal of the bank-tax laws, to the Committee of Ways and Means.

By Mr. STRAIT: The petitions of citizens of Minnesota, that pensioners be paid from the date of their discharge, to the Committee on Invalid Pensions.

By Mr. VANCE, of North Carolina: Resolutions of the General Assembly of North Carolina, favoring the bill for a joint commission to settle the electoral vote, to the committee on counting the electoral vote for President and Vice-President of the United States.

Also, a paper relating to the establishment of a post-route from Casher's Valley to Franklin, North Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. WALDRON: The petition of J. J. Judge and 44 other printers, employés at the Government Printing Office, and asking that their pay may not be reduced, to the Committee on Appropriations.

Also, the petition of T. E. Wing, W. H. Boyd, and other business men of Monroe, Michigan, for the repeal of the bank-tax laws, to the Committee of Ways and Means.

By Mr. WELLS, of Missouri: The petition of citizens of Saint Louis, Missouri, against the passage of the bill (H. R. No. 796) extending letters-patent for buckles to Sheldon S. Hartshorn, to the Committee on Patents.

By Mr. WHITING: The petition of Henry Fruitt, S. A. Wood, and 70 other business men of Chillicothe, Illinois, for the repeal of the bank-tax laws, to the Committee of Ways and Means.

By Mr. WILLIS: The petition of Montgomery Brothers and 200 others, of New York, for the repeal of war taxes on banks, bankers, and banking institutions, to the same committee.

Also, the petition of Charles Hath and 100 others, of New York, of similar import, to the same committee.

Also, the petition of Richard Arnold and 250 others, of New York, of similar import, to the same committee.

Also, the petition of John D. Creimmens and others, of New York, of similar import, to the same committee.

Also, the petition of D. C. Hayes and 100 others, of New York, of similar import, to the same committee.

Also, the petition of Henry Steers and 100 others, of New York, of similar import, to the same committee.

Also, the petition of Limbert & Co., of New York, of similar import, to the same committee.

Also, the petition of J. De Motte Smith and 100 others, of New York, of similar import, to the same committee.

Also, the petition of George Cabot Ward, of New York, of similar import, to the same committee.

Also, the petition of J. Squier, of New York, of similar import, to the same committee.

Also, the petition of Samuel H. Fox and Austin B. French, of New York, of similar import, to the same committee.

Also, the petition of R. Morris and 50 others, of New York, of similar import, to the same committee.

Also, the petition of W. Quimby and others, of New York, of similar import, to the same committee.

By Mr. WILSON, of West Virginia: The petition of C. C. Zinn and others, for cheap telegraphy, to the Committee on the Post-Office and Post-Roads.

IN SENATE.

SATURDAY, *February* 10, 1877—10 a. m.

The recess having expired, the Senate resumed its session.

ELECTORAL VOTE OF FLORIDA.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the president of the commission, which will be read.

The Secretary read as follows:

WASHINGTON, D. C., *February* 9, 1877.

SIR: I am directed by the electoral commission to inform the Senate that it has considered and decided upon the matters submitted to it under the act of Congress concerning the same, touching the electoral votes from the State of Florida, and herewith by direction of said commission I transmit to you the said decision in writing, signed by the members agreeing therein, to be read at the meeting of the two Houses according to said act. All the certificates and papers sent to the commission by the President of the Senate are herewith returned.

NATHAN CLIFFORD,
President of the Commission.

Hon. THOMAS W. FERRY,
President of the Senate.

Mr. BOUTWELL. There are so few Senators in attendance that I ask a call of the Senate.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

The Secretary called the roll, and after some little delay, twenty-seven Senators having answered to their names,

Mr. BOUTWELL. As the subject presented to the Senate is of a good deal of importance and as there may not be a quorum here even at twelve o'clock, I move that the Sergeant-at-Arms be directed to notify absent Senators and request their attendance.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will execute the order of the Senate.

FORTIFICATION APPROPRIATION BILL.

