

## INVESTIGATION.

Continuation of the Examination of Senator Kellogg.

Two Mysterious Appointments From the Supreme Bench.

AFTER RECESS YESTERDAY.

Washington, July 12.

After recess the examination of Senator Kellogg was continued. He said: The Tilden electors had a majority. I believe on the face of the returns of votes as cast in the different parishes originally, and so did Nicholls.

Butler—Did you telegraph to Florida any statement as to how the State had gone, at any time before the 6th of December. A. I telegraphed two or three times, perhaps, that it had gone favorably.

Q. From what source did you obtain the information? A. From my knowledge of the result of the election, as indicated by the returns from different parishes, and the notorious fact that in certain parishes there was a degree of terrorism that I believed would show the absence of a fair election, and justify the returning board in throwing out the vote.

Q. How did you ascertain in registration whether a man was a Republican or a Democrat? A. We ascertained it only from the fact that different officers kept a tally of colored people registered and of white people registered, and we assumed that the colored people voted the Republican ticket and the white people the Democratic ticket, and the result showed the fact in all these forty parishes, not only in 1876, but for the previous two years.

The witness next referred to the inauguration of the Nichols government, and related at length the events connected with the seizing by force of the court building, and the breaking up of the court, and the subsequent appointment of judges by Governor Nichols, as their successors.

Q. Do you know of any ground of legal right, or form of law, or constitutional provision, by which Nichols and his people were anything but an organized mob? A. I know of no reason why Packard and his government was not the legal state government of Louisiana, and the Packard legislature the legal legislature of the state, and the supreme court the legal and undoubted supreme court of the state of Louisiana.

Q. Do you know that after the McVeagh commission had disposed of the Packard legislature, Gov. Packard threatened to appeal to the supreme court? A. Yes, sir; he would have submitted his claims if he could; but Nichols had thrust it out.

Q. After Packard had threatened to appeal to the supreme court to determine the legality of his election, did not President Hayes destroy the quorum of that court by appointing King collector? A. The fact of his appointing him collector and his taking one oath of office is a virtual and legal surrender of the other.

Q. Then, what Nichols did by force, President Hayes confirmed by appointing him collector. Was this the same King who, after he had been in office a little while, and the court was destroyed, had his name withdrawn and his nomination not acted upon by the senate? A. He is the same man.

Q. After the object of his appointment had been accomplished, then, the nomination was withdrawn. Where is he now? A. He is in St. Landry parish; he has retired from public life. I do not think the Republicans wanted him as collector.

Q. Then against the wish of the Republicans of Louisiana this man, being one of the legal supreme judges required to make a legal quorum was appointed to this office? A. Yes, sir.

Q. And Mr. P. H. Morgan, who was one of the judges who held over, was appointed by the president to be judge of any international court in Africa; was he not translated into that position? A. I believe he was appointed to such position.

Q. And just about that time, was it not? A. It was about May of last year, I think.

Q. Then, when Morgan and King had been appointed, Packard had not much chance with Nichols' judges had he? A. I don't think he did.

Q. I want to ask you in all solemnity, this: Do you believe, from your knowledge of what took place, that there was any other reason for appointing King collector than to get him out of that court, so that Packard would not have his rights tried by a legal court?

Hiscock commenced to make objection to the question, when the witness answered that he could not say as to the matter referred to. Whereupon Hiscock withdrew his objection to the question.

Butler—I will ask you, then, if you know on whose recommendation King was appointed? A. I think he was appointed on the recommendation of Thos. C. Anderson, and I recommended him also. That the president did or did not appoint King with reference to his connection with this court, I cannot, of course, say, but I know Mr. King was an old resident, and above all, he was an old Whig. [Laughter.]

Q. Did Boulds Baker recommend him? [Laughter.] A. I should not be surprised if such were the case. He had been a member of the legislature for a number of years, and I recommended him on the ground of his being an old line Whig. [Laughter.]

Q. Do you know who recommended Judge Morgan to the position he obtained? A. I think he was appointed by Mr. Everts, upon his own motion.

