

New Orleans Republican OFFICIAL JOURNAL OF THE UNITED STATES OFFICIAL JOURNAL OF THE STATE OF LOUISIANA

Forty-ninth Day's Proceedings. The House met pursuant to adjournment, and was called to order by the Hon. E. D. Estillette, Speaker, in the chair.

On the call of the roll, the following members answered to their names, to wit: Speaker Estillette, and Messrs. Aldige, Armstrong, Booth, Byrne, Blaffer, Bower, Butler, Baker, Beasley, Billie, Brice, Carville, Collins, Carmouche, Carlos, Dupre, Durr, Davidson, Dewees, Dickenson, Demas, Delhommeur, Dunn, Edwards of Tangipahoa, Elliott, Gilmore, Hall, Hammond, Jeffries, Johnson of Caddo, Jones of Lincoln, Jones of Pointe Coupee, Keating, Keyes, Kidd, Lane, Luckett, Lowell, Levesie, Lafargue, Maginnis, Mitchell, Matthews of Franklin, Martin, McCallum, Nunez, Pascal, Roman, Richardson, Ridgely, Ray, Raby, Sauton, Seaman, Sibleki, Schenck, Stafford, Seales, Schuler, Voorhies, Vidrine, Walker, Woods, Walters, Wells, Webb, Young—104.

Prayer by the Rev. Dr. Markham, of the Presbyterian Church. On motion of Mr. Wiltz the further consideration of the minutes was postponed until to-morrow.

The Speaker stated that in obedience to the resolution of impeachment passed last Monday, a short time after the adjournment that day I appointed to prepare articles of impeachment against William Pitt Kellogg, Governor of Louisiana, the following members, to wit: Messrs. Wiltz, Young, Kidd, Koozts and Hall.

Mr. Wiltz, chairman of the committee appointed to prepare articles of impeachment against William Pitt Kellogg, Governor of the State of Louisiana, reported progress, and asked leave for the committee to withdraw in order to prepare said articles of impeachment.

Which was objected by Mr. Matthews, of Texas, who called for the yeas and nays upon Mr. Wiltz' motion, which resulted as follows: Yeas—Aldige, Booth, Byrne, Blaffer, Bower, Beasley, Billie, Brice, Collins, Carmouche, Carlos, Dupre, Durr, Davidson, Delhommeur, Dunn, Edwards of Tangipahoa, Elliott, Gilmore, Hall, Hammond, Jeffries, Johnson of Lafourche, Koozts, Kummel, Luckett, Lafargue, Maginnis, Meredith, Mitchell, Matthews of Franklin, Nunez, Pascal, Roman, Richardson, Ridgely, Ray, Raby, Sauton, Seaman, Sibleki, Schenck, Stafford, Seales, Schuler, Voorhies, Vidrine, Walker, Wiltz, Walters, Wells, Webb, Young—91.

So Mr. Wiltz' motion prevailed. Mr. Stewart moved to reconsider the vote just given, and he moved to lay on the table the motion of reconsideration, pending which Mr. Keating moved to adjourn until to-morrow at twelve o'clock, and upon that he called for the yeas and nays which resulted as follows: Yeas—Butler, Cousin, Dewees, Dickenson, Demas, Guichard, Hubeau, Honore, Jones of Pointe Coupee, Keating, Keyes, Lane, Lowell, Murrell, Milton, Matthews of Texas, Parker, Piles, Randall, Ridgely, Ray, Raby, Sauton, Seaman, Sibleki, Schenck, Stafford, Seales, Schuler, Voorhies, Vidrine, Walker, Wiltz, Walters, Wells, Webb, Young—52.

