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NEW ORLEANS CUSTOM-HOUSE OFFICIALS.

FRAUDULENT AND DISHONEST ACTS

OF

W. P. KELLOGG, COLLECTOR.

HIS ATTEMPTED DEFENSE.

ADDITIONAL ALLEGATIONS AND FACTS.

PERJURERS, SMUGGLERS AND KELLOGG ASSOCIATE.

His Accomplices and Victims Exposed.

WASHINGTON:

McGILL & WITHEROW, PRINTERS AND STEREOTYPERS.

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Petition, Charges and Affidavits against W. P. Kellogg.

WASHINGTON, D. C., *June*, 1867.

HON. HUGH McCULLOCH,

Secretary of the Treasury of the United States:

SIR: We, having made charges against W. P. Kellogg, Collector of Customs at the port of New Orleans, and he having made counter charges purporting to be, and no doubt in his estimation are, an answer, now beg leave to introduce to your consideration our rejoinder, and in fact a full statement, from Alpha to Omega, having reference to Collector Kellogg, his witnesses and ourselves.

By a simple inspection of the pretended answer of said Kellogg, you will find that the issue presented under oath has not been fairly met, nay, has not been met at all, for he starts out with stating, in a condensed form, his own fanciful notions of what he conceives to be the charges against him, when in fact the charges are far more explicit, pointed and conclusive, as follows, to wit:

His Excellency ANDREW JOHNSON,

President of the United States:

RESPECTED SIR: The petition of the undersigned, loyal citizens of the State of Louisiana and of the United States of America, respectfully represents that Wm. P. Kellogg, Collector of the port of New Orleans, in the State of Louisiana, is no longer entitled to hold said office. That he has become very obnoxious to the commercial community of the city of New Orleans and State of Louisiana, as well as to foreign importing merchants. That he is guilty not only of omissions but commissions of proper and improper conduct. That he is guilty of high misdemeanors under the statutes and Treasury regulations of the United States. That he is guilty of misconduct in office; and that he is farther guilty of violations of good faith in the discharge of his official duties towards the Government of the United States, as will be hereinafter, following this petition, set forth.

We, therefore, respectfully and earnestly pray the President of the United States to immediately remove from office the said Wm. P. Kellogg, the power, as we believe, being vested in you, and you alone, under the Tenure-of-Office Bill of the Thirty-Ninth Congress, and more particularly because the great

commercial interests of the State and General Government are in great danger of loss by the retention in office of the said Wm. P. Kellogg.

In full corroboration of the allegations in this petition, we refer you to the subjoined specifications, and specific charges, and accompanying affidavits, as well as proper names of prominent and honorable men now residing in New Orleans, Louisiana. And, as in duty bound, we shall ever pray, &c.

R. KING CUTLER,
ALFRED REID,
J. L. JACOBS,
H. N. FRISBIE,
JOS. GORLINSKI,
JAMES SMITH.

CHARGES AGAINST W. P. KELLOGG.

I. That said Wm. P. Kellogg, Collector of the port of New Orleans, Louisiana, has, on divers occasions within the last past two years, under the pretence and color of his office, and without any just or legal cause for so doing, made, or caused to be made, seizures of imported goods, thereby causing great loss and damage to the merchants and owners therein interested, through the medium of causing them to pay large sums of money in the way of expenses, caused by his aforesaid unlawful and unjust acts in seizing said goods. And the following-named witnesses, now residing in New Orleans, will establish the foregoing charges, viz: Hon. Patrick Creagh, ex-member Legislature; Boyd Robinson, Esq., ex-Inspector U. S. Customs—whose evidence can be found on pages 5 and 6 of Report of the Riot Committee on the New Orleans Custom-House, (but he did not testify to those facts therein because not asked;) Wm. H. Burroughs, late clerk of the Direct Tax Commissioners at New Orleans; Chas. Randall, late Aid to Revenue and Inspector of Customs; Wm. Dowse, Esq., late Appraiser of Customs.

II. That said Wm. P. Kellogg has, on divers occasions within the last past two years, without any just or legal cause whatever, caused the detention of steamboats and sailing-vessels then ready to leave port, thereby subjecting the owners, shippers, and parties interested, to annoyance, delay and expense, and in a few of said instances has caused unjust fines to be imposed, some of which he subsequently remitted and others retained. And, further, that said Wm. P. Kellogg has, on several occasions, suddenly executed a Treasury regulation and law, without giving previous notice; in this, to wit: Steamboats arriving from the upper rivers at the port of New Orleans, immediately on landing, and without any knowledge or previous notice, were compelled to pay fines for not having each and every bale of cotton covered with a certain canvas, said regulation having never been put in force before, and the steamboats leaving the port without knowing the fact should have been notified that on their return they should comply with the law; but, instead thereof, they were immediately arrested and fined, through the arbitrary dictum of the said Wm. P. Kellogg; and that a part of said fines have never been accounted for to the Government. Reference is now made to the following-named respectable gentlemen, residing

in New Orleans, to establish the truth of the foregoing, viz: Moses Fox, Wm. Dowse, Charles Randall, F. J. Leche, Alfred Reid, Joseph Gros, Wm. Hall, J. F. Molliere, Capt. C. B. White.

