the first time in this country, with the exception of one performance, since the days of Ellen Tree. Adelaide Neilson appeared as "Cymbeline," and her creation of the role was a great success. The play was finely mounted and the house was crowded.

NEW YORK, 13.—The *Tribune's* Washington special says the reason that the democrats did not object to the Illinois elector was because that would have prejudiced the Oregon case. The democrats could not well ask the commission te refuse Watts' vote on the ground that he did not resign his office until after the election if Congress had counted the vote of the Illinois man, who never resigned at all. They say an additional motive was not to appear to be raising a technical objection, which would certainly be decided against them, and which would appear to be made for the purpose of delaying the progress of the count relative to Louisiana. If the question of evidence is decided against them, as in all probability it will, the democratic council will have to resort to a hopeless attack upon the legality of the Kellogg government. Carpenter is relied upon for the heavy work at this juncture. He is said to have prepared himself with great care, and as he will have the benefit of his previous thorough examination of the recent political history of Louisiana, he may be expected to make a brilliant effort. Trumbull will also speak on behalf of the democrats. On the republican side Matthews and Stoughton will make the principal argument, as in the Florida case. The decision in the Louisiana controversy will, no doubt, turn upon the question of admitting evidence, and thus the preliminary struggle will in reality be the main one. The republicans are confident that the commission will not depart from the plain letter of its own rulings, and they, therefore, regard the case as virtually settled in advance.

The *World's* Washington special says Kenner has arrived from New Orleans and will testify to-morrow before the House committee, and will swear positively that Wells offered to sell the vote of Louisiana to the Democrats for $200,000. He will give the date and place of the conversation, and adds that he declined to become a party to any such transaction. He is confident, however, that if he had agreed to raise the money he had fulfilled the demand of Wells the vote of Louisiana would have been counted for the democrats.

Judge Wallace, to-day, in the United States court, denied the motion made yesterday in the Emma mine suit, to dismiss the complaint on the ground that the plaintiffs had not produced evidence to sustain their case.

The trial of the suit of Henry H. Boody against Samuel J. Tilden, was begun this morning in the special term of the Superior Court. The plaintiff sues for co-partnership account on pool in railroad stock in 1864, and for $26,000, which it is alleged the defendant was overpaid under misapprehension as to profits.

WASHINGTON, 13.—At a meeting of the electoral commission, to-day, the argument on the Louisiana count was begun by Senator McDonald, who supported the objections to the Hayes certificates from Louisiana. He referred to previous congressional action and laws to show that the returning board had no power to look into irregularities at an election, unless a proper foundation is laid by the statement of the supervisors of registration, or the commissioners of election, or other proper affidavits. In the election of 1872, the vote of Louisiana had been rejected because the returning board had not complied with the law, and they now proposed to show that the law had not been complied with in the present case. The popular majority had been returned in one way and that majority had been reversed by this board through actual fraud. They had thrown aside the returns sent them by the proper officers, and had taken the reports of the supervisor of registration in their place, but even this they did not follow at all times. The people of sixty-nine polls had been disfranchised.

Thurman asked how many of these returns had been accompanied by protests?

McDonald replied that not one protest had accompanied the returns from these 69 polling places. The two houses of Congress had already taken steps to inquire into the legality of the election in Louisiana, and he maintained that the commission, possessing the power of the two Houses, had the right, and it was their duty, to consider the information in possession of the two Houses. Their duties were judicial and not merely clerical, and they should carefully weigh the evidence in possession of the two Houses for which they were acting.

MEMPHIS, 13.—The number of visitors in attendance on the Carnival is unprecedented. The hotels and most of the private houses are full of guests, and the steamboats and sleeping cars are being used to furnish accommodations. Business is superseded and the city is given up to festivity.

CHICAGO, 13—The general freight agents have fixed temporary rates on freight through from Chicago to Liverpool, which are an advance of five cents on those heretofore prevalent. They are on the basis of 52 cents per hundred for wheat and 53 for corn.