of the Chair stand as the sense of the House, upon which Mr. Ray called for the yeas and nays, which resulted as follows: Yeas—Aldige, Armstrong, Booth, Byrne, Blaffer, Bower, Butler, Baker, Beasley, Billie, Brice, Carville, Collins, Carmouche, Carlos, Dupre, Durr, Davidson, Dewees, Dickenson, Demas, Delhommeur, Dunn, Edwards of Tangipahoa, Elliott, Gilmore, Hall, Hammond, Jeffries, Johnson of Caddo, Jones of Lincoln, Jones of Pointe Coupee, Keating, Keyes, Kidd, Lane, Luckett, Lowell, Levesie, Lafargue, Maginnis, Mitchell, Matthews of Franklin, Martin, McCallum, Nunez, Pascal, Roman, Richardson, Ridgely, Ray, Raby, Sauton, Seaman, Sibleki, Schenck, Stafford, Seales, Schuler, Voorhies, Vidrine, Walker, Woods, Walters, Wells, Webb, Young—104.

So the motion to sustain the decision of the Chair was carried. Mr. Wiltz moved that the House take a recess until one o'clock, and upon that motion Mr. Matthews called for the yeas and nays, which resulted as follows: Yeas—Aldige, Booth, Byrne, Blaffer, Bower, Beasley, Billie, Brice, Collins, Carmouche, Carlos, Dupre, Durr, Davidson, Dewees, Dickenson, Demas, Delhommeur, Dunn, Edwards of Tangipahoa, Elliott, Gilmore, Hall, Hammond, Jeffries, Johnson of Lafourche, Koozts, Kummel, Luckett, Lafargue, Maginnis, Meredith, Mitchell, Matthews of Franklin, Nunez, Pascal, Roman, Richardson, Ridgely, Ray, Raby, Sauton, Seaman, Sibleki, Schenck, Stafford, Seales, Schuler, Voorhies, Vidrine, Walker, Wiltz, Walters, Wells, Webb, Young—53.

At 1 P. M. the House was called to order by the Hon. E. D. Estillette, Speaker, in the chair. On the call of the roll the following members answered to their names: Speaker Estillette and Messrs. Aldige, Booth, Byrne, Blaffer, Bower, Beasley, Billie, Brice, Collins, Carmouche, Carlos, Dupre, Durr, Davidson, Dewees, Dickenson, Demas, Delhommeur, Dunn, Edwards of Tangipahoa, Elliott, Gilmore, Hall, Hammond, Jeffries, Johnson of Caddo, Jones of Lincoln, Jones of Pointe Coupee, Keating, Keyes, Lane, Lowell, Murrell, Milton, Matthews of Texas, Parker, Piles, Randall, Ridgely, Ray, Raby, Sauton, Seaman, Sibleki, Schenck, Stafford, Seales, Schuler, Voorhies, Vidrine, Walker, Wiltz, Walters, Wells, Webb, Young—104.

By a message from the Senate, through its Secretary, the House was informed that a final order of acquittal has been adopted by the Senate, sitting as a High Court of Impeachment for the trial of William Pitt Kellogg, Governor of the State of Louisiana, for high crimes and misdemeanors, accompanied by a copy of preamble and order of acquittal.

Mr. Wiltz rose to a point of order that inasmuch as the Senate has never notified the House of its organization as a court of impeachment for the trial of William Pitt Kellogg, Governor of Louisiana, for high crimes and misdemeanors, he objected to the reception of the above message.

Which point of order the Speaker took under advisement. Mr. Wiltz, as chairman of the committee to prepare articles of impeachment against William Pitt Kellogg, asked leave to report.

Mr. Matthews, of Texas, made the point of order that nothing was in order but the regular order of the day, and that the special committee could not submit a report at this time without a suspension of the rules.

The Speaker decided the point of order not well taken. Mr. Matthews appealed from the decision of the Chair, and moved the previous question, upon which he called for the yeas and nays, which resulted as follows: Yeas—Aldige, Booth, Byrne, Blaffer, Bower, Beasley, Billie, Brice, Collins, Carmouche, Carlos, Dupre, Durr, Davidson, Delhommeur, Dunn, Edwards of Tangipahoa, Elliott, Gilmore, Hall, Hammond, Jeffries, Johnson of Caddo, Jones of Lincoln, Jones of Pointe Coupee, Keating, Keyes, Lane, Lowell, Murrell, Milton, Matthews of Texas, Parker, Piles, Randall, Ridgely, Ray, Raby, Sauton, Seaman, Sibleki, Schenck, Stafford, Seales, Schuler, Voorhies, Vidrine, Walker, Wiltz, Walters, Wells, Webb, Young—50.

recommended their adoption by this honorable body. Your committee reserve to themselves the right to prepare and submit other and further articles of impeachment. Respectfully submitted, LOUIS A. WILTZ, Chairman; W. B. KOONTZ, Secretary; J. H. YOUNG, E. E. KIDD.