III. That the said Wm. P. Kellogg, for at least one year last past, has permitted a favorite practice with several of his discharging officers and Inspectors of Customs, in this, to wit: That those favorite Inspectors of his were specially allowed the privilege of interfering with the business of employing stevedores in unloading and loading steamboats and sailing-vessels. In this interference they often compelled ship owners to employ certain particular stevedores, from whom several of such officers received improper compensation; that the conduct of said officers resulted in great inconvenience, annoyance and delay, as well as heavy expense, to said steamboats and vessels, their owners and shippers, all of which were well known and sanctioned by the said Wm. P. Kellogg, Collector. Reference is now made to the following-named respectable gentlemen, residing in New Orleans, to establish the truth of the foregoing, viz.: Wm. R. Miller, Wm. Dowse, E. Dorsey, Boyd Robinson, Wm. C. Carroll, J. F. Molliere, Wm. L. Randall, Moses Fox, Patrick Creagh, Captain C. B. White, Wm. Hall.

IV. That the said Wm. P. Kellogg has, within the last past eighteen months, employed by contract certain four men to do and perform all the draying, carting and hauling of Government merchandise to bonded ware-houses, as well as all bonded merchandise; that two of said men, viz: Mr. Laffon, and P. Lauve, were and are the most inveterate, confirmed and stubborn rebels, who could not, would not, and did not take the oath of office; yet were and are in the enjoyment of the patronage, as aforesaid, to the amount of not less than twenty-five thousand dollars per year, through the said instrumentality of said Collector Kellogg. Reference is now made to the following-named respectable gentlemen, residing in New Orleans, to establish the truth of the foregoing, viz: Jacob Hawkins, R. King Cutler, F. J. Leche, John Maxent.

V. That said William P. Kellogg is not, and was not at the time of his appointment, a resident of the State of Louisiana, but was and is domiciliated in the State of Illinois; has a family, and they reside at his domicile in Illinois. He has engaged largely in speculations outside of his legitimate official duties. Specific reference can now be made only to instances of purchases of a large number of shares in three different insurance companies in the city of New Orleans. He has been privately and strictly informed that certain men whom he individually appointed to fill offices under him in the Custom-house were men who had been in the rebel service and unable to take the oath of office, except by perjury; and he well knew those facts, and yet he permitted them to take the oath, and some instances illustrative of and establishing this allegation are found in the Report of the Riot Committee on the New Orleans Custom-House, and special reference is made to Mr. Chas. A. Fassy, Jules Cassard, Maurice Quirk, J. A. De Blanc, J. F. Molliere, Philip Winfree and others, all of New Orleans. That said Wm. P. Kellogg was, up to the time of the passage by the Thirty-Ninth Congress of the Tenure-of-Office Bill, a clandestine and pretended supporter of the Administration; but subsequent to the passage of that bill, down to the present moment, has been and is an open, outspoken opponent of

the Administration. Finally, his official and political course and conduct have been such as to make him obnoxious to all the good people of all shades of politics in the State of Louisiana, and very obnoxious to the commercial interests of that State and of the United States.

In conclusion, therefore, the good and true people of the State of Louisiana do most sincerely hope and pray that your Excellency will consider this petition, and give these charges and earnest wishes a fair investigation; and that, after examining the same, together with the accompanying affidavits, made by citizens of Louisiana, now temporarily in Washington, you will relieve the people of the State of Louisiana, as well as the Government, of one who has thus violated honesty, justice, law and Treasury regulations; and in his place and stead give to the State and country any man who will act fairly, justly and according to law. And in support of, and to fully establish the foregoing (in series of charges number five,) we beg leave to refer to the above-named witnesses, the accompanying affidavits and the following-named witnesses :

Hon. Richard Yates, United States Senator, *Illinois*.

Hon. J. F. Farnsworth, M. C., *Illinois*.

General F. J. Herron, *New Orleans*.

C. A. Weed, *New Orleans*.

J. W. Parrish, *Washington*.

Gov. J. Madison Wells, *New Orleans*.

