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Mixed.....8:40 p.m
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EVENING NEWS

Saturday - - October 27, 1877.

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Last Night's Dispatches.

EASTERN.

Kellogg's Statement before the Election Committee.

WASHINGTON, 26. — Kellogg's statement before the election committee, read this afternoon, says: No contestant for a seat in the Senate may waive or control the right of the State to her duly chosen representative in the Senate and that the committee's request for evidence which contestants desire to present, does not indicate that the committee will suffer the contestant's requests to control the committee or the Senate regarding the range of evidence. He considered that federal and State laws determined the merits of this case, and the question as to which was the proper legal legislature of Louisiana last January, and that where revolutions and disorders have not deprived the State and the Senate of the best conclusive evidence both of the existence of a lawful legislature and of its election to the Senate, it is not lawful for the Senate to pass by this highest and conclusive evidence for the purpose of trying in the Senate who were elected to the legislature. This thing the States themselves must determine through their returning omcers and by the houses of legislature duly organized by those who hold the *prima facie* evidence of right to compose them. By such a conclusively made legislature he (Kellogg) was elected to the Senate January 10th, and the evidence thereof is recorded in his letter to the committee dated on the 22d, and that contains a statement of the only competent and conclusive evidence in this case, which likewise establishes his title on both its *prima facie* and substantial merits. Should the committee, however, hold the view that they should investigate behind this record regarding the legality of his election and the legislature, he should ask them to go to the bottom of things, to investigate and decide who were legally the legislators and executive of Louisiana according to the election of 1876, after eliminating from the returns all consequences of offenses against a free and pure election which are prohibited by the State constitution. In case the committee decides on the more extended inquiry, he should ask them to consider,

First—The violence and other revolutionary and other unlawful acts and influences resorted to either to prevent the organization of the legislature by which I was elected, or to deprive either branch thereof of a quorum before, at the time of, or after my election.

Second—The violence and other revolutionary or unlawful acts and influences resorted to to deprive of their offices the executive and judicial officers of Louisiana belonging to what is known as the Packard government.

Third—The acts resorted to to secure the organization of what is known as the Nicholls legislature, and the instalment and continuance in power of Nicholls as executive.

Fourth—The character, extent and effect upon the election in Louisiana, in 1876, of those offenses against the election laws which are enumerated in such laws, and especially in the 26th section, act 72.

Fifth—The action of the returning officers in making up the returns of all the persons and officers voted for at the election of November, 1876, in the State of Louisiana.

I shall also ask that the testimony taken by the committee of the Senate, of which Senator Howe was chairman, in 1877, may be ordered by the Senate to be used for the purpose of such investigation.

Spofford's Statement.

Mr. Spofford in his statement, says:

Protesting that no evidence beyond his credentials and the historical facts, of which the Senate will take judicial notice, is required or should be demanded, in obedience to the orders and resolutions of the committee, he proposes to prove,

First—That by the actual returns collected by the parish supervisors of registration from their appointees, the commissioners of elections, showing the votes actually in the ballot boxes at the close of the election in Louisiana on the 7th of November, 1876, it appears that enough of the Senators and Representatives received into the Packard legislature upon certificates of the so-called returning board, were defeated at the polls to show that there never was, from first to last, a quorum of elected members in either branch of that legislature.

Second—That Will Stevens, a holding-over Senator, adhering to the Nicholls legislature, was captured and taken by duress, against his protest, into the Packard chamber, on the 1st of January, 1877, and kept there by duress and against his protest, he refusing to participate in their action, and repudiating their authority as a Senate just for the purpose of swearing in as members of that pretended Senate Baker and Kelso, who had not only been defeated at the polls as candidates for the Senate, but were so reported by the returning board, and sat as members from their respective senatorial districts in the Nicholls Senate throughout its session, and that there was no contest and no notice of contest over their seats, but the seating of Baker and Kelso was entirely unlawful, inexcusable and invalid by the actual returns on statements as made in duplicate by the supervisors of registration with their appointees, the commissioners of election, and sent one set to the clerk of the District Court of each county parish, and to the Secretary of State in the city, and the other set to the returning board (so called) showed a majority of votes actually cast throughout the State of about 8,000 for Nicholls and Wiltz, over Packard and Antoine for governor and lieutenant governor.

In conclusion, the statement charges the returning board with changing the result of the election in Desoto parish by the suppression of votes, so as to return the republican representatives who were really beaten by large majorities, and which was admitted in a letter written by a republican representative so returned, a copy of which letter will hereafter be submitted to the committee.

Kellogg's Supplemental Statement.

In his supplemental statement Kellog denies, generally and specifically, the material averments of Spofford, and asks that in the event the committee shall decide to take testimony regarding who were really elected members of the legislature that such investigation shall be made thorough in obedience to the designs of the election laws of Louisiana; that it shall decide who were elected after excluding from the election returns such polls as the election laws of Louisiana designed should be excluded. If such exclusions are made as required by the design of the law it will be found that the action of the returning board in certifying to the election of members of the Senate and House, as they did, was justified by the evidence and law in the case.

Spofford's Supplemental.