Articles of impeachment exhibited by the House of Representatives, in the name of themselves and of all the people of the State of Louisiana, against William P. Kellogg, acting Governor of the State of Louisiana, in maintenance and support of their impeachment against him for high crimes and misdemeanors in office.

That the said William P. Kellogg, acting Governor of the State of Louisiana, unmindful of the high duties of the office of Governor, on or about the month of July, 1875, did remove from office without cause and still reside in the parish of Tangipahoa, supervisor of registration of the parish of Washington, whereby the said William P. Kellogg, in his capacity as acting Governor of the State of Louisiana, did violate the constitution thereof, and was guilty of a high crime and misdemeanor in office.

That the said William P. Kellogg, acting Governor of the State of Louisiana, unmindful of the high duties of the office of Governor, in the month of February, 1876, did remove from office without cause and still reside in the parish of Tangipahoa, and appointed in his place and stead that Charles H. Jackson who made the false and fraudulent census return in said parish for the year 1875, and the said W. P. Kellogg, acting Governor of the State of Louisiana, did commit and was guilty of a high crime and misdemeanor in office.

That the said W. P. Kellogg, acting Governor of the State of Louisiana, unmindful of the high duties of the office of Auditor, in violation of the constitution and laws of the State of Louisiana, did, after Charles Clinton, Auditor of said State, had been appointed, on the twenty-fourth day of April, 1875, by the House of Representatives, to the office of Auditor and misdemeanor in office, and after the said Clinton had been indicted for malfeasance in office, neglect and refusal to appoint an Auditor of Public Accounts, and to cause the same, and until such disability should cease, whereby the said W. P. Kellogg, acting Governor of the State of Louisiana, was guilty of and did commit a high crime and misdemeanor in office.

That the said W. P. Kellogg, acting Governor of the State of Louisiana, unmindful of the high duties of the office of Auditor, in violation of the constitution and laws of the State of Louisiana, did, after the said Clinton had been indicted for malfeasance in office, neglect and refusal to appoint an Auditor of Public Accounts, and to cause the same, and until such disability should cease, whereby the said W. P. Kellogg, acting Governor of the State of Louisiana, was guilty of and did commit a high crime and misdemeanor in office.

That the said W. P. Kellogg, acting Governor of the State of Louisiana, unmindful of the high duties of the office of Auditor, in violation of the constitution and laws of the State of Louisiana, did, after the said Clinton had been indicted for malfeasance in office, neglect and refusal to appoint an Auditor of Public Accounts, and to cause the same, and until such disability should cease, whereby the said W. P. Kellogg, acting Governor of the State of Louisiana, was guilty of and did commit a high crime and misdemeanor in office.

That the said W. P. Kellogg, acting Governor of the State of Louisiana, unmindful of the high duties of the office of Auditor, in violation of the constitution and laws of the State of Louisiana, did, after the said Clinton had been indicted for malfeasance in office, neglect and refusal to appoint an Auditor of Public Accounts, and to cause the same, and until such disability should cease, whereby the said W. P. Kellogg, acting Governor of the State of Louisiana, was guilty of and did commit a high crime and misdemeanor in office.

Governor of the State of Louisiana, in or about the month of May 1875, did unlawfully interfere with George H. Braughl, Esq., a Justice of the Peace, in the discharge of his official position as Justice of the Peace for the parish of Orleans, and used the influence of his official position to overthrow the independence of the judiciary of the State of Louisiana, in violation of the constitution and laws of the State, whereby the said W. P. Kellogg, acting Governor of the State of Louisiana, was guilty of and did commit a high crime and misdemeanor in office.

