

## BY TELEGRAPH.

## AMERICAN.

WASHINGTON, 25.—The Louisiana Commission's report, dated April 21st, in New Orleans, starts out with the statement that in accordance with the instructions of Secretary Evarts, and with the known intention of the President to withdraw the troops, their efforts were devoted to securing a common legislature of undisputed authority, competent to allay trouble and preserve peace unaided by the national government. Both sides were bitter and uncompromising. They say they have conversed freely with all classes and men representing every parish in the State; have read much testimony and written legal argument. They found the facts as follows: Packard was at the State House with his legislature and friends and an armed police force. As there was no quorum in the Senate, even upon his own theory of law, his legislature was necessarily inactive. The supreme court which recognized his authority, had not attempted to transact any business since it was dispossessed of its court room and the custody of its records. On the 9th of January he had no organized militia, alleging that this deficiency was owing to his obedience to the orders of President Grant to take no steps to change the relative position of himself and Gov. Nicholls. His main reliance was upon his alleged legal title, claiming that it was the constitutional duty of the President to recognize and afford him such military assistance as might be necessary to enable him to assert his authority of governor. Governor Nicholls was occupying the Old Fellows' Hall as a State House. His legislature met there, and was actively engaged in the business of legislation. All the departments of the city government of the city of New Orleans recognized his authority. The supreme court nominated by him and confirmed by his senate, was holding daily sessions, and had heard about two hundred cases. The time for the collection of cases had not arrived, but a considerable sum of money, in the form of taxes, had been voluntarily paid into his treasury, out of which he was defraying the ordinary expenses.

The Nicholls legislature had a quorum in the senate upon either the Nicholls or Packard theory of law, and a quorum in the house on the Nicholls but not on the Packard theory. The Packard legislature had a quorum in the house on its own theory, but not in the senate, and was thus disabled from any legislation valid even in the judgment of its own party. The commission found it to be very difficult to ascertain the precise extent to which the respective governments were acknowledged in the various parishes outside of New Orleans, but it is safe to say the changes which had taken place in the parishes after the organization of the governments on the 9th of January, were in favor of the Nicholls government.

The claims to legality of the Supreme Court, composed of Chief Justice Manning and associates, who were nominated by Governor Nicholls and confirmed by his senate, rests upon the same basis as the title of Nicholls and his senate. The claim to the legality of the Supreme Court, composed of Chief Justice Ludeling and his associates, rests either upon their right to hold over in case Nicholls' court is illegal or upon the legality of the Kellogg-Packard senate, which confirmed the judges upon the nomination of Governor Kellogg, and while it had a returning board quorum. This is the position as we found it.

We will now state the legal question upon which the right of these respective governments depends: The constitution of Louisiana requires that the returns of all elections for members of the General Assembly shall be made to the secretary of State, that the qualified electors shall vote for Governor and Lieutenant Governor at the time and place of voting for representatives; the returns of every election shall be sealed up and transmitted by the proper returning officers to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives on the second day of the General Assembly then to be held. The members of the general assembly shall meet in the House of Representatives and examine and count the votes. This provision of the constitution

requires the returns of the votes for Governor and Lieutenant Governor to be sealed up and transmitted by the proper returning officers to the Secretary of State, and the same provision is made in substance as to the members of the General Assembly, but in 1870 the legislature passed an act which was amended in 1872, which created a returning board, consisting of five members, to be appointed by the Senate and to be the returning officers for all elections in the State. The act provides that the commissioners of election, at each hall or voting place, shall count the votes making a list of the names of all persons voted for and the officers for whom the votes were given, the number of votes received by each, the number of ballots contained in the box, and the number rejected, and the reasons therefor, and to make duplicate lists and send one to the supervisor of registration of the parish of Orleans and one to the Secretary of State. The law further requires the supervisor of registration to consolidate the returns received from the different polling places, and forward them, with the originals, to this returning board. If there be any riot, tumult, violence, intimidation, bribery or corrupt influence anywhere within the said parish, at or near any of the voting places or places of registration, which shall tend to prevent the free, peaceable, and full vote, it shall be the duty of the commissioners to make statements of such facts and forward the same to his supervisor of registration, with the returns of the election, and the supervisor of registration shall forward the same to the returning board. The returning board is required to investigate the statements of intimidation and to exclude from the returns which it makes to the Secretary of State, returns where a fair election has been prevented. The same law further declared that it shall be the duty of the Secretary of State to transmit to the clerk of the House of Representatives and to the Secretary of the Senate of the last General Assembly, a list of the names of such persons who, according to the returns, shall have been elected to either branch of the General Assembly, and it shall be the duty of the clerk and secretary to place the names of the Representatives and Senators elect so furnished upon the roll of the House and Senate respectively, and those Representatives and Senators whose names are so placed by the clerk and secretary respectively in accordance with the foregoing provisions, and none other, shall be competent to organize the House of Representatives or Senate.