Hon. Michael Hahn, *New Orleans*.

Rev. Mr. Newman, *New Orleans*.

Dr. W. H. Hire, *New Orleans*.

Hon. J. L. Davies, *New Orleans*.

Hon. Edmund Flood, *New Orleans*.

Mr. McMillan, *New Orleans*.

Wm. Dowse, *New Orleans*.

A. S. Mansfield, *New Orleans*.

Wm. P. Judd, *New Orleans*.

All of which is hereby most respectfully submitted.

R. KING CUTLER,
ALFRED REID,
J. L. JACOBS,
JOS. GORLINSKI,
H. N. FRISBIE,
JAMES SMITH.

Subscribed and acknowledged before me, Charles Walter, justice of the peace in and for the county of Washington, in the District of Columbia, this 18th day of May, 1867.

CHARLES WALTER, *J. P.* [SEAL.]

The foregoing petition and charges were signed and sworn to in the manner following, to wit :

UNITED STATES OF AMERICA, }
District of Columbia, City of Washington, }^{ss} :

Personally appeared before me, the duly commissioned and qualified under-

signed authority, the following-named persons, viz: R. King Cutler, Alfred Reid, J. L. Jacobs, H. N. Frisbie, who, being first duly sworn, depose and say that they have taken cognizance of and carefully examined the foregoing charges and prayer, and that, to the best of their knowledge and belief, the allegations therein set forth are true and correct; and that many of the allegations and charges are, within their own knowledge, true and correct; that they are personally acquainted with several of the witnesses named as such in the body of the foregoing charges, and that those with whom each of these deponents are acquainted they respectively know to be honorable and correct gentlemen, and they (deponents) believe that said witnesses will testify to the material facts in the body of said charges contained.

R. KING CUTLER,
ALFRED REID,
J. L. JACOBS,
H. N. FRISBIE.

Sworn to and subscribed before me the 18th day of May, 1867.

CHAS. WALTER, *J. P.*, [SEAL.]

Washington City and County, District of Columbia.

UNITED STATES OF AMERICA, }
District of Columbia, City of Washington, } ss:

Personally appeared before me, the duly commissioned and qualified undersigned authority, Rufus King Cutler, a loyal citizen, residing in the city of New Orleans and State of Louisiana, who, being duly sworn, deposes and says that he has carefully examined the foregoing petition, specifications and charges, and that he firmly believes that most of the same are within the personal knowledge of the witnesses named in the body of said charges. Affiant further says that he is personally acquainted with the said Wm. P. Kellogg, and with seven-eighths ($\frac{7}{8}$) of the witnesses named in the body of the said charges; that he knows the witnesses to be men of truth and veracity. Further, affiant says that he has knowledge of the contract for hauling bonded merchandise, and that, so far as the statements in the body of these charges are concerned against Laffon and Lauve, he corroborates said allegations. Further, affiant says that he has knowledge of the allegations in the petition and prayer at the conclusion of the charges, and concurs therein. It is within the knowledge of affiant that said Kellogg was a clandestine supporter of the Administration up to the 30th of July last; affiant left New Orleans on the 30th of October last, and cannot say as to his (Kellogg's) conduct since; but affiant does know that said Kellogg has played truant, and, more, has violated his word and sacred honor; and affiant believes, from information from some of the witnesses named, that the charges above set forth are true.

R. KING CUTLER.

Sworn to and subscribed before me this 18th day of May, 1867.

CHAS. WALTER, [SEAL.]

J. P. for the City and County of Washington, D. C.

UNITED STATES OF AMERICA, }
District of Columbia, City of Washington, } ss:

Personally appeared before me, the duly commissioned and qualified under-

signed authority, Alfred Reid, a loyal citizen residing in the city of New Orleans and State of Louisiana, who, being duly sworn, deposes and says that he has carefully examined the foregoing petition, specifications and charges, and that he firmly believes most of the same to be within the personal knowledge of the witnesses named in the body of said charges; affiant further says that, from his own personal knowledge and from information received from many of the witnesses named in the body of the foregoing charges, said charges are true and correct.

ALFRED REID.

Sworn to and subscribed before me this 18th day of May, 1867, in and for the county and city of Washington, D. C.

CHAS. WALTER, *J. P.* [SEAL.]