That the said W. P. Kellogg, acting Governor of the State of Louisiana, on or about the month of August, 1875, pending the indictment of Charles Clinton, State Auditor, for embezzlement of the public funds, and misdemeanor in office, before the Superior Criminal Court in extra session, did remove Judge George H. Braughl from the office of judge of said court and appointed in his stead H. R. Steele, judge of said court, after said H. R. Steele, an Assistant Attorney General, had been appointed by said Clinton, and after he had publicly declared that, in his opinion, Charles Clinton was innocent of the charges preferred and then pending against him, and that he would acquit him, in violation of the constitution and laws of the State, whereby the said W. P. Kellogg was guilty of and did commit a high crime and misdemeanor in office.

That the said W. P. Kellogg, acting Governor of the State of Louisiana, in the month of February, 1876, did remove from office without cause and still reside in the parish of Tangipahoa, and appointed in his place and stead that Charles H. Jackson who made the false and fraudulent census return in said parish for the year 1875, and the said W. P. Kellogg, acting Governor of the State of Louisiana, did commit and was guilty of a high crime and misdemeanor in office.

That the said W. P. Kellogg, acting Governor of the State of Louisiana, unmindful of the high duties of the office of Auditor, in violation of the constitution and laws of the State of Louisiana, did, after Charles Clinton, Auditor of said State, had been appointed, on the twenty-fourth day of April, 1875, by the House of Representatives, to the office of Auditor and misdemeanor in office, and after the said Clinton had been indicted for malfeasance in office, neglect and refusal to appoint an Auditor of Public Accounts, and to cause the same, and until such disability should cease, whereby the said W. P. Kellogg, acting Governor of the State of Louisiana, was guilty of and did commit a high crime and misdemeanor in office.

That the said W. P. Kellogg, acting Governor of the State of Louisiana, unmindful of the high duties of the office of Auditor, in violation of the constitution and laws of the State of Louisiana, did, after the said Clinton had been indicted for malfeasance in office, neglect and refusal to appoint an Auditor of Public Accounts, and to cause the same, and until such disability should cease, whereby the said W. P. Kellogg, acting Governor of the State of Louisiana, was guilty of and did commit a high crime and misdemeanor in office.

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That the said W. P. Kellogg, acting Governor of the State of Louisiana, unmindful of the high duties of the office of Auditor, in violation of the constitution and laws of the State of Louisiana, did, after the said Clinton had been indicted for malfeasance in office, neglect and refusal to appoint an Auditor of Public Accounts, and to cause the same, and until such disability should cease, whereby the said W. P. Kellogg, acting Governor of the State of Louisiana, was guilty of and did commit a high crime and misdemeanor in office.

Dugas, Davidson, Dewees, Dickenson, Guichard, Gracien, Hill of Ascension, Hill, Hubeau, Hill of Ouachita, Hunsaker, Jones of Pointe Coupee, Keating, Keyes, Lane, Lowell, Levesie, Murrell, Matthews of Texas, Parker, Piles, Ray, Raby, Sauton, Seaman, Sibleki, Schenck, Stafford, Seales, Schuler, Voorhies, Vidrine, Walker, Woods, Walters, Wells, Webb, Young—40.

So the report of the committee and the first article of impeachment were adopted. The second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth articles were read and adopted seriatim.

The fourteenth article being considered, on motion of Mr. Wiltz the same was rejected. The fifteenth article being under consideration, Mr. Wiltz moved to adopt the same, when Mr. Lowell called for the yeas and nays, which resulted as follows: Yeas—Aldige, Booth, Byrne, Blaffer, Bower, Beasley, Billie, Brice, Collins, Carmouche, Carlos, Dupre, Durr, Davidson, Delhommeur, Dunn, Edwards of Tangipahoa, Elliott, Gilmore, Hall, Hammond, Jeffries, Johnson of Lafourche, Koozts, Kummel, Luckett, Lafargue, Maginnis, Meredith, Mitchell, Matthews of Franklin, Nunez, Pascal, Roman, Richardson, Ridgely, Ray, Raby, Sauton, Seaman, Sibleki, Schenck, Stafford, Seales, Schuler, Voorhies, Vidrine, Walker, Wiltz, Walters, Wells, Webb, Young—51.