The PRESIDENT *pro tempore*. If there be no objection, the Chair will appoint as the committee of conference on the bill (H. R. No. 4188) making appropriations for fortifications and for other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1878, and for other purposes, the Senator from Minnesota, Mr. WINDOM, the Senator from Illinois, Mr. LOGAN, and the Senator from West Virginia, Mr. DAVIS.

Mr. DAVIS. While I do not object to the appointment of the committee by the Chair, I submit to the Chair whether there was not a distinct understanding on all sides that no business whatever, not even a call of the Senate, should take place between the hours of ten and twelve o'clock until further notice was given in regular session.

Mr. ALLISON. Until the report of the commission came in.

Mr. DAVIS. There was no such reservation, according to my recollection. I submit, however, without any further question that I thought that was the rule.

The PRESIDENT *pro tempore*. The Chair thinks that was the unanimous understanding pending the action of the commission generally, though not specifically. The Senator is correct in his statement that it was the understanding that there was nothing to be done between ten and twelve pending the sitting of the commission. Inasmuch as notice had been received, it was thought the Senate should be full; and for that reason the Chair entertained the motion to request the attendance of absent Senators, and the Chair asked unanimous consent of the Senate to appoint a conference committee that the business of the Senate might move on.

Mr. DAVIS. I hope the Chair will not understand that I attribute to bad faith anything whatever that has been done this morning. I merely wanted to submit to the Chair the general fact.

The PRESIDENT *pro tempore*. The Senator is correct. Does the Senator object to the appointment of the committee of conference?

Mr. DAVIS. No, sir; certainly not. I purposely avoided making an objection to it; I think it is altogether in place; but my object in rising was rather to apologize for Senators, if there was any apology necessary, for not being here. When the Senator from Massachusetts moved to request the attendance of absent Senators I did not object to it, although I thought it was not carrying out in perfect faith our understanding.

The PRESIDENT *pro tempore*. If there be no objection, the committee will stand as appointed.

After a further delay, and Mr. KERNAN having appeared in the Chamber, making twenty-eight Senators present,

Mr. BOUTWELL, (at ten o'clock and twenty-seven minutes a. m.) With the understanding that the House has taken a recess, and the object of my motion having been to make sure of a quorum at twelve o'clock, I move that the proceedings under the call be suspended in order that the Senate may take a recess until twelve.

Mr. DAVIS. I would ask whether the Sergeant-at-Arms has not already gone out to execute the order of the Senate?

Mr. BOUTWELL. That will make no difference. The notice to Senators will go on, undoubtedly, in the mean time.

Mr. DAVIS. What am I to understand has been the action of the House?

The PRESIDENT *pro tempore*. The House has taken a recess until five minutes to twelve; and the Senator from Massachusetts moves that further proceedings under the call of the Senate be suspended.

Mr. BOUTWELL. And that we then take a recess.

Mr. DAVIS. Until twelve o'clock?

Mr. BOUTWELL. Yes, sir.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts that proceedings under the call be suspended.

The motion was agreed to.

Mr. BOUTWELL. I move that the Senate take a recess until twelve o'clock.

The motion was agreed to; and the Senate accordingly took a recess until twelve o'clock m.

The Senate re-assembled at twelve o'clock m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Friday, February 9, was read and approved.

COUNTING OF ELECTORAL VOTE.

Mr. HAMLIN. Mr. President, the Senate having been informed that the Commission to decide the contested electoral votes for President and Vice-President have arrived at a decision upon the case of Florida, I move that the Secretary be directed to notify the House that the Senate is now ready to meet with that body for the purpose of proceeding in the canvass of the presidential vote.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Secretary will execute the order of the Senate.

Mr. BOUTWELL. Mr. President, if it is not out of time, I desire to present resolutions adopted by the Legislature of Massachusetts——

Mr. EDMUNDS. It is not in order.

The PRESIDENT *pro tempore*. No legislative business is in order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate: