HOUSE OF REPRESENTATIVES.

Thirty-fifth Day's Proceedings.

House of Representatives, New Orleans, February 15, 1876.

The House met pursuant to adjournment, and was called to order by the Hon. E. D. Estillette in the chair.

On the call of the roll the following members answered to their names:

Speaker Estilette and Messrs. Aldige, Armstead, Booth, Byrne, Burkhardt, Bayley, Blaffer, Bower, Butler, Baker, Beasley, Billiu, Carville, Collins, Carmouche, Cousin, Carloss, Dupre, DeBlanc, Dugas, Durr, Dewees, Demas, Dickenson, Davidson, Delhommer, Edwards of Richland, Elliott, Edwards of Tangipahoa, Elliott, Guichard, Grant, Gracien, Gilmore, Hill of Ascension, Hahn, Hubeau, Hill of Ouachita, Hammond, Hunsaker, Jeffries, Jourdain, Johnson of Caddo, Johnson of Lafourche, Jones of Lincoln, Jones of Pointe Coupee, Koontz, Kummel, Keeting, Kelly, Keyes, Kidd, Lane, Luckett, Lowell, Levissee, Lafargue, Maginnis, Meredith, Mitchell, Matthews of Franklin, Martin, Murrell, Milon, Matthews of Tensas, McCollam, McAlpine, Magee, Nunez, Pascal, Parker, Piles, Pipes, Roman, Richardson, Randall, Ridgely, Ray, Raby, Smith, Sutton, Self, Southard, Snaer, Sartain, Souer, Seeman, Sibilski, Schenck, Stafford, Stewart, Scales, Schuler, Thomas, Voorhies, Walker, Wiltz, Wilson, Woods, West of Baton Rouge, Walters, Wells, Webb, Yorke, Young—104.

On motion of Mr. Murrell the reading of the minutes of yesterday were dispensed with until to-morrow.

On motion of Mr. Walters the minutes of Friday were adopted.

This being the day set apart for the consideration of House bill No. 271, entitled an act regulating the mode of assessing and collecting taxes throughout the State, providing for the correction of over and under assessments, providing for the collection of State and parish taxes and the appointment of tax collectors, limiting the power of taxation of all parishes and municipalities throughout the State, giving relief to tax payers, and appointing a board to examine outstanding claims, and repealing all laws in conflict therewith, the same was taken up.

On motion of Mr. Walker the rules were suspended and this bill underwent its second and third readings, and on its adoption Mr. Demas called for the yeas and nays, which resulted as follows:

Yeas—Aldige, Booth, Byrne, Bayley, Burkhardt, Blaffer, Bower, Beasley, Billiu, Collins, Carmouche, Cousin, Dunn, Dupre, DeBlanc, Dugas, Durr, Delhommer, Edwards of Tangipahoa, Edwards of Richland, Gilmore, Hammond, Johnson of La fourche, Jones of Lincoln, Koontz, Kummel, Luckett, Lafargue, Maginnis, Meredith, Mitchell, Martin, McCollam, McAlpine, Magee, Nunez, Pascal, Pipes, Roman, Richardson, Smith, Self, Snaer, Seeman, Sibilski, Schenck, Stafford, Scales, Schuler, Voorhies, Walker, Wiltz, Webb, Young—55.

Nays—Armstead, Butler, Carville, Davidson, Dewees, Dickenson, Demas, Grant, Guichard, Hill of Ascension, Hubeau, Hill of Ouachita, Honore, Hunsaker, Jourdain, Johnson of Caddo, Jones of Pointe Coupee, Keeting, Keys, Milon, Matthews of Tensas, Parker, Randall, Ray, Raby, Sutton, Souer, Stewart, Thomas, Woods of Ouachita, Wilson, Walters, Yorke—33.

So the bill passed.

And on the adoption of its title, on motion of Mr. Walker, the same was amended by striking out therefrom the following words, "and appointing a board to examine outstanding claims," and inserting in lieu thereof the words, "and to postpone the payment of certain arreared taxes, and to remit certain penalties and interest."

And the bill passed with its title as amended.

On motion of Mr. Walker the vote on the final passage of this bill was reconsidered, and on his own motion the motion to reconsider was ordered to lie on the table.

COMMITTEE SERVICE.

The Speaker announced as a select committee to examine certain charges made against Mr. Demas, representative from the parish of St. John the Baptist: Messrs. Booth, Gilman and Milon; and on the select committee appointed to investigate charges against Judge Sherburne, of the parish of Terrebonne, Messrs. McCollam, Billiu and Hill, of Ouachita.

Mr. Armstead submitted the following resolution:

Resolved, That the committee appointed by the House to investigate the outrages in the parishes of East and West Feliciana, and East Baton Rouge make said investigation without expense to the State.

Which was ordered to lie over under the rules.

Mr Walker submitted the following resolution:

Resolved, That the sergeant at-arms of the House of Representatives be, and he is hereby authorized and directed to employ one hundred additional sergeant-at-arms, provided, it be without expense to the State.

And the same member moved to suspend the rules to adopt the above resolution, when Mr. Demas called for the yeas and nays, which resulted as follows:

Yeas—Aldige, Booth, Byrne, Burkhardt, Bayley, Blaffer, Beasley, Carmouche, Collins, Dunn, Dupre, DeBlanc, Dugas, Durr, Delhommer, Edwards of Tangipahoa, Edwards of Richland, Gilmore, Hammond, Johnson of Lafourche, Koontz, Kummel, Luckett, Lowell, Lafargue, Maginnis, Meredith, Mitchell, Martin, McCollam, McAlpine, Nunez, Pascal, Pipes, Richardson, Roman, Smith, Self, Seeman, Sibilski, Schenck, Stafford, Scales, Schuler, Voorhies, Walker, Wiltz, Walters, Webb, Young—50.

Nays—Armstead, Butler, Baker, Carville, Davidson, Dewees, Dickenson, Demas, Guichard, Hill of Ascension, Hubeau, Hill of Ouachita, Honore, Hunsaker, Jourdain, Johnson of Caddo, Jones of Pointe Coupee, Keyes, Mitchall, Murrell, Milon, Matthews of Tensas, Parker, Piles, Ridgely, Ray, Raby, Sutton, Souer, Stewart, Thomas, Wilson, Woods of Ouachita, Yorke—33

So two-thirds of the members present not voting in the affirmative, the rules were not suspended, and the resolution was ordered to lie over under the rules.

Mr. Pipes submitted the following resolution, which was adopted:

Resolved, That the Committee on Public Education be allowed to employ an expert to assist them in the examination of the books and accounts of the School Board of the city of New Orleans.

LEAVE OF ABSENCE.

On motion of Mr. Young, leave of absence was granted Mr. McGee, of the parish of Washington, for the term of five days.

Mr. Billiu submitted the following resolution, which was adopted:

Resolved That the Speaker appoint a committee of three to investigate the conduct of the Hon. E B. Mentz, parish judge of the parish of St Mary, as regards malfeasance, bribery, corruption and incompetency in office, with power to send for persons and papers, and to report to this House within the shortest possible delay what action, if any, is deemed proper and necessary.

On motion of Mr. Booth leave was granted him to withdraw from the files of the House the petition of James Graham praying for relief, which had been referred to the Committee on Claims.

REPORT OF STANDING COMMITTEES.

Mr. Young, from the Committee on Judiciary, submitted the following report:

Committee on Judiciary, New Orleans February 15, 1876.

To the Honorable Speaker and Members of the House of Representatives:

I am directed by the Judiciary Committee to submit the following report:

Favorably on the following bill:

House bill No. 353, entitled an act to amend an act entitled an act relative to the Supreme Court; changing the place of holding the same from Opelousas to Franklin, parish of St. Mary.

Unfavorably on the following bills:

House bill No. 296, entitled an act to amend and re-enact section 1710 of Ray's Revised Statutes.

House bill No. 298, entitled an act to authorize the clerks of the district courts of the several parishes, except the parish of Orleans, to index the public records, and authorizing the police juries to fix the compensation therefor.

House bill No. 352 (by the majority) entitled an act providing for an additional number of police jurors for the parish of St. James.

House bill No. 197, entitled an act to punish certain acts, to declare the same misdemeanors, and to protect the inhabitants of towns in their rights of way, etc.

House bill No. 127, entitled an act to regulate the manner of proceedings of tax collectors in the sale of property seized for taxes.

House bill No. 234, entitled an act to amend and re-enact section eight of act No. 11 of the session of 1872, approved February 26, 1872

House bill No. 183, entitled an act relative to notaries public, their powers, duties and penalties; to create the office of parish notary, etc.

House bill No 182, entitled an act to repeal articles 674, 675 and 676, and to amend and re-enact articles 670, 671 and 680 of the Code of Practice, and to regulate the appraisement at forced sales of movable and immovable property, etc.

House bill No. 184, entitled an act to regulate loans and interest.

And the committee reports without action on House bill No. 179, entitled an act to protect the city of New Orleans; to locate the stock landing of slaughterhouses, and to provide for the inspection of animals slaughtered and sold for food in the city of New Orleans, and to repeal certain acts.

JOHN YOUNG, Chairman.

And on behalf of the same committee Mr. Edwards, of Tangipahoa, submitted the following report:

The Legislature of 1869 chartered the Crescent City Live Stock Landing and Slaughterhouse Company, and conferred upon the corporation certain exclusive privileges, for twenty five years. The charter conveys a monopoly in the full sense of the term. So far as this monopoly preserves the public health it is to be commended; so far as it increases the price of food, and interferes with free labor, it is to be reprobated.

House bill No. 174 has for its object to preserve the sanitary regulations of the act of 1869, but to deprive the company of its monopoly; and to open the business of butchering, and preparing meat for market, to competition. A bill of a similar character, relative to the New Orleans Sanitary Excavating Company has been unanimously approved by the Judiciary Committee, and has already passed the House.

The Crescent City Live Stock Landing and Slaughterhouse Company protest against House bill No. 17, as contravening the exclusive privileges granted in their charter. They deny the right of this Legislature, under article 110 of the constitution of the State, to interfere with their vested rights.

Whether the charter of the company is a contract with the corporators, which can not be impaired under the provisions of the constitution; and whether this bill will impair that contract, are questions for the courts to decide. The Legislature enacts laws; it is for the judiciary department of the government to interpret them, and give them effect.

The Legislature unquestionably has the right to grant to corporations, or to individuals, exclusive privileges, under certain limitations, for a term of years, in consideration of corresponding public benefit; but we do not recognize the authority of any Legislature, once procured and exercised, to fasten irrevocably upon its successors a monopoly in a great city upon the necessaries of life, and hedge it about as a vested constitutional right, from which the people can get no relief. We are of opinion that all the features of the charter of the company looking to the monopolizing of labor, or trade, and increasing the price of food, without compensating public benefits, are within the reach of both legislative and judicial power.

We therefore report in favor of the bill.

BOLIVAR EDWARDS,
W. B KOONTZ,
JOHN S. BILLIU,
JOHN L SCALES,
GEORGE W DUPRE,
B. C. ELLIOTT.

Mr. Mitchell, on behalf of the Committee on Claims, submitted the following report:

To the Honorable Speaker and Members of the House of Representatives:

I am directed by the Committee on Claims to submit the following report, viz:

Unfavorably on petition of Hermogene Vicnair praying for relief.

With respect,
H. C. MITCHELL, Chairman.

Mr. Beasley, on behalf of the Committee on Health and Quarantine, to whom was referred House bill No. 315, entitled an act to reorganize and render more efficient the Board of Health of the State of Louisiana; to define its powers and prescribe its duties and those of quarantine and other officers under the contract to provide penalties for violations of this act, and of the ordinances and orders made in pursuance thereof, submitted a favorable report.

Mr. Edwards, of Tangipahoa, in behalf of the Committee on Corporations and Parochial Affairs, submitted the following report:

Committee on Corporations and Parochial Affairs, February 15, 1876.

To the Honorable President and Members of the Senate:

Your Committee on Corporations and Parochial Affairs beg leave to submit the following report:

Unfavorably on petitions of the citizens of Caddo parish, asking the annexation of a part of Bossier parish to said parish of Caddo.

Unfavorably on the petition of the police jury of Sabine parish, asking the passage of an act authorizing them to levy a special tax to reduce outstanding warrants, etc.

On House bills Nos. 237 and 294, both relative to relief of taxpayers whose property has been or may now be inundated by the Bonnet Carre crevasse. Favorably by substitute for both bills, and recommend that the substitute do pass.

Unfavorably on memorial of the citizens of Iberia parish, praying to be annexed to the parish of St. Martin.

Unfavorably on House bill No. 251, entitled an act to rectify the boundaries of the parishes of Caddo and Bossier.

Your committee reports back without action the protest of the police jury of Bossier parish against an election in said parish relative to the removal of the parish seat of government, and recommends that said protest be referred to the Committee on Elections.

Also, without action, the petition of Louis Lacroix, praying for relief, and request that the same be referred to the Committee on Claims.

Respectfully submitted,
BOLIVAR EDWARDS, Chairman.

REPORT OF SELECT COMMITTEES.

Mr. Dupre, chairman of the select committee, appointed to investigate into the affairs of the Metropolitan Police Board, submitted the following majority report:

To the Honorable Speaker and Members of the House of Representatives:

The special committee appointed by your honorable body to investigate the affairs of the Metropolitan Police Board, respectfully report that in view of the limited time before them they have deemed it best to concentrate their labors upon three subjects:

1. The constitution of the board and its operations under the law.
2. The alleged abuse and malversation of the funds of the Metropolitan Police.
3. Bunko and gambling generally.

The Metropolitan Police was definitely organized under act No. 92 of 1869, which act was, in various particulars, amended in the years 1870, 1873, 1874 and 1875. The Metropolitan Police Board, under that law, is thus organized: The Lieutenant Governor is ex-officio president thereof, five police commissioners are appointed by the Governor, with the advice and consent of the Senate the city Administrator of Police is ex-officio a member of the board. Thus, we have a tribunal of seven persons, who are clothed with absolute powers as to appointments on the police; the disbursement of immense sums of money; the enacting of rules and regulations for the government of the force, *five* of whom are executive appointments, whose term of office is coextensive with that of the Governor who appoints them. With this summary statement, let us examine into the manifold defects of the law, and the oppressive abuses flowing therefrom:

That the Lieutenant Governor of the State should be the actual head of the police is a patent wrong upon our municipal franchises, which is aggravated when the Lieutenant Governor happens to be a resident of Caddo, the extreme northwestern parish of our State. A resident of the Metropolitan police district could not fail to be far more efficient, especially, if to the advantage of actual residence, he joined that of possessing an average amount of capacity.

We have seen that the Governor appoints five of the members of the board—more than a majority. The power of removal at will has been arrogated entirely by the present executive, in disregard of section four of act No. 92 of 1869, and in direct contravention of the repeated decisions of our Supreme Court, "that an appointment and commission by the Governor of a person to an office which has been legally filled, without a vacancy being first declared according to law, is an absolute nullity." Our Supreme and district courts have decided, moreover, that the power to appoint does not include the power to remove in the Governor of the State. In the removal of Police Commissioner E. V. Leclere and the appointment of V. A. Ryan in his stead, your committee find Governor W. P. Kellogg guilty of a clear violation of law.

This arrogated power of removal at will gives the executive a controlling voice in the management of the police, which fact must be recognized as fraught with danger, and as an outrage upon civil liberty. Your committee are of opinion that the Governor is in a great measure responsible for the many abuses and crimes which this report recites; for through this usurped power of removal he keeps in fear and trembling more than a majority of the board, who dare not disobey his behests.

Another abuse which affects the community more immediately is the custom which obtains in the board of subdividing the Metropolitan districts among the individual members of the said board, giving to each member the supervision of one subdivision, and allowing him through "courtesy" the absolute power of filling vacancies therein, which, to quote from Major W. H. Robinson's testimony, "gives him the appointment of political friends. In that case he appoints them without regard to their efficiency or usefulness." Superintendent Loan says, in this connection: "There are some (men) that were placed on the roll through political influence. They are not of much use to me. I don't know that I could specify names, though I should say, in round numbers, there are about 150 that are valueless to me."

Here we have the evidence of two experienced gentlemen, one an ex member of the board, the other the present superintendent, to prove that the "courtesy" among members of the board renders more than one-third of our police force perfectly worthless. The evidence before your committee of Major Robinson is replete with matter bearing upon such facts as are established above. We quote this forcible passage:

"The question of color has been a very delicate one. A good many men (colored) were put on who could neither read nor write, who, therefore, were utterly worthless and incompetent. These men, most of them, were appointed through political influence."

We have shown how V. A. Ryan is an illegal member of the board. Your committee find that, under the provisions of article 2239 of the Revised Statutes, as also under article 117 of the constitution of our State, Mr. James Lewis is likewise an illegal police commissioner. Being a jury commissioner, he sits on the Metropolitan Police Board in direct violation of law.

Governor Kellogg made both the above appointments, and in both he has violated the law knowingly.

The mayor of Kenner, a city within the Metropolitan police district, testified under oath before your committee, that in the apportionment of last year, made by the board, the city of Kenner was formally commanded to levy a tax of $1450 as her share of the said apportionment. The matter was referred to the courts. Since over two months the city of Kenner, with a front of over three-quarters of a mile and extending back to the lake, with a population of about 1450 inhabitants, has not had a single police officer within her limits. Previously the city had been guarded by a single patrolman, of whom the mayor says: I stated to the board that it was utterly impossible to get any warrants served, as this man Piggot (the solitary patrolman) positively refused to do so. I sent notice of this in writing to the board and they did not take any action in the matter. The citizens of Kenner also petitioned the board to remove that man." Your committee will add that this model police officer left only when his pay was far in arrears. Starvation, not the board, delivered the good people of Kenner from him.

The Board provide twenty men for the policing of the the seventh precinct, which extends from Toledano to Camp Parapet, a distance of some fifteen or sixteen miles—one beat of which extends from Carrolton to Kennerville. Of this beat, the officer in command, Sergeant Aucoin, says: "I suppose the whole distance is at least ten miles; we have no man up there now; we can not get a man to go up there; for that reason (the immensity of the beat) they always ask to be transferred, or they ask the superintendent for a leave of absence."

We deem all comments unnecessary.

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As to the disposition of the funds, we find among other matters, that the board appropriates monthly a sum of from $1000 to $1500 as a "contingent fund," which is placed in the absolute control of the superintendent. Your committee believe that a portion perhaps, of the many reports as to what is called "dead heads" on the police force, spring from the disposition of this large sum of money, which the superintendent informs us he uses for secret service. He has a separate roll, he can not tell names nor what duties they perform. He would not tell the Governor, Lieutenant Governor, nor even the board." No well authenticated instances of suppositious names appearing on the pay rolls, were established before your committee. The presumption, however, is very great that such a custom prevails with the board, as the record accompanying this report will show, and out of which we quote from Mr. David Moise's deposition: "I was told by members of the board that there was a 'dead head' list. They offered to put me on it, and I refused to accept their offer. Their names are Gaudet, Lewis, and I was told so (the existence of the dead head list) by Colonel Loan, by Major Boyle (Colonel Loan's private secretary), by Mr. Myers, clerk of the board."

From the superintendent's testimony we make this excerp:

Question—Did you not tell Mr. Moise that he ought to be placed on the dead head roll?

Answer—Yes, sir. But I never knew that there was such a roll as a dead head roll, but I am positive that I told him so, but yet I never knew that such a roll existed.

We repeat that the presumption is great that such a roll does exist. But we have not found it.

The average cost of the Metropolitan Police system, which embraces the parishes of Orleans, Jefferson and St. Bernard, has been for the seven past years on an average of $780,472 74 per annum, when, according to the best authorities, an infinitely more efficient force, under a different system, can be maintained at an expense not exceeding $360,000.

Under the present odious system the salaries paid the commissioners, superintendent and clerks amount to very near $25,000; and this enormous amount paid for services so indifferently rendered does not include the annual additional payment made to each commissioner of $1400, under a simple resolution of the board, for that which they have agreed to call "secret service." That amount, they allege, is paid by each commissioner to a special detective whose duties are variously construed, as for instance: Commissioner Bray, vice president of the board, says he employes a detective to watch over the force in his special district, who is to report to him daily as to the discipline, efficiency and faithfulness of both officers and privates.

Commissioner Murdock, treasurer of the board, employs three detectives. Says Commissioner Murdock: "They only furnish me such information as I want, more particularly in regard to gambling. Still I never could get to the place that I wanted to go to."

Here we see a police commissioner employing three detectives to take him to some gambling place, "and he never can get to the place he wants to go to." Commissioner Murdock further says: "I presume it is under the authority of a resolution passed by the board. I employ three special detectives. I found the system in vogue when I went there and I adopted it." Your committee can not find the authority even of a simple resolution for the employment of *three* detectives by a single commissioner. But gambling houses are so difficult of detection that the zealous Mr. Murdock tells us even his *three* detectives can not find one.

Lieutenant Governor C. C. Antoine ingenuously informed your committee that he also employs a special detective to watch over the efficiency of the force; said detective reports to him alone. Besides, he employs an officer "who acts as a sort of body-guard;" and another officer, "who is a night-watchman at my residence—round about my residence, sir," says the Lieutenant Governor who thus costs the State in personal guardianship something near $3500.

The other commissioners have each special detectives. In a word, your committee find that the board appropriates regularly the sum of $9800 per annum for detectives to watch over a police force which has cost on an average of $780,000 a year for the last seven years. Your committee must state that they were not able to establish the "bona fide" employment of such detectives, the commissioners peremptorily refusing to give names for fear of impairing the usefulness of their respective detectives—impairing their usefulness in watching over the efficiency of a force which, according to Superintendent Loan's own estimate is nearly one-third "good for nothing!" Your committee have in the record accompanying this peport, a tabulated estimate made by Superintendent Loan. Out of a force of 396 privates he marks 116 N. G. (not good), and yet all the detectives of all the commissioners are watching night and day over that force, which still remains unchanged. And for that secret service we pay $9800.

Your committee find that Governor W. P. Kellogg did, on the —— day of July, 1875, commission one H. S. Armstrong, associate editor of the New Orleans Times, as assistant clerk in the First Metropolitan Police Court, at a salary of $1500 per annum. Said Armstrong, by authority of the Governor, and with his consent, employed a substitute—a mere youth—at a salary of $40 per month to fill said position at said court. Mr. Armstrong's name being borne on the pay rolls of said court, and he, with zealous regularity has drawn and is still drawing the full salary attached to said clerkship.

At the same court, and under like conditions, Mr. W. H. Moon, clerk at the St. James Hotel, was commissioned by Governor Kellogg. Mr. Moon's substitute is paid $30 per month; the full salary attached to that clerkship is, according to Mr. Moon, $1200 per annum. (See depositions of the two above named gentlemen, which are of record.)

In these two peculiar transactions the Governor was fully aware of the sinecures he was creating, and gave his full consent thereto. And these acts, your committee are of opinion, are misdemeanors in office, and the judge who allowed such peculiar transactions is, to say the least, very complaisant.