On motion of Mr. Wiltz the report and the articles were adopted as a whole. On motion of Mr. Wiltz the Speaker was directed to appoint a board of managers in order to carry out the articles of impeachment against W. P. Kellogg, Governor of Louisiana, for high crimes and misdemeanors, and that when appointed the Clerk of the House be directed to inform the Senate thereof.

Mr. Levesie, in pursuance to previous notice given, moved to reconsider the vote given on the concurrence of the Senate amendments on House bill No. 482, an act making an appropriation of \$175,302.69 out of the general funds in the State treasury or received in the treasury during the year 1876 for the payment of the mileage and per diem of members, salaries of officers and employes, and contingent expenses of the General Assembly of Louisiana for the regular session of 1876 and the regular and extra session of 1875; directing the Auditor of Public Accounts to issue warrants to the chairman of the Contingent Expenses Committee of the House and to the chairman of the Committee on Auditing and Supervising the Accounts of the Senate on the Treasurer, and making such warrants receivable for State license; directing the Treasurer of the State to receive such warrants in settlement with tax collectors, and to provide for the disbursement of the amount appropriated.

On motion of Mr. Dewees Mr. Levesie's motion was carried. Mr. Wiltz moved that the Speaker appoint a board of managers to carry out the articles of impeachment against W. P. Kellogg, acting Governor of Louisiana, which was carried.

Mr. Stafford asked and obtained leave to spread upon the minutes his reasons for voting in the negative: As I consider that the adoption of the report of the committee is equivalent to a vote on the resolution of impeachment, for reasons then given I vote "no." As to the different articles, impeachment being an accomplished fact, I will use my discretion in voting on each charge as I deem a desert trial by the Senate.

On the commencement of the vote, Mr. Demas stated—That the Chair in his conscience knew that the vote on the report was wrong, and that he would like to know what the Speaker's dictation would tell him to decide; and that the Chair ruled in accordance with the dictation of the Speaker, and he would accordingly, whether right or wrong, or words to that effect.

Mr. Walker moved that Henry Demas, member from St. John the Baptist, be expelled from the House for using the above disrespectful language to the Speaker, which motion the Speaker ruled to be out of order.

Mr. Wiltz moved that the member from St. John the Baptist, Henry Demas, be brought before the bar of the House, to answer for the disrespectful language used to the Speaker.

The member, Mr. Demas, appeared before the bar of the House and apologized to the Speaker.

So the main question was ordered. On the appeal made by Mr. Matthews from the decision of the chair, Mr. Matthews called for the yeas and nays, which resulted as follows: Yeas—Aldige, Armstrong, Booth, Byrne, Blaffer, Bower, Butler, Baker, Beasley, Billie, Brice, Carville, Collins, Carmouche, Carlos, Dupre, Durr, Davidson, Delhommeur, Dunn, Edwards of Tangipahoa, Elliott, Gilmore, Hall, Hammond, Jeffries, Johnson of Caddo, Jones of Lincoln, Jones of Pointe Coupee, Keating, Keyes, Lane, Lowell, Murrell, Milton, Matthews of Texas, Parker, Piles, Randall, Ridgely, Ray, Raby, Sauton, Seaman, Sibleki, Schenck, Stafford, Seales, Schuler, Voorhies, Vidrine, Walker, Wiltz, Walters, Wells, Webb, Young—71.

Seventy-one members present and a quorum. The following message was received from the Senate: SENATE CHAMBER, New Orleans, March 1, 1876. To the Honorable Speaker and Members of the House of Representatives: I am directed by the Senate to ask the concurrence of your honorable body in the passage of the following bill: Senate bill No. 167, an act limiting the liabilities of the several parishes of the State to their respective sheriffs for costs in criminal cases, parish of Orleans, excepted.