WASHINGTON, 13.—Jenks said they were prepared to show that the Hayes electors were not elected in conformity with the laws. He would further show that certificate number two more nearly conformed to the law; that it was lawful in all essential points. He would show that the clause that "the governor shall certify" overrides the constitutional provision as to the mode of choice, and the legislative enactment as to the time of holding the election. If so they would show that fraud was connected with that certificate, and the governor who issued the certificate was a party to the fraud. He asserted that the law required the election of electors by the popular vote and the Tilden electors received a majority of from 9,000 to 10,000. He reviewed the election in several parishes, taking as a basis the fact of the testimony before the House Louisiana investigating committee, with the incidental claim that this testimony was the proper evidence to be considered by the commission. The supervisors of election had thrown out a large number of votes without the shadow of authority. They were prepared to show that Levisee and Brewster were ineligible. They would further prove that under the constitution of Louisiana, which prohibits any person from holding two offices, three others were disqualified, viz: Jaffroin, Marks and Burch, who were respectively supervisor of election, district attorney, and State Senator at the time of election. They were further prepared to show that it was determined before the result was known, that if necessary to affect the result, the returning board was prepared to give the State to Hayes regardless of for whom the votes had been cast. In conclusion he asked that the moral light of the universe might be allowed to shine upon this transaction, and the nation be free from the vile act of this returning board.

Hurlbut argued at length against the admission of evidence and going behind the face of the returns. He declared that the returning board was a legal body, and its decision final. The supreme court of the State itself, as regards its own legal election, has decided that the returns made by this board, and required by the law to be filed with the Secretary of State, and also required to be promulgated by publication in the papers, are evidence on which the Governor gives a commission to all officers in the State, and these returns and declarations are *prima facie* evidence, which can only be gone behind in a judicial trial. This commission is not sitting nor can it sit as a judicial tribunal, to try which of the two gentlemen named for President has actually been elected.

Senator Howe then addressed the commission on behalf of the republican objectors. He said, we object that you shall not count the votes tendered by McEnery and his associates; first, because you have no evidence that they were directed by the legislature of Louisiana to vote for President, and you ought to have such evidence before you receive them. No man can have his vote as elector counted for President and Vice-President unless his right so to vote is certified by the Governor of the State. John McEnery was not, in November last, and never was Governor. For four years past Kellogg has presided over the State of Louisiana, and has been recognized as its lawful Governor. The President has recognized Kellogg. He is the man who has signed the enactments of the legislature, or has refused to sign them, and performed all other functions pertaining to his office. In conclusion Howe asked the commission to listen to the lawful voice of Louisiana as to the lawful voice of any other state, and give weight to it.

Judge Campbell informed the commission that Carpenter, Trumbull, and himself would appear for the democratic side.

Evarts announced that Stoughton, Shellabarger, and himself would appear for the republicans.

Campbell requested six hours argument for each side.

Garfield moved to make the time four hours. Recess.

On reassembling the commission announced that four hours and a half would be allowed each side for arguments, and that the commission would commence hearing at five, and sit until 8 o'clock this evening.

At five Ex-Senator Carpenter said;

If the court please—To remove some little anxiety that exists in some parts of the country, let me occupy one moment in stating for whom I appear here. I desire to say, in the first place, that I do not appear for Samuel J. Tilden. He is a gentleman of whose acquaintance I have not the honor, with whom I have no sympathy, against whom I voted on the 7th of November last, and if this tribunal could order a new trial, I should vote against him again, believing, as I do, the accession of the democratic party to power in this country, to-day, would be the greatest calamity that could befall the people, except one, and that one great calamity would be, to keep them out by fraud and falsehood. Carpenter said he appeared for 10,000 legal voters of Louisiana, who had been disfranchised by four villains, whose official title is the returning board of Louisiana. Upon the very basis of the bill creating this tribunal your decisions are to be reported to both houses, and the two houses of Congress may set them aside. There is an end then of saying this tribunal is exercising judicial power, or that, whether you decide that the vote shall be counted for Hayes or Tilden, that decision precludes the question between these two. It does not—it cannot. In no possible aspect of the case can it be maintained that this tribunal is anything on earth but a legislative committee of investigation.

