

## By Telegraph.

### AMERICAN.

NEW YORK, 16.—European advices towards the close of business on exchange, to day, were considered more warlike, special importance being attached to a dispatch that the Earl of Beaconsfield was suddenly telegraphed for, and left Stafford by the next train for London.

The billiard match between Garner and Joe Dion to-night, for a medal and \$1,000 a side, was won by Dion.

NEW ORLEANS, 16.—The following is the reply of the Republicans to the communication from the Democrats inviting a conference—

New Orleans, Nov. 16, 1876.

Gentlemen:—The majority of the undersigned, to whom your note of the 14th was addressed, only arrived in this city yesterday evening. We have, therefore, been unable to reply until this morning, and can only regret that your communication should have been given to the press immediately upon its delivery, and without the possibility of an answer accompanying. You remark that you are informed that we came at the request of the President to see that the board of canvassers made a fair count of the votes actually cast, and ask that we meet and confer in order that such influence as we possess may be exerted on behalf of such canvass of votes actually cast, as by its fairness and impartiality shall command the respect of acquiescence of the American people of all parties. We join heartily with you in the counsels of peace and in the expression of an earnest desire for a perfectly honest and just declaration of the results of the recent election in Louisiana by its lawfully constituted authorities, and we may add, that we know of no reason to doubt that such declaration will be made, but we do not see the propriety or utility of a conference on the basis and subject to the limitations you propose, for we have no such duty imposed on us. As suggested by the clause of your note first quoted, we are almost requested to be witnesses of what shall occur in the canvass of votes, without power or legal influence over the result, or means by which, under the laws of Louisiana, the result is to be determined. We cannot doubt that you, upon reflection, will concur with us. We are here as private citizens, with no official power. We, therefore, cannot supersede or modify any laws of that State, nor have we any right to control or influence any of its officers as to the manner in which they shall perform the ministerial or judicial duties imposed upon them by its laws, and should we, being strangers and without official functions, attempt it, we should be condemned by the people of every State in the Union for an improper interference with the local administration. The following extract from the laws of Louisiana shows that the canvassing board is expressly required, in certain cases, to exercise judicial as well as ministerial functions:

"Section 3.—That in such canvass and compilation the returning officers shall observe the following order: They shall compile, first—the statements from all the polls or voting places at which there shall have been a fair, free and reasonable 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, or the affidavit of three or more citizens of any riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influence, which prevented or tended to prevent a fair, free and peaceable vote of all qualified electors entitled to vote at such polls or voting places, said returning officers shall not canvass such vote or compile a statement from such polls or voting place, until statements from all the other polls or voting places shall have been canvassed or compiled. The returning officers shall then proceed to investigate the statement of riots, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influence, 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 result 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 shall have power to send for persons and papers. If, after such examination, said returning officers shall be convinced that said riot, tumult, act of violence, intimidation, bribery or corrupt influence did materially interfere with the purity and freedom of the election at such poll or voting place, or did prevent a sufficient number of 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 votes of such poll or voting, but shall exclude it from these 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."

Hence, if there were any facts requiring the judgment of the board upon the validity of any election or returns as affected by such frauds or violence, it would be a manifest interference with State rights and local self-government from persons like ourselves without official right to influence or contest its judicial election. Had a corresponding board, in the State of New York in 1868, been authorized to pass upon the fraudulent returns of the votes of the city of New York, and had a delegation of the citizens of Louisiana, however respectable, attempted to influence its judicial action upon the facts presented to it under the laws of that State, such attempt would have been universally condemned. If the duties of the canvassing board of Louisiana were merely ministerial or clerical, as in the case of any officer charged by law with the duty of verifying and declaring the result of any election and invested with no discretion, as when the president of the Senate counts and declares the votes of the electors of the several States in the election of President and Vice-President under the constitution of the United States, a different case would be presented. It is, in our judgments, vital to the preservation of constitutional liberty that the habit of abeyance to the forms of law should be sedulously inculcated and cultivated, and that the resort to extra constitutional modes of redress for even actual grievances should be avoided and condemned as revolutionary, disorganizing and tending to disorder and anarchy. To reduce the whole question, therefore, to the mere clerical duty of counting the votes actually cast, as proposed by you, in distinction from the votes legally cast and returned, irrespective of the question whether they are fraudulently or violently cast or otherwise, involves a nullification of the provisions of the laws of Louisiana, which have already been adjudicated as valid by the Supreme Court, and would be wholly unjustifiable here as well as in any other State of the Union which had provided laws to protect the rights of voters and the purity of the ballot. We cannot, therefore, consent to your proposition for a conference on that basis. Very respectfully,

(Signed,) John Sherman, Stanley Matthews, J. A. Garfield, Ohio; Wm. D. Kelly, Pa.; Jno. A. Kasson, Ia.; E. W. Stoughton, N. Y.; C. Irving Ditty; M. D. Maryland; J. W. Van Allen, N. Y.; Eugene Hall, Maine; M. S. Quay, Pa.; Will Cambach, Ia.; Ed. F. Noyes, Ohio; Job E. Stevenson, Ohio; Jno Coburn, Ind.; Leu Wallace, Ind.; J. M. Tuttle, Ia.; W. M. McGrew, Ia.; J. W. Chapman, Iowa; W. R. Smith, Iowa; Abner Taylor, Ills.; S. R. Haven, Ills.; J. M. Beardsley, Ills.; C. B. Farwell, Ills.; Sidney Clark, Kansas; J. C. Hilson, Kansas.

