

BY TELEGRAPH.

CONGRESSIONAL.

SENATE.

WASHINGTON, 28.—Immediately after the reading of the journal, Wadleigh, Chairman of the Committee on Privileges and Elections, moved to proceed to the consideration of the resolution reported by that committee for the admission of Kellogg, as Senator from Louisiana.

Thurman objected, and read the eighth rule, which provides that no bill, report of committee, or other subject upon the calendar shall be proceeded with in the morning hour, unless with unanimous consent.

A long discussion in regard to the rules ensued, which was participated in by Edmunds, Thurman, Wadleigh, Wallace and others; finally the Vice-president decided that the subject was a question of the highest privilege, and could be considered in the morning hour notwithstanding the objections.

Thurman appealed from the decision, and the yeas and nays being called, the decision was sustained—yeas 29, nays 28. Patterson voted with the democrats in the negative and Conover with the republicans in the affirmative. Davis, of Ill., did not vote.

The question then being, will the Senate proceed to the consideration of the resolution reported by the committee on privileges and elections declaring Kellogg entitled to his seat as Senator from Louisiana, the vote resulted yeas 29, nays 29. The Vice President voted in the affirmative, and the resolution was taken up. Conover voted with the republicans in the affirmative, Patterson, and Davis, of Ill., with the democrats in the negative.

After it was decided to take up the Kellogg case, another long debate sprang up between Wadleigh, Hill, Hoar, Saulsbury, and McMillan and all the members of the committee on privileges and elections as to the status of the case of Eustis, claiming the seat from Louisiana for the term ending March 4th, 1879, the democrats arguing that his case might have been reported before this time, and the republicans claiming it would have been already reported had not the committee been prevented from meeting yesterday by the continuous session of the Senate.

Thurman then moved to amend the resolution by striking out all after the word "Resolved," and inserting, "That M. C. Butler be now sworn in as senator from South Carolina."

Edmunds said he did not want the time used unnecessarily, and therefore suggested that a vote be taken on the admission of Kellogg on Friday next, at 1 o'clock, and on the admission of Butler on Saturday, at 1 o'clock. (Laughter on the democratic side.)

The vote on Thurman's amendment to swear in Butler resulted in yeas 31, nays 31. Davis, of Ill., and Patterson, voting with the democrats in the affirmative, and Conover with the republicans in the negative. The Vice-President gave the deciding vote, and declared the amendment lost.

WASHINGTON, 28.—Thurman arose to a point of order and challenged the right of the Vice President to vote on this matter, as the question was one affecting the organization of the Senate, and not a question where the provision of the constitution that the Vice President had the deciding vote in the case of a tie applied. Thurman said if it were a direct vote upon upon seating Butler instead of indirect, he was sure the Vice-President would not have the right to vote. The Vice-President was not part of the Senate, but simply presiding officer.

Edmunds said the whole affair was extraordinary, but the last move capped the climax. The constitution provided, without qualification, that the Vice-President should have the casting vote. It provided that each house should be the judge of the qualifications of its members. The Vice-President was presiding officer of the Senate and therefore belonged to it.

Beck said it was not necessary that the Vice-President should have voted at all. He thought him hasty in giving his vote. The amendment did not receive a majority and was therefore lost.

Eaton had no doubts that the Vice-President had no power to act in the organization of the Senate, not representing any sovereign

State. At the proper time he proposed to argue the matter. If any one got a seat in the Senate by the vote of the Vice-President, he would, in 1879, ask that the chair filled by such person be declared vacant. He believed such action unconstitutional.

Edmunds—The constitution notwithstanding.

Eaton—My friend is witty and satirical, but he will find out this is not a one-sided thing altogether before he gets through with it.

Conkling said he had heard it said that the occasion did not arise this morning when it was necessary that the Vice-President should vote, for the reason that the amendment had not received a majority of the votes, and therefore fell. He would like to know when it was that a tie vote was not fatal to the affirmative side.

Eaton replied that he had said no such thing.

Allison—Suppose the Vice-President had voted with you?