The Nicholls counsel claim that this act, so far as it interposes the returning board from exercising these powers of exclusion between the present supervisor of registration, with his consolidated returns, and the Secretary of State, is, when applied to the election of members of the General Assembly and of Governor and Lieutenant Governor, a plain violation of these provisions of the State constitution which says the returns of all sections for members of the General Assembly shall be made to the Secretary of State, and in reference to Governor and Lieutenant Governor, the returns of every election shall be sealed up and transmitted by the proper returning officer to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives.

The counsel for Packard insist that the legislature has power to create this returning board and give it the authority with which it clothed it; also that the constitutionality of the act has been settled by the Supreme Court of the State; but the Nicholls party denied that the question was decided by the Supreme Court in a manner that could be considered authoritative. It is not claimed by counsel for Nicholls that the legislature could not create a returning board and clothe it with these powers in regard to the appointment of presidential electors, since the provisions of the State constitution, on which they rely, relate only to the election of members of the legislature, governor and lieutenant governor. The report quotes from one of their legal arguments to show this. As matters stood on our arrival here, the legal title of respective claimants to the office of governor depended upon this question. There was no judicial tribunal acknowledged to be authoritative by both parties by which it could be solved. For reasons already given, the only hope of a

practical solution was by the union of so many members of the rival legislatures as would make a legislature with a constitutional quorum in both the Senate and House. Within the last three days this first great step in restoring peace to the State has been accomplished in consequence of the withdrawal of members from the Packard to the Nicholls legislature. The latter body has eighty-seven returning board members in the House and thirty-two in the Senate. Sixty-one members constitute a constitutional quorum in the House and nineteen in the Senate.

It was in view of the foregoing facts, and especially the consolidation of the legislatures and our knowledge of the condition of Louisiana, derived from personal contact with the people, that we were induced to suggest, in our telegram of the 20th, that the immediate announcement of the time when the troops would be withdrawn to their barracks would be better for the peace of Louisiana than to postpone such an announcement.

The Commissioners, holding various shades of political belief, cannot well concur in any sketch of the past or probable future of Louisiana. We have forbore in this report to express any opinion on the legal questions arising upon the foregoing statement of facts, because our letter of instructions seemed to call for a statement of facts rather than an expression of opinion by the Commissioners. We all, however, indulge in the confident hope of better days for all races in Louisiana. Among the reasons for these hopes are the resolutions of the Nicholls Legislature and the letter of Governor Nicholls herewith submitted, which have already been given to the public. With the earnest hope that the adjustment which has been made of the political controversies of Louisiana will be of lasting benefit to that State, and will be approved by the patriotic people of all sections, we have the honor to be, your obedient servants,

CHARLES B. LAWRENCE.  
JOS. R. HAWLEY.  
JNO. L. HARLAN.  
JOHN C. BROWN.  
WAYNE McVEAGH.

The President gave his views on the Indian peace policy, to the Indian Commissioners, that the policy of the previous administration should be continued.

COLUMBIA, S. C., 25.—In the house, to-day, the democrats passed a preamble of resolutions declaring all the members of the late Mackey house in contempt of the legal House of Representatives, and referring their credentials to the joint committee of judiciary and elections to pass upon their title to seats. The republican members fiercely contested this action, holding that although the members of the Mackey house had erred, they were, *prima facie*, entitled to seats. The committee will report to-morrow, and probably all but five or six members of the late Mackey house will be admitted.