Spofford, In his supplemental statement, says: The vagueness of the statements of Kellogg as to what he desires to prove renders it impossible for me to specify what I shall desire to adduce in rebuttal. A suit upon such pleadings could have no end, and I assume that it is the desire of Kellogg and the committee, as it certainly is mine, that this matter should be determined speedily, certainly within a few weeks. As to the specific document referred to by Governor Kellogg in his letter to the committee of the 22d instant, I shall desire to prove that the act creating a superior civil court fell through an utter abortion, that it did not require any repeal, because it never went into vital force; that professing to abolish the sixth district court of New Orleans, it never did abolish it, but that the court has continued and still subsists in full exercise of its original jurisdiction, though there has been no law revising it. If it be deemed proper or material to go into the general investigation (whose horizon is boundless) indicated by Kellogg, the only effect of which will be indefinite delay and profitless wrangling, the undersigned suggests that it would be improper to limit the quotations to the testimouy taken by the home committee, but that the testimony taken by Morrison's committee of the House should in common fairness to the other side be allowed consideration. Of course the journals and accounts of the assembly of the Nicholls legislature, as printed in volumes by authority, can be referred to, and the undersigned, in, return agrees that the newspaper reports of the journals of the Packard legislature may be referred to by either party.

The committee, after hearing the statements read, had a brief secret session, ordered them printed, and adjourned until Monday.

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San Francisco, Oct. 27.

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B & B, 19; 19¼; 19½; 19¼, b 5
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Justice, 11¼, b 5; 11; 11½
Mex, 10; 10½
Caledonia, 310
Cala. 28; 28¼; 28¼, b 5; 28, s 10
Bullion, 9
Prize, 13¾
Jacket, 10¼; 10½; 10¼
Alta, 12½; 12½
Alta, 0
Con Va, 28

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Sun.	Mon.	Tue.	Wed.	Thu.	Fri.	Sat.
.....	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....

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Secretary, L P Luckey
Chief Justice—Michael Schaeffer.
Associate Justices—Jacob S. Boreman, Mo.; Philip H. Emerson, Mich.
Marshal—Wm. Nelson.
U. S. Attorney—Sumner Howard.
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Register of Land Office—Barbour Lewis.
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Attorney-General—Zerubbabel Snow.
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Selectmen — Reuben Miller, Isaac M Stewart and E Malin
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Sheriff—Theodore McKean.
Prosecuting Attorney—Z. Snow.
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Treasurer—R. W East.
County Clerk—D. Bockholt.
County Recorder—Angus M Cannon
School Superintendent—Theo. B. Lewis.

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MAYOR:

Feramorz Little.

ALDERMEN:

1st Municipal Ward—Adam Spiers.
2d " " Henry Dinwoodey.
3d " " A. H. Raleigh.
4th " " John Sharp.
5th " " Alex. C. Pyper.

COUNCILORS:

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Recorder—John T. Caine.
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Alta, daily.....5 50 p m
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Park City, daily except Sunday.....5 00 p m
Summit and Wasatch counties, Tuesdays and Thursdays.....8 40 p m
Rich county, Tuesday, Thursday and Saturday.....8 40 p m
Morgan county, daily.....8 40 p m
North—Davis county, daily.....11 40 a m
Weber county, daily.....8 40 p m
Ogden, semi-daily 11 40 a m & 8 40 p m
Alta, daily.....8 30
Parley's Park, Big Cottonwood and Wanship, Mon-Fridays.....7 00 a m
ties, daily.....8 40 p m
Corinne and Kelton, daily..11 40 a m
Idaho and Montana, daily...8 40 p m
Boise City and Idaho City, daily.....11 40 a m
West — Nevada, California, Oregon, etc.....11 40 a m
Ophir, Tooele, Stockton, Jacob City, &c.....2 20 p m
Bingham Canyon, daily.....6 30 p m
South—From Beaver an intermediate points, daily.....5 50 p m
Pioche, Star and San Francisco districts, daily.....5 50 p m
St. George and points south of Beaver, alternate days 5 50 p m
Sanpete and Sevier counties, daily, except Monday....5 50 p m
Cedar Valley, Fairfield and Tintic mining district, Tuesdays, Thursdays and Saturdays.....5 50 p m

DEPARTURES.

East—Through mail, daily.....6 30 a m
Alta, daily.....8 40 a m
Parley's Park, Big Cottonwood and Wanship, Mondays, Wednesdays and Fridays.....7 00 a m
Park City, daily, except Sunday.....7 00 a m
Summit and Wasatch counties Mondays and Fridays 6 30 a m
Rich county, Mondays, Wednesdays and Fridays.....6 30 a m
Morgan county, daily.....6 30 a m
North—Davis county, daily.....6 30 a m
Weber county, daily.....6 30 a m
Ogden, semi-daily 8 30 p m & 6 30 a m
Cach and Box Elder counties, daily.....6 30 a m
Corinne and Kelton, daily....8 30 p m
Idaho and Montana, daily....6 30 a m
Boise City and Idaho City, daily.....8 30 p m
West—Nevada, California, Oregon, &c., daily.....8 30 p m
Ophir, Tooele, Stockton, Jacob City, &c., daily.....6 30 a m
Bingham Canyon, daily.....6 30 a m
South—For Beaver and intermediate points, daily.....6 30 a m
For Pioche, Star and San Francisco districts, daily 6 30 a m
For St. George and points south of Beaver on alternate days.....6 30 a m
For Sanpete and Sevier counties, daily, except Saturdays.....6 30 a m
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