Your committee were struck at the very threshold of their investigations with the exceeding prevalence of that crying evil, bunko. The daily newspapers teemed with editorial complaints and emphatic protests from citizens against this infamous practice, and yet the Superintendent of Police and the captain of the precinct to which the evil was notoriously confined remained in complete indifference until the curious initiative taken by Police Commissioner Ryan led to a trial before the Metropolitan Board of Superintendent W. F. Loan, which, as is well known, culminated in his acquittal. Your committee prosecuted with vigor an investigation of this matter, and we have deliberately concluded that the Metropolitan Police Board themselves are primarily responsible for the existence and immunity of bunko. Each member of the board, as we have said, employs a special detective, whose sole duty it is to make reports to his employer upon all matters of police, and more especially is he to report as to the discipline, efficiency and general good conduct of the police force itself. Section forty-three of act No. 92, session of 1869, provides: That upon the report in writing of any member of the Metropolitan force that there are good grounds for believing any premises or rooms within the Metropolitan district to be kept or used as a common gaming house, etc., it shall be lawful for the board of commissioners to authorize, in writing, any member or members of the police force to enter the same, who may forthwith arrest all persons there found offending against the law, etc. After examining a host of witnesses, your committee have failed to find a single instance in which either the board, the superintendent, or the captains of precincts have acted under that section of the law. We find, on the contrary, a strange and absolute apathy extending throughout the entire police force. We do not hesitate to attribute the same to the soporific virtues of money. Your committee do say that a regular system of blackmail is levied by the Metropolitan Police authorities upon the gambling establishments, extending from the board themselves down to and inclusive of captains. Your committee have been at great difficulties in obtaining positive and direct testimony on that score, yet we have established it beyond peradventure in the testimony of a certain Dr. Griffin, a professional gambler, who, for a term of years, has served as intermediary between the police authorities and the gamblers in the Second District, and also in the evidence of Mr. Daniel Wilson proprietor of a gambling establishment.

Mr. Daniel Wilson, in his testimony, under oath, says he keeps a gambling institution on Royal street, near Canal; that this Dr. Griffin visits him regularly twice a month to levy blackmail in the sum of $50 each time, or say $100 per month. This money Wilson pays with the clear understanding "that he is not to be troubled by the police." Mr. Wilson says: "I first made his (Griffin's) acquaintance about three years ago; I think I had some business with him about three years ago for a short time; I had a place then on Canal street; he came to me and represented himself as the party that transacted that kind of business; of course that was all satisfactory to me; he has been in the habit of visiting me regularly about one year.

Question—You say that one of the conditions upon which you pay him this money is that you are not to be troubled by the police?

Answer—Most assuredly, sir.

Question—If you did not pay you would be closed up?

Answer—I am inclined to think I would be pulled.

Question—Is it not your impression that other parties besides yourself do pay him in the same manner?

Answer—Well, yes, sir.

This Griffin, under the curious plea of a loan, makes, as he states, regular visits to the numerous gambling houses in the Second District, and divides with certain police authorities the moneys thus collected. And gambling goes on flourishing, although as Mr. Wilson says, the tax thus levied is enormous. It stands to reason that a man intimate as Griffin is, by his own showing, with the police of high and low degree, can not appropriate to himself the tax thus levied. The immunity extended to these gambling houses is complete, just in proportion to the regularity of their peculiar "loans" to this man.

R. A. Bray, Esq., is police commissioner, vice president of the Metropolitan Police Board, also a partner in a pawnbroker's shop in this city, and a friend of this collector of blackmail, Dr. Griffin, to whom he lends money; sells gold watches out of his pawnbroker's shop on credit, and of whom, as Dr. Griffin says himself, "he even *borrows* money sometimes." (See Griffin's evidence) Now, Police Commissioner R. A. Bray has the especial supervision of the Second District, and Griffin's "beat" does not cross Canal street.

Captain Lawlor is in command of the precinct wherein is situated Dan Wilson's gambling house.

Police Commissioner Bray, among other curious speeches, says: "So far as my official duties are concerned, I am not opposed to gambling. In my opinion, public gambling houses can be closed. So far as I am concerned, as a police commissioner, I don't care whether they are open or not.

Superintendent Loan did repeatedly, and in direct violation of the law, issue permits to parties authorizing the establishing of gambling institutions, and allowing them to run publicly. We call special attention to the testimony of the Hon. O. F. Connor, mayor of the city of Kenner, from which we quote the following: "The copy of the permit I offer in evidence is a correct copy of the original order or permit given to a Mr. Elliot. I asked Mr. Elliot how much he paid for it. He said that was not a fair question and that he would rather be excused from answering it. He was not in court at the time, but merely at my house, therefore I did not press the question at all. I had the man arrested and released on his own recognizance to appear next day. Of course he did not reappear. We were satisfied; we simply wanted to get him out of town."

Mr. Thomas Devereaux says: "During the months of July, August and September the Superintendent of Police issued permits or orders to various parties to run gambling games in various places. He also issued orders to the captains of the different precincts where the games were run to permit the same. I saw the permit that was given to Joseph Fritz in his possession, at the Slaughterhouse, where he ran a game of French pool. It is a banking game, something on the order of roulette. It comes under the gambling law."

With these, perhaps, too lengthy remarks, your committee conclude that as the board is vested by law with supreme control in the management of the police; as the board expends enormous sums in keeping special detectives to watch over a police force which has cost $780,000 per annum for seven years; as the superintendent is a mere executive officer under the board; as the board is the sole tribunal which has jurisdiction in matters of disciplinary offenses of the police officers and men; as the board, in a word, is the supreme head of the police, your committee must lay immediately at its door the primary responsibility for the many abuses, offenses and crimes with which this report is so lamentably replete.

The Governor, controlling that board, as we have shown, can not shift his extensive share of the responsibilities.

Your committee are of the opinion that the bill which was passed by your honorable body a few days since, and which is now before the Senate for concurrence, contains the most ample remedy for the cure of the great evil we have but feebly sketched. We end with an earnest hope that the bill may soon become a law, and that the Metropolitan Police and its present odious board shall be abolished forever. Your committee further recommend the printing of the record accompanying this report in pamphlet form in such number as your honorable body may determine.