Eaton—This is a supposition my friend has no right to make. We have learned during the three days that the supposition is not tenable. (Laughter.)

Wadleigh said the committee had what seemed great reasons for refusing the request of Spofford to take testimony regarding these charges when he made such application to the committee, as it would have led to further delay.

Hill said this question had a much more important bearing than Senators were inclined to give to it. Here was a charge that fraud was committed at the instance of governor Kellogg and for the express purpose of getting up a false legislature to elect him a Senator, and this charge was made in the presence of Kellogg.

McMillan said the sessions of the returning board were all attended by democratic counsel and the testimony on these charges had already been taken.

Thurman said he made the point for two reasons; first, he wanted to call the attention of the senate to the question which might arise at any time; and, second, he did not concur in the views of some of his friends to the effect that the Vice-president might have abstained from voting. If that officer had the right to vote it was his duty to vote. However, he (Thurman) had achieved all he desired to in calling the attention of the Senate to the matter, but as some senators thought "sufficient unto the day is the evil thereof," he was quite contented to withdraw his challenge.

Vice-president Wheeler said he had carefully considered the question as to his right to vote in cases where the vote of the Senate was equally divided, and he had no doubt of his right. After what had fallen from the senator from Connecticut (Eaton), he would take occasion to say that as at present advised, he would exercise that right in his discretion.

Saulsbury submitted a substitute for the resolution of the committee reciting at length various charges made by Judge Spofford against the returning officers in Louisiana, and the legality of the legislature which elected Kellogg.

Hill said he challenged anyone who voted in the committee against taking the testimony to point to any testimony in all the Louisiana investigations heretofore made bearing upon the points which Judge Spofford alluded to. When Judge Spofford read to the committee his fourth charge, as to the complicity of Kellogg with the returning board in illegal acts, Kellogg got up to join issue with him, when Hoar, member of the committee, objected. Spofford did not make his charge behind the door, but said he could prove it, and so far as any testimony having been taken last winter on the subject, Spofford said the facts had recently come to his knowledge. He (Hill) appealed to every senator on this floor to sink the partisan for the moment, and not deny the right to this contestant to take testimony which any court on earth would not refuse him. Kellogg came here to claim the price of his fraud. He came here to ask that this senate would give effect to that fraud. A committee had been appointed to examine all such cases, and this committee said: "We have taken so much testimony about returning boards that we will take no more."

Wadleigh said he had listened to Hill's furious speech with interest, because it showed him how much noise could be made about a small matter. He thought Hill was not

justified in his statements. Wadleigh then referred to the testimony taken by the Howe, Sherman, Field and Morrison committees, and argued that it covered all the points. Therefore, the committee had thought it a waste of time to hear more evidence.

Hoar said that Spofford himself, as democratic counsel, was certainly cognizant of the facts, did not at first want more evidence. He had set up no substantial fact, but merely said he intended to prove so and so.

Pending the discussion, Conkling moved for a recess till 8 o'clock.

Patterson moved to adjourn till noon to-morrow. Adreed to, 29 to 27. Davis, Patterson and Conover voting aye.

WASHINGTON, 29.—Immediately after the reading of the journal an inquiry was made whether some little time could be given to the ordinary morning business. The Vice President replied that the pending resolution for the admission of Kellogg was a privileged question, and could not be laid aside excepting by unanimous consent.

Sargent thereupon asked unanimous consent for the consideration of the Paris Exposition bill, and expressed belief that it could be disposed of in fifteen minutes.

Whyte and others objected, and the Senate resumed consideration of the Kellogg resolution. The pending question being on Saulsbury's amendment to recommit the whole subject to the privileges and elections committee, with instructions to take testimony upon certain charges that Kellogg, in connection with the returning board, perpetrated frauds to procure his election to the United States Senate.