At this point Justice Bradley interrupted—I do not think there is a difference of opinion on that point; it is a universal theory, so far as I am informed, that the powers of this commission extend so far, and so far only, as the powers of the two houses of Congress.

Carpenter—In other words, then, it is agreed on all hands that the powers of this commission are political powers, are legislative powers, delegated by the two houses. Your honors would have relieved yourselves from the infliction of the last twenty minutes if you had announced it earlier.

Commissioner Hoar—I did not understand that Judge Bradley announced the proposition that you have just stated.

Carpenter—The proposition is, to my mind, self-evident and so fortified by the Constitution that I will stop on the mere suggestion that Judge Bradley has made on the subject.

Bradley intimated that counsel had drawn on his own inferences.

Carpenter then quoted the language of the act creating the commission, and contended that it is the duty of the tribunal not to ascertain what appears to be the case, but who have been duly appointed. He quoted various authorities to show that the writ of *quo warranto* was not a criminal proceeding, although it is in form, but it is in substance a civil one. Continuing the argument Carpenter said: Another question I think is one of considerable difficulty, and that is what was the statute law of Louisiana on the 7th of November last. The question is, on the 1st of April, when the Revised Statutes took effect, did they repeal all inter-conflicting statutes, or was this act of 1870 saved from repeal by the act of the 28th of February? That is the question. Let me, in the first place, proceed upon the theory that the State on the 1st of April did repeal the election law of 1870, then I will proceed on the theory that it did not, and come out just as satisfactory in one way as in another. It is a remarkable case, I know, but it happens to be so. Now, if the act of 1868 was in force at the last election, it is not pretended that there has ever been a canvass of the vote of that election according to the State. There is no pretense of that. They acted on the theory that the other law was in force, so that if your honors shall hold that the act of 1868 was in force because embodied in the revision taking effect April 1st, and therefore not repealing the former act of the 16th of March, then this case, to-night, is precisely in the attitude which it was four years ago, when there came up from Louisiana a regular certificate of its governor that so many persons had been duly appointed electors of the State; but the Senate, going upon the theory which I maintain is true and proper, raised in the committee in advance, to examine into the facts about the election of that college, they brought here a large number of witnesses, and made an examination, and the committee reported on the subject, not expressing an opinion whether they should or should not be excluded, but stating the facts that there had never been a canvass of those votes by any person authorized to canvass them, and submitted the question to the two houses whether the vote should be counted or not, and the two houses, acting each for itself, decided that they should be excluded. Now, I ask this commission whether it will do to decide that Congress violated its constitutional duty or usurped power in holding that the vote should not be counted, four years ago? That must be the conclusion that you are to hold, for you cannot go back on the governor's certificate. When we come to the repeal of the act of 1870, the question may be raised whether repealing a law revived the original law, but in that State that fact is forbidden by the constitution, so that the subsequent repeal of the act of 1870 would not revive the act of 1868, which is lost entirely unless it is continued in force by the revision of the Revised Statutes. If continued in force, then, the provision of the act of 1870 did contain provisions in regard to elections. The act of 1872 did not, except to fix the dates, which was wholly unnecessary, Congress having determined that. Now, then, I maintain, and here I cross the path of some other counsel, far more distinguished, that the electors are not State officers. They are, therefore, not included in the general provisions of this act of 1872. Another point I regard as entirely illegal is the conclusion regarding the action of this returning board in excluding voters. When the United States Constitution says the State legislature shall fix the method of appointing electors, it means, of course, a state with a republican form of government. Congress could, to-morrow, inspect the constitution of Massachusetts, and finding that it was not republican reorganize that State. I maintain, that if the manner prescribed by the State of Louisiana for appointing electors is in violation of the constitution of that State, it is not in compliance with the Constitution of the United States. I am now proceeding to treat the act of 1872 as though it applied to the election of electors. This act creates a canvassing board to be appointed by the Senate, and, so far as anybody knows, they hold their offices during their natural lives. As vacancies occur they have the right to fill them. They are a close corporation and as much more potent than the people of this State, if this law is constitutional, as the Government of the United States is more potent than the government of that. Carpenter then recited the provisions of the act and enumerated the duties devolving upon the board of canvassers.