To Hon. Jno. M. Palmer, Lewi V. Bogy, Lyman Trumbull, Jas. O. Broadhead, W. R. Morrison and others, present at the request of the chairman of the national democratic committee.

YOUNGSTOWN, Ohio, 16.—In the case of Charles M. Sterling, who

ravished and murdered Lizzie Grombacher in June last, the jury returned a verdict of murder in the first degree.

ST. PAUL, 16.—At Faribault, to-day, the Younger Brothers, Cole, James and Robert, were arraigned in the district court on two indictments. The first charging them with complicity in the murder of Heywood, the bank cashier; the second charging Cole directly with the murder of the Swede Gustavson, and James and Robert with complicity. They asked, and were granted until Saturday to plead to the indictments.

ST. LOUIS, 16.—The pardon of W. O. Avery was forwarded to Jefferson City to-day. The sentence of Con Maguire for complicity in the whisky frauds expires to-night. He will be released to-morrow and will have a hearing before the commissioner touching his solvency. If it is found that he possesses no property he will be discharged.

A strike of the locomotive engineers of the Cairo and St. Louis narrow gauge road took place last night. This was in conformity with a notice served on the superintendent during the day caused by a reduction of wages.

CHICAGO, 16.—Advices from General Crook show that he expects a speedy termination of the Indian war. He will prosecute the winter campaign energetically, and finish it before the season advances very far. Sitting Bull, with 2,000 Indians, is supposed to have gone north, but he is not expected to fight again, as he has already lost many of his followers by being harassed by the troops. It is not believed that he or his band will come again into the agencies. It is feared Crook's command will experience suffering similar to that of last year.

The *Times* New Orleans special says the excitement has entirely died down there, but represents the conduct of the troops as irritating to the population. It says the situation is very grave. State conservatives are much more interested in defeating Packard than electing Tilden. The majority of the politicians here are still willing to let the national ticket go if they can save their State ticket. The tone of the returning board, to-day, leaves no hope that there will be even a show of justice to the Democracy. The counting in of Packard will be the real grievance, and as the only remedy against it, his assassination is freely talked of. It would be wisdom on the part of the northern hordes of wise-looking statesmen from other parts of the Union to return to the bosom of their families. The radicals have got the fort and they propose to hold it.

Private advices show that the Democrats have given up all hope of carrying Louisiana for Tilden.

SAN FRANCISCO, 16.—It is now stated that negotiations are about concluded between John H. Lick, the trustees of the Lick fund and the various beneficiaries, which will result in an amicable settlement. The details are not yet fully settled, but will probably be within a week, when the terms will be made public.

NEW YORK, 17.—The *Times* Washington special says it is now almost universally conceded among the Democrats about Washington that Hayes will have the necessary electoral votes returned to give him a majority of one. This admission is the key for a terrible denunciation of what they are pleased to call frauds, and they also talk of affairs being transferred to Congress, where justice is to be secured to them by throwing out enough of the republican States to elect Tilden. The question of the powers of Congress is thus raised, and both parties are making a careful examination of the laws and Constitution. This has been the feature of the day's discussion. The twenty-second joint rule is claimed by the democrats to be still in force, because the present House agreed to the joint rules, and the Senate being a continuous body, the rules, including this one, stand till specially put aside. On this technicality they think the House will be able to throw out the vote of Louisiana or Florida, but this point is settled by being raised too soon, for if the twenty-second joint rule is still in force there is plenty of time for the Senate to formally abrogate it. The Democrats, including some members of Congress, claim, under the Constitution, that the House has the right to act without any other rule, and they talk about the counting of the vote as though they had sole

power. All this is mere vapor, as all their lawyers know. The only possible course of mischief for the House to pursue under the existing law is to refuse to attend when the votes are counted. This they threaten. The Democrats would propose that the House elect the President, but just how they would get him inaugurated without a revolution does not appear. They hold that the vacancy is not such a one as the law provides shall be filled by the president of the Senate. Some prominent Republicans hold this view, and say that clearly Grant would hold over till the next election and qualification of his successor. One point appears very simple and clear—not any one of the actions which are talked of to defeat the inauguration of Hayes, if he is returned elected, is within the constitution and laws. The present trouble is the fault of the Democratic party in Congress. They cannot throw off the responsibility. During the last four years the danger has been pointed out and attempts have been frequently made to provide against it. The Democrats are on the records as delaying and obstructing and finally defeating altogether the law which would have provided a fair method for settling the question at issue.