Hill took the floor and made some extended remarks, which were substantially a repetition of his speech of yesterday, arguing that the Senate could not rightly or decently refuse to investigate the charges now made by Spofford, and that witnesses were ready to develop facts never before developed. He said the testimony already taken stench the whole earth, but he affirmed that the half had not been told, and that the chief agent, chief conspirator, and chief actor in the frauds was now, for the first time, before the country, and stood here, to day, asking admission to this Senate. He added, however, with reference to the frauds which he believed had been committed in Louisiana in connection with the electoral vote, that it was gratifying to know that the gentleman who finally came into the office of President has no complicity with these frauds. No man would dare stand up and say that Mr. Hayes had any complicity in them, but to admit Kellogg would be a crime against the popular government, and bring a blush of shame to the cheeks of every lover of the popular government of the world.

Wadleigh remarked that Hill, in his seat, had again gone beyond the record and gone beyond what Spofford himself alleged before the committee. Wadleigh also expressed the opinion that the proposition to take further testimony was designed simply as a measure of delay and to get other cases ahead of the Kellogg case.

McDonald stated that the testimony offered by Spofford would lift the veil from the secret sessions of the Louisiana returning board, and show that Kellogg was admitted to them, and took part in throwing out certain parish returns, &c. When the proof should be made it would also reach some other men who have not as yet been much named in this connection. The proof could be made, and he spoke with knowledge in saying so.

Conkling, sarcastically, said he would like to know whether the refusal of the committee to stop the wheels of business for this investigation was made before or after the committee had been so strongly charged by certain senators with having delayed this very case—a case which, it had been said, demanded immediate action, because a sovereign state was being kept in waiting.

Wadleigh replied that Spofford's request was refused, after these complaints had been made.

Conkling proceeded to remind the Senate that more than one democratic senator had arraigned the committee for delay. A democratic senator had also insisted that Spofford's credentials should not be referred to the committee on the grounds that the facts were all fixed.

Conkling quoted similar declarations, and placed them in contrast with the present demands of the democratic senators for further investigation and delay. He characterized the pending proposition as an attempt to make the committee a police court to go to the Gulf for witnesses to obtain facts touching the character of Kellogg, and the declaration made a few days ago by Hill, to the effect, that the Senate was not called upon to inquire whether a claimant to the seat in the Senate (Butler), had or had not been privy to murder in the Hamburg massacre to secure his election.

This reference to Butler called forth remarks from Gordon, Saulsbury and Merriman, earnestly defending him from the charge of imputation, or that he had any complicity in the Hamburg massacre.

Patterson also stated that Butler had prevented the perpetration of any KuKlux outrages in Edgefield County, and that he was in no way responsible for the Hamburg massacre.

Cameron, of Wisconsin, and Sargent, rejoined by reading testimony going to show that Butler was largely responsible for the Hamburg outrages. Sargent also quoted from the address of colored citizens of South Carolina, showing by their statements that Butler was the author, instigator and executor of the barbarous crime, and that it was committed for the purpose of giving the political control of the State to the democrats, and to help the Butler elections.

Saulsbury then commenced another speech upon the Louisiana case, but at 4 o'clock, yielded for the motion of Conover for an executive session, which was agreed to without discussion, and after half an hour's session, with closed doors, the Senate adjourned until to-morrow.

WASHINGTON, 30.—Immediately after the reading of the journal, the House joint resolution, in relation to the French International Exhibition was taken up, and the Senate amendments agreed to.

The joint resolution was then read a third time and passed—yeas 36, nays 20.

A number of bills were introduced and referred.

Consideration of the Kellogg case was resumed, and Saulsbury spoke in favor of recommitting the subject to the committee on privileges and elections with instructions to take testimony.

WASHINGTON, 30.—Howe said Spofford charged no fraud against Kellogg and the returning board before the elections committee until November 22, after the attempt to hurry the Butler case was begun.

Hill said Spofford offered to prove his charges in October.

Howe denied this, appealing to the record. He declared that it was as impossible for the returning board to commit fraud as for the Supreme Court to commit fraud in giving judgment on an argued case.

Hill reiterated his charges and read a telegram from Harry L. Smith, New Orleans, dated to-day, saying "there is documentary evidence in Kellogg's office showing that he used influence with the returning board."