Senate bill No. 186, an act to reduce the expenses of the government of the city of Shreveport, by reducing the salaries of Mayor, city attorney and city physician; reducing the number of clerks and salaries of same; also repealing act No. 112, approved March 9, 1869, entitled an act to create a recorder's court in the city of Shreveport, and for other purposes. Respectfully,

Assistant Secretary of the Senate, LAMARIE, JR. COMMITTEE SERVICE. The Speaker appointed the following named members as a committee to investigate the affairs of the North Louisiana and Texas Railroad Company, to wit: Messrs. Dupre, Bayle, Seales, Murrell and Levesie.

Mr. Estillette, without previous notice, asked and obtained leave to introduce a bill entitled an act for the relief of the widow and children of Judge John J. Morgan, deceased.

On motion of Mr. Estillette the rules were suspended and the House proceeded to the consideration of House bill No. 512, entitled an act making appropriations for the general expenses of the State for the year ending the thirty-first day of December, A. D. 1876.

On motion of Mr. Guichard the rules were suspended to go into a committee of the whole. And on motion of Mr. Matthews the bill was considered item by item.

Mr. Dupre moved that the further consideration of the bill be postponed, and that it be made the special order of the day for to-morrow at 1 P. M.

Mr. Meredith moved to lay Mr. Dupre's motion on the table. Upon which motion Mr. Dupre called for the yeas and nays, which resulted as follows: Yeas—Butler, Baker, Billie, Brice, Carville, Durr, Davidson, Dewees, Dickenson, Demas, Guichard, Gracien, Hill of Ascension, Hill, Hubeau, Hill of Ouachita, Hunsaker, Jones of Pointe Coupee, Keating, Lane, Lowell, Murrell, Milton, Matthews of Texas, Parker, Piles, Ray, Raby, Sauton, Seaman, Sibleki, Schenck, Stafford, Seales, Schuler, Voorhies, Vidrine, Walker, Wiltz, Walters, Wells, Webb, Young—26.

And the motion to lay on the table was agreed to. The question recurring on the motion of Mr. Matthews, of Texas, to adopt the bill item by item, Mr. Guichard moved the adoption of the first item, and upon which motion he called for the previous question, which was ordered and carried in the affirmative.

And the first item was adopted. Item 2—For salary of the Governor's private secretary, two thousand five hundred dollars. Mr. Walker moved to amend by striking out the same.

Mr. Guichard moved to lay Mr. Walker's amendment on the table, and upon that question he called for the yeas and nays, which resulted as follows: Yeas—Baker, Carville, Davidson, Dewees, Dickenson, Dunn, Edwards of Tangipahoa, Elliott, Gilmore, Hall, Hammond, Jeffries, Johnson of Caddo, Jones of Lincoln, Jones of Pointe Coupee, Keating, Keyes, Lane, Lowell, Murrell, Milton, Matthews of Texas, Parker, Piles, Randall, Ridgely, Ray, Raby, Sauton, Seaman, Sibleki, Schenck, Stafford, Seales, Schuler, Voorhies, Vidrine, Walker, Wiltz, Walters, Wells, Webb, Young—50.

So Mr. Walker's motion was ordered to lie on the table. Mr. Schenck moved to amend the bill by striking out \$2500 and inserting \$1000. Mr. Matthews moved to lay Mr. Schenck's amendment on the table, and upon that motion Mr. Walker called for the yeas and nays, which resulted as follows: Yeas—Baker, Carville, Davidson, Dewees, Dickenson, Dunn, Edwards of Tangipahoa, Elliott, Gilmore, Hall, Hammond, Jeffries, Johnson of Caddo, Jones of Lincoln, Jones of Pointe Coupee, Keating, Keyes, Lane, Lowell, Murrell, Milton, Matthews of Texas, Parker, Piles, Randall, Ridgely, Ray, Raby, Sauton, Seaman, Sibleki, Schenck, Stafford, Seales, Schuler, Voorhies, Vidrine, Walker, Wiltz, Walters, Wells, Webb, Young—51.