GEORGE W. DUPRE, Chairman;
WILLIAM J. HAMMOND.

Mr. G. L. Hall, a member of the committee, was suddenly called away from the city, owing to the dangerous illness of his wife. The report was not then ready.

In the preliminary consultations, Mr. G. L. Hall agreed in substance with the ideas and findings of this report, and we have no doubt of his signing the same on his return.

GEORGE W. DUPRE, Chairman;
WILLIAM J. HAMMOND,

On motion of Mr. Dupre, ordered that the report of the majority of the committee, affidavits and documents thereto annexed be printed in pamphlet form for the use of the House.

Mr. Aldige, chairman of the select committee appointed to investigate the books and accounts of the Auditor of Public Accounts and State Treasurer, submitted the following report:

To the Honorable Speaker of the House of Representatives of the State of Louisiana:

In compliance with a resolution adopted by your honorable body on the fourteenth day of January, 1876, your committee was appointed to investigate the books, papers and vouchers of the State Auditor and Treasuer.

Your committee have, so far, examined the books and accounts of the State Treasurer, and present this report, embracing exclusively the acts of that official.

The first step taken by your committee was to ascertain from the Treasurer, his cashier and assistants the details of the office, the management of its affairs, and the laws having special reference to the receipts and disbursements of the State funds.

Under the law, the Treasurer can not receive any State funds without an order from the Auditor, nor can he pay out any State money or moneys without a proper warrant from the Auditor. The Auditor's order must specify the amount to be placed to the credit of each separate fund, and every warrant must specify to what account such disbursement is to be charged.

Your committee were informed by the Treasurer that his books would be found kept in strict compliance with law, and that all the warrants, when called for, would be forthcoming. He stated that the Supreme Court having sustained him in his claim to be the Fiscal Agent under the constitution, he had selected the Louisiana National Bank as the depository of the State funds.

Three distinct and separate accounts are kept by him in this bank—the first known as the general account, the second as the coupon interest account of 1874, the third as the coupon interest account of 1875. All moneys received are deposited to the credit of the general account, but are credited on the books to the account to which they respectively belong, and when money is needed to pay the interest coupons of either year, the amounts necessary to meet this interest are withdrawn from the general account and transferred by deposit to the credit of the interest coupons' account.

The books of the Treasurer, when at first examined, appeared to be correctly kept. Your committee ascertained, however, from Mr. Campbell, the book keeper, that the entries made upon his books were simply from the vouchers handed to him by the cashier, and that he had no personal knowledge of the cash transactions of the office.

In consequence, your committee requested the Treasurer to submit to them his stub check book, for the purpose of comparing the amounts charged thereon with the warrants which must have been issued for the payment of the some. Our object in checking the stub check book was to ascertain if the Treasurer had at any time drawn out or disposed of the State funds without the proper vouchers.

Your committee by this process discovered that the following checks had been drawn by the Treasurer without warrants:

1. On the first of October, 1874, a check, numbered 994, drawn in favor of W. S. Burrows, for $5208 96.
2. On the second of October, 1874, two checks, numbered 997 and 998, for $5000 each, say $10,000, to the order of the same W. S. Burrows.
3. On the fifth of October, 1874, one check, numbered 1007, for $4000, to the order of S. Guesman.

Making a total of $19,208 96.

4. On the thirty-first of October, 1874, a check, numbered 1053 on the stub book, to the order of J. H. Oglesby, Fiscal Agent, and charged on the stub book as being drawn against the interest fund, for $10,000.
5. On the same day another check, numbered 1057 on the stub book, also drawn in favor of J. H. Oglesby, Fiscal Agent, against the same fund, for $25,000.
6. On the second of January, 1875, a check drawn in favor of J. H. Oglesby, Fiscal Agent, against the interest fund, for $16,489 18.

The evidence elicits the fact that on the same day a loan of $50,000 was made to J. H. Oglesby, Fiscal Agent. The entire amount of the loan was evidently drawn from the interest funds of the State, but in what manner it does not appear from any entries or records in the Treasurer's office beyond the above described check.

7. On the thirty-first of March, 1875, a check numbered 309 on the stub book, for $19,208 35.
8. On the same date, check No. 310, for $75,000.

For all the above detailed disbursements, amounting in the aggregate to $198,417 31, and drawn from the interest fund, no warrants were shown.

These disbursements are clearly in violation of section seven of act No. 3 of 1874, known as the funding bill, and section 870 Revised Statutes.

The attention of the Treasurer being called to these irregularities, he alleged, in explanation of the payment of the sum of $19,208 96, represented by checks Nos. 994, 997, 998 and 1007, that the same were drawn in favor of holders of judicial warrants to that amount; but that, on the following day, discovering that there were no funds at the credit of these warrants he had requested that the money be refunded, and that his request had been complied with.

It appears that the moneys were drawn on the dates following, to wit:

Check No. 994, first of October, 1874, $5208 96.
Check No. 997, October 2, 1874, $5000.
Check No. 998, October 2, 1874, $5000.
Check No. 1007, October 5, 1874, $4000.

And no refunding of these $19,208 96 appears on the Treasurer's stub book before the twenty-fifth of February, 1875. If that is the real explanation, then an illegal disbursement was made, and no entry was made on the books, and it remained uncovered for more than four months afterward.

An amount of $19,208 35 appears to have been paid out of the treasury on the thirty-first of March, 1875, by a check numbered 309 on the stub-book, and charged to the interest fund of 1875.

This amount was paid back to the treasury in the following manner:

On March 31, by warrant No. 4426, for	$500 00
On April 7, by warrant No. 3427, for	500 00
On April 7, by warrant No. 3371, for	500 00
On April 12, by warrant No. 593, for	625 00
On April 12, by cash deposited to the credit of the interest fund of 1874	17,083 95
Making a total of	$19,208 95

The explanation given by the Treasurer of the entries and counter-entries relating to this sum of $19,208 95 is unsatisfactory.