At this point Carpenter complained of feeling sick from the close atmosphere of the court-room, which had, sometime previously, been rendered very disagreeable by the smoke of the candles with which it was lighted, and the commission, thereupon, shortly before seven o'clock, adjourned till to-morrow at eleven.

The Senate confirmed R. A. Watts United States Attorney of Wyoming; L. P. Luckey, Secretary of Utah Territory; John Young, Indian Agent of the Blackfeet Agency, Montana; H. W. Bingham, Agent of the White Stone Agency, Neb.; J. R. Pitkin, U. S. Marshal of Louisiana.

LITTLE ROCK, Ark., 13.—A fire at Dardanelle, yesterday morning, destroyed property valued at $75,000.

Mardi Gras was celebrated here, to-day, in grand style.

MEMPHIS, 13.—Mirth ruled the city, to-day. Maskers and spectators crowded the streets, and at 3 o'clock the merrie monarch, with his royal retinue, traversed the main streets. The prominent questions of the day were portrayed by comical pictures, symbols, etc. At night the crowning pageant of the Memphi was given. The brilliant parti-colored lights, magnificent costumes, drapery, and architecture of characters and scenes, and the bright calcium lights were heightened in effect by the darkness that enshrouded the city. The subject represented was an Indian, from the date of the Arian philosophy and birth of Brahma, to the enslavement of India and its abandonment by the Memphi. Balls, etc., completed the entertainment. There was no disturbance or accident.

CHEYENNE, 13.—A Red Cloud agency special to the Cheyenne *Sun* says, Red Sack, an Indian runner from Crazy Horse's village, brings particulars of a fight which occurred near there about January 3rd. This runner has been closely questioned by different parties, but adheres strictly to the following, which he told yesterday to General Crook and other officers: About a month ago the main body of the hostiles, consisting of 800 lodges, was encamped on Tongue River near the mouth of Hanging Woman's Creek. A small band of Cheyennes were encamped further down, and about January 3rd they discovered some 350 infantry advancing from the direction of the Yellowstone. A skirmish ensued, the Indians retreating to the main village. The small squad of savages gave the alarm, and a large force of Crazy Horse's warriors advanced eighteen miles down Tongue River to meet the soldiers. A few Indians were thrown forward as a decoy, while the remainder arranged themselves along the Cañon to ambush the advancing troops. According to Red Sack, however, the Indian skirmishers were not followed into the trap, and after a desultory fire of three or four hours the military returned northward by the same route it had advanced. The Indians had three men badly wounded, two of whom died. The village has since moved westward to the head waters of the Rosebud.

In a quarrel, about money matters, between two Mexicans, Jose and Miguel Armijo, at Bear Creek Crossing, forty miles north of this city last night, pistols were drawn and Miguel shot Jose in the neck, killing him instantly. Miguel Armijo came in and surrendered to the officers to-day. He says he only acted in self defence.

DUBUQUE, Ia., 14.—Five counterfeiters, with dies, plates, &c., were captured here this morning, and four of their accomplices are under arrest in Clinton.

BALTIMORE, 15.—Counsel for the Western Union Telegraph Company have brought suit asking for an injunction to restrain the Atlantic and Pacific Telegraph Company from using the lines formerly operated by the Western Union Telegraph Company and Baltimore and Ohio Railway Company.

Several oyster pungies are reported to have capsized in Tangier Sound during the gale on Monday, and a number of lives lost.