The *Tribune's* New Orleans special says the late returns of the election in Louisiana received in this city show that the republican majorities are, in the aggregate, smaller than they have been supposed to be. The politicians of both parties have, heretofore, conceded in private, if not in public, that the result would depend entirely on the decision of the Returning Board in regard to the vote of the five parishes in which it is asserted intimidation and fraud were most resorted to. If these or any three of them were counted as polled, it was supposed the democrats would carry the State. If they were all thrown out the State was almost universally conceded to the republicans. Grave doubt now exists in regard to there being a republican majority in the remaining parishes, even after the omission of the vote in East and West Feliciana, East Baton Rouge, Oachite and Morehouse parishes. A table prepared by prominent republicans of this city, who have excellent opportunities for obtaining correct information, made the State very close, without the vote of the parishes named, with the chance rather in favor of the democrats. It must not be concluded that the prospect of the democrats carrying the State has been improved. Enough of the vote in the bulldogged counties may be accepted by the returning board to give the republicans a majority in several of them. The impression which seems to have gone abroad that the returns from an extreme parish in each case will be rejected is erroneous. In each parish there are several voting precincts, and the citizens are, by law, allowed to choose at which of these they will deposit their ballots. United States soldiers were stationed at most of the county seats, and at those points it is admitted that the election was generally quiet, and the negroes voted without molestation. It was in the country precincts that the intimidation is said to have taken place. The returning board passes upon the case of each ballot box separately, and it is not at all certain that the vote in the large towns and the county seats in the disputed counties will be thrown out, or that any attempt will be made by the republicans to dispute the legality of the election in those places, as the negroes from the country generally flocked to towns to vote. The counting of the town boxes and the rejection of those from the country may give several of the disputed parishes to the Republicans. Besides this there will be complaints of intimidation in certain precincts in other parishes not named, and the throwing out of particular boxes may reduce the democratic or increase the republican majorities in them. From this explanation it will be seen how difficult it is to forecast from the returns received what the true result of the count will be. The republicans are fully confident that the returning board will declare the vote of Louisiana to have been cast for Hayes and Packard, and the democrats have almost unanimously arrived at the same conclusion. The latter, at the same time, assert that this result can only be brought about by unfair means, and unless the evidence of the violence and

intimidation which is produced of a more convincing character than they expect, they do not propose to accept the decision of the returning board as final. In other words they do not intend to allow the vote of Louisiana to be counted. Hayes on the second Wednesday of next February, unless the case made up here is so plainly against them as to make all assault upon hopeless.

The *Times*' New Orleans special says nothing of importance occurred to-day. A letter opened by a returning officers was threatening, and one postmarked date, and addressed to J. Madison Wells, of the board, read as follows:

Sir—Resolved, That we take upon ourselves the duty of redeeming Louisiana, our native State, from the thieves and parasites now preying upon her prostrate and bleeding body. We have appealed to our northern brethren in vain. We now propose to act in her behalf and teach her robbers and desperadoes such a lesson as the world has never seen. We warn you, an honest trickster that you are, your companions in sin—the hard Knicker, the negro thief Canavia, and the unscrupulous Linn Anderson, that if you swim again your lives will pay a forfeit. Listen, villains, we are armed, organized and sworn to our duty, and Braggart Sheridan and his paid emissaries cannot say you, or the corrupt men at your back. Our attack will be sudden and decisive. We will do work and disappear before the hordes of despot Grant can protect you. You are now warned. I am, Sir, your obedient servant, J. M. Wells.

United Brotherhood of Louisiana

The returning board, under solemn oaths to deal fairly, will commence work at the proper time. There is scarcely a doubt expressed in any quarter that they will conduct the canvass in any but a perfectly just way and in accordance with the law. Those who believe in law and justice will be satisfied. It is probable that gentlemen both parties will be invited to witness the work of the returning officers, and the democrats will have a representation on the board by one or more members.

The *Herald's* New Orleans special says the democratic committee at one o'clock this morning, prepared a reply to the republican letter of refusal, which, in substance, is as follows:

They admit no official power right or interfere with the internal affairs of the State of Louisiana but they are here at the request of an organization of a great political party, where they meet representatives of the opposition selected by the President himself for the purpose, as he says in his order, for the sake of seeing an honest count of the vote actually cast. They assume this as a mutual subject, since the question has become national, and they insist that the people of the United States are only be satisfied with a fair and honest count; and further the proper respect should be paid to the fact that the people of the United States have elected Tilden by a majority of over one hundred thousand. In reply to the statement that the Vice President has authority to count, they take issue, and assert that Congress itself, consisting of the Senate and House, has been solely invested with such power. That for this years a precedent has established this right. The Senate invariably appointed one, and the House tellers, to whom this duty has been delegated. They emphatically declare that the constitution of the U.S. contemplated delegating such great and arbitrary powers to any one individual, and that the right of responsibility belonged to Congress itself. They also deny that the returning board of Louisiana can safely trusted with the manipulation of the returns of the election having been already virtually aside twice by the reports of congressional committees, composed of leading representatives of political parties, and once by rejection of the officials decided have been elected by the board the more so, because the board, at present constituted, is precisely the same, with one exception, consisting of two United States officials and one candidate office at the late election.

The above is more in the form of a protest than a letter, but the democrats assert their intention to appeal for and demand a representation