The following checks appear on the stub book to have been drawn to the order of J. H. Oglesby, Fiscal Agent, and charged to the interest fund:

On the thirty-first of October, 1874, check No. 1053, for $10,000.

On the thirty-first of October, 1874, check No. 1057, for $25,000.

The Treasurer when called upon to produce the warrants for the two checks above described, was unable to do so; but he immediately gave to your committee, representing the same as proper vouchers, two checks drawn by him, as Treasurer, on the Louisiana National Bank; both checks being to the order of J. H. Oglesby, Fiscal Agent, by him indorsed in said capacity, and properly canceled by the bank. One, a check for $10,000, was dated October 24, 1874; one, a check for $25,000, was dated October 28, 1874.

Thus, in support of a payment of $35,000, on the thirty-first of October, 1874, the only voucher produced is the evidence of other payments made by him on the twenty fourth and twenty-eighth of the same month. Your committee have since ascertained from the Louisiana National Bank, that the check for $25,000 was placed to the debit of the State Treasurer, on the twenty-eighth of October, 1874; and that of $10,000 on the twenty-ninth of October, 1874.

In answer to the inquiries of your committee, with regard to this disbursement of $35,000, the Treasurer submitted a sworn statement made by him on the eleventh of June, 1875, to L. H. Gardner, one of the experts appointed in May, 1875, to examine the Auditor's books. This statement, which is hereto annexed, and the testimony taken by your committee during their investigation, develop the following facts:

In October, 1874, Governor Kellogg urged upon the Treasurer the necessity of using the State funds for the purpose of paying the police; the fiscal agent of the Police Board, J. H. Oglesby, declining to advance funds to the extent of the amount agreed upon by his contract with the Metropolitan Board of Police. A copy of this contract is hereto annexed for reference.

The Treasurer, at first, refused to comply with the Governor's request, subsequently he seems to have yielded to the representations made to him by the Governor of the importance and absolute necessity of paying the police force; also to the strong pressure brought to bear upon him by the Governor and his friends to induce him to consent to the diversion of the public funds.

Thus, in October, 1874, a first advance of $35,000 out of the State interest funds was made, as evidenced by checks Nos. 1052 and 1057. Further advances out of the same fund were made in January, 1875—By cash, from safe, $33,510 82; by check, No. 11, $16,489 18. These two last amounts aggregating $50,000.

These advances, made out of the State interest funds, was a direct and flagrant violation of the law.

Following their investigation, your committee ascertained that on the twenty-fifth of February, 1875, an amount of $75,000 was deposited in the treasury at credit of general account. Whence this amount was derived does not appear, as the entry is not supported by any voucher or order from the Auditor's office.

On the twenty-third of March, 1875, a sum of $20,000 appears to have been paid in the treasury without Auditor's order, and your committee was informed that this sum was the reimbursement in part of the loan made to J. H. Oglesby, Fiscal Agent, as above related. Of this amount of $20,000, $19,800, being a check from J. H. Oglesby, Fiscal Agent, was deposited in bank to the credit of general account, and $200, cash, retained in the safe. On the thirty-first of March, 1875, check No 310 of the stub book, for $75,000, was drawn in favor of P. F. Herwig, leaving the interest fund over drawn $55,000 from the thirty-first of March, 1875, to the twelfth of April, 1875, on which latter date $55,000 were paid into the treasury without Audito's order explanatory of the payment, and deposited directly to the coupon interest account of 1875.

No direct loss to the State can be traced from all these irregularities, and in fairness to the Treasurer, your committee beg leave to state, the cash balance on hand on the first of January, 1876, is in conformity with the books.

The investigation reveals, however, the startling fact that the public funds have been tampered with by the highest officials of the State.

The evidence shows plainly that a heavy pressure was brought to bear upon the Treasurer by William Pitt Kellogg, Governor of Louisiana; by Henry C. Dibble, Assistant Attorney General of the State, and at that time acting as Attorney General during the absence of the Attorney General; by Jacob Hawkins, judge of the Superior District Court for the parish of Orleans; by Alfred Shaw, the attorney of the Metropolitan Board of Police, and J. H. Oglesby, the Fiscal Agent, and that under their combined influence the Treasurer succumbed.

But although your committee are inclined to look upon this pressure as palliative, to some extent, of the Treasurer's conduct, yet they do not believe that he can plead it in extenuation of his official acts. Were such a departure from the duties of public office countenanced, a dangerous precedent would be established that would open the door to violations of the law by unprincipled men, who would thus abuse the discretion and power at their pleasure. Your committee, therefore, though satisfied of the guilt of Antoine Dubuclet; believe he was handled as a mere instrument, by the other parties, who were ready, if need be, to make him a scape-goat, and to cast upon him the entire odium of the transaction.

Your committee have accumulated sufficient evidence to establish the fact that Antoine Dubuclet, who has thus disposed of the State funds without warrant of law, is less guilty than William Pitt Kellogg, the originator of the whole scheme; than Jacob Hawkins, the Judge of the Superior District Court of Orleans, who used his influence to encourage the nefarious deed; than Henry C. Dibble, the then acting Attorney General, who advised the unlawful act, when he should have guarded the interests of the State; less guilty than J. H. Oglesby, the fiscal agent of the Metropolitan Board of Police and president of the bank, the depository of the State funds, who lent his official aid to a diversion of funds of which he was the keeper under the law, and, as it will appear, received a pecuniary compensation of $6696 67 for interests and commission on a loan made out of State funds by the State Treasurer.