NEW ORLEANS, 25.—The legislature will adjourn, to-morrow, *sine die*. Nicholls' Secretary of State, Strong, and Auditor Jumel, took possession of the offices in the State House to-day.

CLARKSVILLE, Missouri, 25.—A party of men took Mockbee out of jail at Dover, at three o'clock on Tuesday morning, hung him to a limb and fired eight shots into his body, for the murder of Willie McClosch last August. He would have escaped punishment by reason of a legal technicality.

SAN FRANCISCO, 25.—An Oroville press dispatch says the County Court, to-day, sentenced four of the Chico incendiaries to the penitentiary, as follows: H. T. Jones, twenty years; James Fay, ten years; Pleasant Slaughter, ten years; A. Holderbaum, five years. A motion for a new trial in the cases of Jones and Fay was made and denied.

CAMP BROWN, Wyo., 26.—Barney Hall, a prospector, has just arrived here, badly wounded by Indians. He and two others were attacked near Badwater, on the 16th, and after a sharp fight the Indians killed his two partners. Three others of the same party have not been heard from.

NEW YORK, 26.—The Times, in an editorial, says the report of the Louisiana commission is simply an acknowledgment that the result of their labors has been surrender, not compromise. All legal arguments are on the side of the Packard government. There can be but one inference, viz., that the instal-

lation of the Nicholls government is a piece of flagrant usurpation.

The Tribune says the steam launch of the Russian flagship *Svetland*, while lying at the swinging boom of the flagship, exploded her boiler, and breaking away from her moorings drifted down the stream and sank.

The pool sellers of this city, in consequence of the passage, by the legislature, of the bill prohibiting the prosecution of their business in this State, made arrangements to move to Jersey city, and the exodus of the fraternity is soon expected.

The declaration of war by the Czar was read simultaneously on the three vessels forming the Russian squadron in this part, and was received with loud applause by the officers and crew, followed by the singing of the *te deum* and prayers for the success of the Russian arms.

HUDSON, Ohio, 26.—Col. S. D. Harris, for a number of years editor of the Ohio Farmer, at Cleveland, died suddenly here this morning.

An intelligent London correspondent writes, on the 14th, as follows:—"We shall not grow half enough in England to feed this year the mouths at home. A large tract of country is still under water. I travelled through Sussex last week. It was a most depressing sight to see the wretched state of the land. Farmers ought to have got their seed in long ago, but although it may be wise to cast bread upon the waters, it is not wise to fling seed there. A farmer showed me a few fields on the hill side, near Lewes, which he had sown one day, and the next morning he found the seed in the turn-pike road; heavy rains during the night had washed it all down. What sort of harvest are we likely to have with such a beginning as this?"

COLUMBIA, 26.—Gov. Hampton, in his message to the Legislature, convened to-day, says:

"I cherish the hope that you will forget the animosity engendered by the political strife, rise superior to the petty considerations of partisanship, and devoting yourselves with patriotic zeal to the service of your State, you will strive earnestly to restore its lost prosperity, revive its wasted industry, reform all abuses in the government, promote peace, harmony, good will and justice among all classes and parties. All efforts to bring about a better state of affairs will prove unavailing until the finances of the State are put in a healthy condition, and the credit of the State is established on the sound and honorable footing it once occupied. It is due to the credit of the State that there should be no question nor doubt as to our determination to meet every honest obligation fairly and faithfully, but it is equally our duty to ascertain what are its honest liabilities. I respectfully suggest the appointment of a commission of one member from each house, the Comptroller General and Treasurer of the State, and three citizens, under whose directions a complete investigation of the funds and floating indebtedness of the State shall be made an obligation, the validity of which shall be ascertained and shall be certified to in such form as the commission or legislature may prescribe, and the coupons on such bonds alone shall be receivable for taxes. The commission should also be charged with the duty of reporting to the General Assembly at the next regular session, the precise character of all obligations of doubtful validity, or clearly fraudulent, with the specific facts or testimony upon which these conclusions are based. I estimate the amount yet to be funded as about \$3,000,000, which at the rate established for funding will require an issue of \$1,500,000 of consolidated bonds. He recommends the establishment of such a system of free schools as will place the means of education within the reach of all, the present system, as administered, being characterized as a mere mockery, under which the children have been imperfectly taught, teachers have been swindled out of their pay, and the money of the people squandered. I have before me the teachers pay certified, to which the board of school trustees, consisting of three members, have each affixed his cross mark as his signature. We are bound alike by every consideration of true statesmanship and of good faith to keep up in the State such a system of free schools as will place within the reach of every child, black as well as white, the means of acquiring a honest and honorable educa-