Q. Was not the question mooted about Governor Packard appealing to the supreme court before the court was broken up? A. I think the matter had been discussed by himself and friends before that.

Q. Do you remember whether Mr. King's name was withdrawn about the time that Boulds Baker returned from Texas? [Laughter.] A. I do not think his name was ever sent in. There was an extra session of the Senate afterward, and Lawrence's name sent in for collector.

It was said that King declined at the last moment, in order to relieve the president of the embarrassment, that he would not be re-appointed.

Adjourned until Friday.

TO-DAY

Washington, June 12.—Kellogg's examination was resumed to-day. He said that if Hayes had recognized Packard he would have been Governor and all

opposition to him would have ceased. He said that Mrs. Jenks came to him with a story about her having a letter from Sherman to Anderson and never but he paid no particular attention to what she said and sent her to Packard. He said he never attempted to get Anderson to make a fraudulent protest, never conversed with him about it; had given him money to go to the parish but he had spent it and did not go; did not get L. B. Jenks to watch him and was never told by E. Weber that the election was a peaceful one.

Recess.

Washington, July 12.

Kellogg submitted the following telegrams, which were read:

Bayou Sara, November 6, 1876.

To Governor Kellogg:

'We had intended to poll our votes in town, but the pickets in the country prevent colored men from reaching town. We have about 600 colored men now in town, but we have good reasons to fear they will be driven out of town. If you can get a guard for us at St. Francisville, to-night, all will be well. Bascom, one of the officers in charge of troops at Bayou Sara, refuses to do anything for us.'

[Signed] D. A. WEBER,  
Supervisor of Registration.

Bayou Sara, 24th Oct., 1876.

To Gov. Kellogg:

'At 11 o'clock last night an attempt was made to assassinate me. Several men, mounted on horses, stopped in front of my dwelling; one of them called me several times. I directed a colored man living with me to go to the fence and see what they wanted. A moment afterwards several Winchester rifle shots were fired in my yard, and the parties fled. About ten regulars came in town last night, at 9 o'clock. The Democratic statement concerning me are all malicious lies, as published.'

[Signed] E. L. WEBER.

The Witness—I would like to make a statement in regard to the testimony of Mr. Kelly, as supervisor of Richland parish, as taken before the sub-committee at New Orleans. I see that he states that I instigated him to make a protest. He is mistaken. I did not frame that or any other protest or affidavit used before the returning board. I did have a conversation with Kelley, about the time he made his protest. He applied to me, stating that he did not know what to do; that if he went back he would not be able to live in the parish. And I told him if he thought there was not a fair election he should make his protest, if he could do so consistently, but not otherwise; that it was matter for him to judge about, and he must take the responsibility. That is all the conversation I ever had with him. I think I added that he ought to do his duty, irrespective of the threats or intimidation or violence.

He denied that there was any attempt to influence the returning board, by bribing any of them, but stated that it was thought that the Democrats would try to do so, and that the matter was discussed in that light, in the case of Kenner, who was afraid of the odium attaching to his position on the board. He denied that \$5,000 which was borrowed in Chicago was used for any other purpose but his own private business. He stated also that there was no promise of reward made to the members of the board, in the way of political preference.

The witness was then questioned at length by the chairman, in regard to the sending of the electoral returns of the State to Washington, then being found to be irregular in form, and as to the manner of preparing the second set of returns, and in answer to one of the questions, said that Kelly, who was said to have signed names to the electoral certificate, was a detailed officer of police on duty at the State house.

Q. Do you know where he is now? A. I do not.

Q. Do you not know that at the beginning of the investigation he was at Lake Providence, Louisiana? A. I heard that he was.

Q. Have you not heard that the day he was summoned before the sub-committee at New Orleans he was carried off by a man employed in one of the departments here in Washington? A. I have heard about it. I have received one or two letters on the subject. I received a letter from James Armitstead, a colored man in New Orleans, formerly on the police force, in which he stated that Kelley had gone up with a man named Kennedy, who has been employed here in the United States Senate. I destroyed that letter, as I do all letters containing scandal and rumors concerning matters of state.

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