

sit in the House. The House was in possession of the fact that there was such a controversy. It might be a very simple and very intelligible question, still it was a question of law as to whether this certificate was signed by the proper governor or not. It had been crystalized into a regular parliamentary law that a question involving a *prima facie* right, as well as the merits of a case, should be referred to the committee on elections.

Blaine asked him whether in the history of the House he knew any case where the credentials or pseudo credentials of a member signed by a pretended governor, who never had been recognized as governor by any department of the United States, or by his own State, had been referred to a committee? He testified that his friend Lamar, with his well known moderation, would restrain his party from placing on record such an outrage, not only on state rights, of which Lamar was such an exemplary advocate, but on the rules of common decency as well.

Lamar remarked that the question, whether one of these pretended governors was the real governor or not, was the very question to be referred to the committee.

Blaine—"I understand then, the gentleman to mean that this is a formal opening of the whole Louisiana case, and not merely a question as to the seat of a member?"

Lamar—"The gentleman simply understands the question which the clerk of the House has remitted to the House; whether or not it involves the other question as to the validity of the gubernatorial institutions of Louisiana is a question which ought not to be decided informally, or by the mere seating of a member; that ought to be formally referred to a committee, and gravely and maturely decided."

Blaine asked whether it was not a matter of history that, last year, in what was known as the Louisiana adjustment, it was perfectly understood that the vote of the House, declaring Kellogg Governor, was a final settlement? And whether the venerable gentleman from Georgia, Stephens, the very Nestor of the Democratic party, had not voted with the republicans, in order, avowedly, that it might be a final settlement? Did his honorable friend Lamar come here now, to head a move to trample on the other side of that agreement, and re-open the whole case?

Lamar admitted that there had been a compromise last session, and that that compromise acknowledged Kellogg as the acting governor of Louisiana, and he hoped that the gentleman from New York would, acting on the suggestion of Hoar, modify his resolution by omitting the preamble, and merely refer the matter to the committee on elections, with instruction to report on the *prima facie* case.

Wood modified his resolution accordingly, and the clerk of the House, with the permission of the House, made the following statement—"The controlling fact which, in my judgment, required me to accept the credentials, was, that prior to making up the roll on the 4th of March last, there had been a recognition by the House of Representatives of Wm. P. Kellogg as Governor of Louisiana, and at that time he was the *de facto* Governor of the State; in view of his recognition by the executive branch of the government, by all the departments of the government, and by that portion of the legislative branch of the government to which the clerk is responsible, I felt myself absolutely concluded, and therefore I inserted the names returned by Governor Kellogg without any reference whatever to the political aspect of the case."

After further discussion, participated in by Holman, Banks, Cox and Jones, the previous question was seconded and the main question was ordered, yeas 135, nays 134. The question was then put on the resolution and it was rejected.

Blaine moved that Frank Morey, having presented credentials signed in due form by Governor Kellogg, be sworn in as a member.

Randall suggested to strike out of the motion that part recognizing Kellogg as governor.

Blaine said he was perfectly willing to do so, and having been so modified the motion was agreed to without division and Morey was sworn in.

The question as to the right of Goode, of Va., was next taken up and after a short discussion Goode was sworn in, taking the modified oath.

The question as to the vacancy in the 33rd district of New York was taken up and, after statements by Wheeler, Norton, and Cox, the representative elect was sworn in, and the technical question involved in the case was referred to the committee on elections.

The delegates from the Territories were then called and sworn in by the iron clad oath.

Lamar offered a resolution declaring the following as officers of the house: Clerk, G. M. Adams, of Ky.; sergeant-at-arms, J. G. Thomson, of Ohio; doorkeeper, Lafayette H. Fitzhugh, of Texas; postmaster, J. M. Stewart, of Va.; and chaplain, the Rev. J. L. Townsend, D. C.

Wheeler, of N. Y., offered an amendment substituting the names of the present incumbents for those officers—McPherson, Ordway, Sherwood and Butler; the amendment was rejected and the original resolution was adopted. The newly elected officers were then sworn in, Fitzhugh and Stewart taking the modified oath.

A message was sent to the Senate to inform that body that the House was organized and ready for business. A committee was appointed to join a like committee on the part of the Senate to wait on the President and to inform him that Congress was now in session and ready to receive any communication he might please to make.

Cox, of N. Y., Knott and Blaine were appointed such committee.

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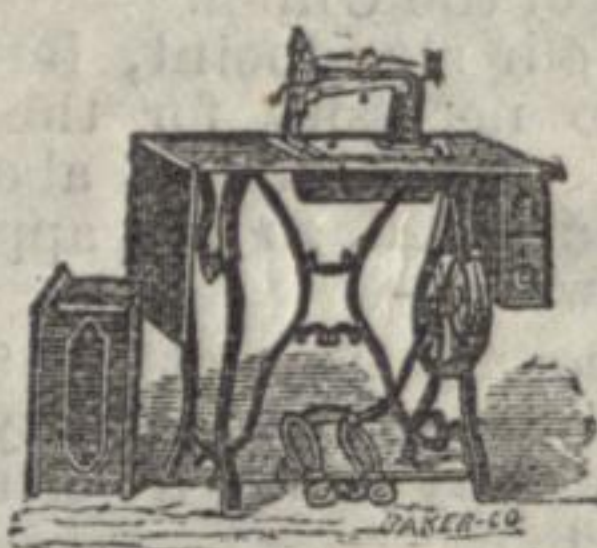
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CATHARINE ELLSWORTH, JAMES LEWIS.  
Kanab, Nov. 1st, 1875. w13