After a careful examination of the facts of the case; after weighing honestly and deliberately the evidence adduced, the majority of your committee have reached the following conclusion:

They are satisfied that Antoine Dubuclet has violated the law, and that he should be impeached for the following reasons, to wit:

1. Because he has, in the month of October, 1874, issued without the proper warrants from the Auditor, and in violation of section 870 of the Revised Statutes, the following checks against State funds, to wit:

On the first of October, check numbered 994, for	$5,208 96
On the second of October, two checks numbered 997 and 998, each for the sum of $5000	10,000 00
On the fifth of October, check numbered 1007 for	4 000 00
Making a total of	$19,208 96

2. Because on the twenty-fourth and the twenty-eighth day of October, 1874, he has, without proper vouchers from the Auditor's diverted from the interest fund of the State, the sum of $35,000, in the following manner, to wit:

On the twenty-fourth of October, by check in favor of J. H. Oglesby, Fiscal Agent, numbered 1053, for $10,000; on the twenty-eighth day of October, by check in favor of same party, numbered 1057, for $25,000; in violation of section seven of act No. 3 of 1874, known as the funding bill and of section 870 of the Revised Statutes.

3. Because on the second day of January, 1875, he has again, without proper warrant from the Auditor, diverted the additional sum of $50,000 from the interest fund of the State in the following manner, to wit:

By a check numbered eleven for $16,489 18; by cash from the safe for the balance, in violation of section seven of act No. 3 of 1874, known as the funding bill, and of section 870 of the Revised Statutes.

The majority of your committee are satisfied that William Pitt Kellogg, the Governor of Louisiana, has grossly violated the law and should be impeached.

Because, by threat, promise and otherwise, he has induced Antoine Dubuclet, the State Treasurer, to divert from the interest fund:

1. In October, 1874, the sum of $35,000.
2. In January, 1875, the sum of $50,000, without proper warrants from the Auditor, in violation of section seven of act No. 3 of 1874, known as the funding bill, and section 870 of the Revised Statutes.

The majority of your committee are satisfied that Henry C. Dibble has grossly violated the law.

Because, in dereliction of his duty while acting as Attorney General of the State, in the absence of the Hon. A. P. Field, the Attorney General, he has advised the State Treasurer, Antoine Dubuclet, to divert from the interest fund of Louisiana without proper warrants—

1. In October, 1874, the sum of $35,000.
2. In January, 1875, the sum of $50 000, in violation of section seven of act No. 3 of 1874, known as the funding bill, and section 870 of the Revised Statutes.

And your committee would suggest that articles of impeachment be immediately drawn, as the law requires, against William Pitt Kellogg, Governor of Louisiana, and Antoine Dubuclet, State Treasurer; that by joint resolution Henry C. Dibble, Assistant Attorney General of the State, be addressed out of office; that Hon. A. P. Field, the Attorney General, be instructed to institute criminal proceedings against Alfred Shaw and J. H. Oglesby for a violation, as *participes criminis*, of section seven of act No. 3 of 1874, known as the funding bill; and that means be devised to compel J. H. Oglesby to restore to the Metropolitan Board of Police the sum of $6696 67, illegally charged by him as commission and interest on the loan of $85 000 made by the Treasurer out of the interest fund of the State to the Metropolitan Board of Police.

Respectfully submitted by
J. ALDIGE, Chairman;
FELIX VOORHIES.

Mr. Snaer, a member of the said committee, submitted a minority report.

To the Honorable Speaker and Members of the House of Representatives:

I regret that I can not concur with the majority of the committee as to their conclusions and recommendations.

It does not appear to me, from a careful consideration of the evidence and the facts, that any injury has been sustained by the State, or that sufficient grounds exist for the severe criticism passed by the committee upon the conduct of officers in the matter investigated. Some of the acts complained of may have been irregular, but the condition of things which induced the State officers to take the course they did, had been brought about by violations of law, so much more flagrant, even involving loss of life and continued attempts to overthrow, subvert or embarrass the government, that in my judgment the public exigency then demanded and have since justified their action.

It is charged that in the month of October, 1874, the sum of $35,000 was advanced, temporarily, to the Metropolitan Police out of the State funds in the hands of the Fiscal Agent, and that in the month of January, 1875, the sum of $50,000 was also advanced to the police in the same manner, until the same could be realized by the collection of city taxes.

During the period from September, 1874, to January, 1875, the condition of affairs prevailing in the city was such that the collection of police taxes by the city was virtually suspended.

The pay of the force was several months in arrears from this cause. They were on the point of disbanding, leaving the lives and the property of the citizens unprotected. This fact can not be denied.

In view of these facts, it was deemed of the utmost importance that their service should be retained, and thus was the funds of the State temporarily loaned to the police to tide over the pressing emergency till the city taxes could be collected.

It is proved, and will not be denied, that both these sums have long since been made good, and that the State has not nor could have suffered the loss of a single dollar, as the State was abundantly secured in every respect.

Mr. Oglesby, the Fiscal Agent of the State, was also the Fiscal Agent of the city, as well as Fiscal Agent of the Police Board. The money of the State, of the city and of the police was in Mr. Oglesby's hands. Notes were given by the Police Board to Mr. Oglesby for those advances, by virtue of a contract between him and the Police Board, under the provisions of section seven of act No. 33, approved February 26, 1874, and indorsed by him as Fiscal Agent, and were a lien upon all the uncollected taxes of the city for police purposes. These advances were to be paid out of the first receipts from the city, and, as a matter of fact, it was so paid. A great public emergency was met and the State did not and has not suffered any loss.

Great stress is laid upon the allegations that the Governor and other State officers advised and consented to these transactions. At the very worst this whole transaction simply shows that the Governor, the Assistant Attorney General, who was then acting Attorney General, and other State officers, in view of the public exigency that existed in the complete disorganization of the police force, growing out of the disturbances of September 1874, approved the act of the Treasurer, affording temporary relief to the police (who had rendered services as militia to the State during that period, and to whom the State was largely indebted) out of the resources of the State, in the interest of the community at large, taking such guarantees that the State funds could not be, and in fact have not at any time been jeopardized.

In view of all the circumstances surrounding these transactions, I fail to see how any guilt can be charged against the officers who participated therein, and to justify the harsh measures recommended by the majority of the committee.

Respectfully, L. A. SNAER.

NOTICES OF BILLS.

The hereinafter named members respectively gave notice of their intention to in-

[CONTINUED ON SEVENTH PAGE.]