tion. I shall look with confident hope to your aid in carrying on and fulfilling the pledge to which we are solemnly committed."

WASHINGTON, 26. A delegation of whites and blacks of the Labor League of the United States called on the President, to-day, and read an address, requesting him to embody in his message to Congress a recommendation for an appropriation of money for internal improvements, to give employment to idle laborers; also to recommend the restoration of suffrage in the District of Columbia, and the payment of 10,000 workingmen who have been defrauded by contractors under the board of public works.

The President, in reply, said: This speech is so voluminous and the topics so numerous that I would not undertake, in unconsidered off-hand sentences, to express my opinion in regard to it. Some of the statements of facts, perhaps, deserve a good deal of consideration. Certainly if there are 20,000 men in this District out of employment, or that number of men to whom the Government owes money, it ought to be paid, and Congress would be very derelict in its duty if it is not done. As for the general expression of good will which you express, I appreciate it and return my thanks.

The right of suffrage in this district is not a question that I have given any consideration to. The fact is that during the administration of Washington, Jefferson, Madison, and the earlier Presidents, the suffrage was vested in the people of this district with regard to local affairs, but none as to the general officers. There have been various changes from that time to the present.

Here chairman Hodnell, of the delegation, interposed a query as to what the President thought of that order of things as an American principle.

The President will not discuss it. It is enough to say that whatever you desire upon that subject it is within the power of Congress to grant. I do not know what the feelings of the people are upon this question. It is not for the President to lay down rules for the decision of questions of this sort to the people. It is safe to leave them to the great body of the people. If the people wish to have the suffrage in this district, I shall not interfere with them, and should not veto but sign any bill on that subject. If there is nothing further in regard to this, I again return my appreciation of your kindness.

The Attorney General had a consultation, to-day, with several officers of the department of Justice, and examined the roll of the United States deputy marshals, assisting United States attorneys and others, employed by marshals and attorneys, with a view to reducing the number of assistants as far as possible.

Lieutenant General Sheridan arrived here, to-day, and in company with General Sherman, had an interview with the President concerning Indian and military matters in the west. Hon. John Smith, Commissioner of Indian affairs, met him and General Sheridan at the War Department, and they had a long conversation as to the intended removal of the Indians from the Red Cloud and Spotted Tail agencies to new reservations in Dakota and Missouri, where they can be provided for with more security and less expense. The location of the new agencies and the time for removal is yet to be determined upon. No final conclusion is to be reached until after Sherman shall have consulted General Crook, who is expected to arrive in Chicago in a few days. The Sioux and other Indians to be removed number about 12,000.

TRENTON, 26.—The grand jury found indictments against Somerville and Eagle for stealing and altering United States bonds.

PHILADELPHIA, 26.—Governor Hartranft, as commander-in-chief of the national organization of the Grand Army of the Republic, has issued a general order designating May 30th as Memorial Day.

SAN FRANCISCO, 26.—A Tucson dispatch says agent Clum arrived at the Hot Springs agency on the 21st instant. The next day Gerónimo and two other prominent renegades came in and accounted for 434 more to come in. The Indian police act efficiently. The troops were to arrive next day.

COLUMBIA, 27.—In the Senate to-day, D. F. Walker, the republican under indictment for larceny