Patterson said: In maintaining the Butler title to a seat I but recognize the logic of political events which were not any act of mine. They were moulded by the hand of another. It is unnecessary for me to review in detail the causes that led to the assumed triumph of the democratic party in South Carolina at the last general election. It was in my judgement a triumph of might over right. It was not won by any of the just and lawful methods known to an elective system of government. A free ballot was crushed in the iron grasp of armed force. This was my judgment in February and March last, based upon the testimony set forth in a memorial sent to Congress signed by republican State officers and Senators and Representatives in the general assembly. That memorial was laid before the President immediately after his inauguration. Governor Chamberlain filed at the executive department an elaborate argument in support of the legal propositions that it contained, and voluminous testimony to sustain its allegations as to matters of fact. When it became known that the President contemplated the removal of troops from the State House, a thrill of horror went through the hearts of the republicans of South Carolina,

and they crowded the national Capitol to make a solemn protest and earnest appeals against the act which they were bound to hold as the foulest treachery and most undeserved and untimely wrong of which the history of political parties furnished any record. Rude and ignorant and unlettered as the great mass of South Carolina republicans may be, they were yet loyal and true to the great principles of the republican party, and in war and peace they had gathered around the flag of the Union with all the devotion with which the devout Christian clings to the cross of his Redeemer. The republican officials who constituted the board of State canvassers guarded the integrity of that electoral vote with a fidelity which neither the threats of personal violence nor the mandates of judicial authority could swerve from the path of duty. They attested that fidelity even in dungeons of the common jail of the country to which they were consigned for refusing to obey an order which in their judgment was made to overthrow the electoral vote of the State. There was no hint given then, that upon the accession of Mr. Hayes to the presidency he would remove the troops whose presence alone enabled these officers to exercise the functions of the offices to which they had been fairly elected. No such coming event cast its shadow through the iron bars of their prison in December, 1876. Verily may the republicans of South Carolina and of the entire south exclaim, "I have been wounded in the house of my friends." The arm that struck the fatal blow was nourished by their devoted and unhesitating service. I irresistibly here recall to memory the lines of England's great poet—

So the struck eagle, stretched upon the plain,
No more through rolling clouds to soar again,
Views its own feather on the fatal dart
That winged the shaft that quivered in his heart.
Though keen his pangs, yet keener far to feel,
He nursed the plian that impelled the steel.

The republicans of that State owe, to-day, to the clemency of the victors whatever of protection remains to them, and not to the administration they believed, toiled for and inaugurated. The south is solid and the old-line whigs remain undiscovered, except through offer of large premiums in the shape of lucrative domestic and foreign appointments. With those strong incentives to put in an appearance, their number can be counted upon the fingers, and they have followed so many strange gods since the death of that noble old party, and been so frequently rehabilitated in new costumes that they defy recognition by their most intimate acquaintances. While the President was known to be maintaining this act which "let slip the dogs of war" upon the republicans of the south, some republican senators who now assail me with harsh criticism because I vote according to the dictates of my judgment and my conscience upon a question, which is in no proper sense a party question, were either coldly neutral or were actively giving aid and comfort to the Hampton government. I repudiate and disown the authority of such as these to pass judgment upon my fidelity to the republican party, Mr. President, I cannot refrain from noticing briefly, and justice to myself demands that I should notice it, the ferocious attack made upon me by Edmunds. That Senator read upon the floor of the Senate, last Monday, a libellous article against me, written by some unknown person. That article, false, scandalous and malicious, was retailed to the country by the honorable Senator, who virtually gave to it the right and sanction of his high authority by making it, he declared, the ground of a resolution submitted to the Senate to investigate conduct, which, at most, was falsely imputed to me and which I had from my place in the Senate most solemnly denied engaging in. While the gentleman was thus engaged in making this malignant attack upon me, he disclaimed all personal hostility to me and expressed his regret that his sense of duty compelled him thus to move in vindication of the "honor of the Senate." The old Scotch poet Ferguson, must have gazed with the eye of prophesy into the future when he wrote the verse,