UNITED STATES OF AMERICA, }
District of Columbia, City of Washington, } ss:

Personally appeared before me, the duly commissioned and qualified undersigned authority, Joseph Gorlinski, a loyal citizen, residing in the city of Baton Rouge, lately of New Orleans, Louisiana, now temporarily in Washington city, who, being duly sworn, deposes and says that he has carefully examined the foregoing petition, specifications and charges, and that he firmly believes most of the same are within the personal knowledge of the witnesses named in the body of said charges. Affiant further deposes and says that, from his personal knowledge and from information received from others, he believes the allegations in the foregoing charges and specifications are true and correct. Affiant further deposes and says that he believes it to be the desire of all the good people of the State of Louisiana that Wm. P. Kellogg, the present Collector, should be removed. Further, deponent deposes and says that the public generally in the city of New Orleans, as well as Baton Rouge, believe that said Kellogg has been guilty of misdemeanors in office; and affiant is confident that his removal would meet the approbation of the general commercial community of the State.

JOSEPH GORLINSKI.

Sworn to and subscribed before me this 18th day of May, 1867.

CHARLES WALTER, [SEAL.]

J. P. in and for the City and County of Washington, D. C.

UNITED STATES OF AMERICA, }
District of Columbia, City of Washington, } ss:

Personally appeared before me, the duly commissioned and qualified undersigned authority, Joseph L. Jacobs, a loyal citizen residing in the city of New Orleans, but temporarily in the city of Washington, who, being duly sworn, deposes and says that he has carefully examined the foregoing petition, specifications and charges, and that he firmly believes that most of the same are within the personal knowledge of the witnesses named in the body of said charges; affiant further says that he is personally acquainted with the said William P. Kellogg and with nearly all of the witnesses named in the body of said charges; that he knows the witnesses to be men of truth and veracity; further, affiant

says that, from his own knowledge, and more particularly from information received from reliable persons, he firmly believes that every charge set forth as above is true and correct. And affiant further says that he is confident that the good people of the State of Louisiana desire the removal of the said William P. Kellogg.

J. L. JACOBS.

Sworn to and subscribed before me this 18th day of May, 1867.

CHARLES WALTER, [SEAL.]

J. P. in and for the City and County of Washington, D. C.

UNITED STATES OF AMERICA, } ss:
District of Columbia, City of Washington,

Personally appeared before me, the duly commissioned and qualified undersigned authority, Henry N. Frisbie, a loyal citizen of Louisiana, now resident in the city of New Orleans, formerly an officer in the volunteer forces of the United States, and during the past year an extensive planter in the Parish of Rapides, and State aforesaid, now temporarily in the city of Washington, who, being duly sworn, deposes and says that he has carefully examined the foregoing petition, specifications and charges, and that he firmly believes most of the same to be within the personal knowledge of the witnesses named in the body of said charges, and, from his personal knowledge, and more particularly from information received from others, he believes the allegations contained in the foregoing charges and specifications are true and correct. And affiant further deposes and says that he believes it to be the desire of all good people in the said District of Louisiana that said William P. Kellogg, Collector, be removed; especially the wine merchants, whom he had unjustly and illegally oppressed by seizure of property and interference with their lawful business for the sole purpose, as they believe, not to promote legitimate trade and protect the interest of the Government, but to increase his own revenue by confiscation, whether just or not; and by many of the steamboat men, for favoritism and arbitrary enforcement of regulations, without proper notice, and by permission or by connivance with certain Inspectors, favorites of his, to either retard or delay the unloading of vessels until illegal, unjust, or arbitrary fees are paid. And affiant further deposes and says he believes the said Kellogg, Collector, has been guilty of misdemeanor in office; that such opinion is general in the public mind. And affiant is confident that all the facts set forth in these specifications and charges will be amply sustained on investigation by proper authority.

H. N. FRISBIE.

Sworn to and subscribed before me the 18th day of May, 1867.

CHARLES WALTER, [SEAL.]

J. P. in and for the County and City of Washington, D. C.

UNITED STATES OF AMERICA, } ss:
District of Columbia, City of Washington,

Personally appeared before me, the undersigned duly commissioned and qualified authority, Alfred Reid, a loyal citizen of the city of New Orleans and

State of Louisiana, who, being duly sworn, deposes and says that he is personally acquainted with Wm. P. Kellogg, the Collector of the port of New Orleans, and that he was also acquainted with one Charles Fox, an employé in said Custom-house, but who has since died, as he is informed, and that he knows of the said Fox having written a political letter, said to have been to Honorable Richard Yates, a Senator from Illinois, advocating that suffrage be extended to persons of color who could read and write and had a certain amount of property; and that the same, soon after, came to the knowledge of said Kellogg, who had the said Fox suspended from his duties for many weeks, and did all in his power to have the said Fox removed from his position, solely for said reason; and affiant further deposes and says that upon one occasion he was an applicant for a position in said Custom-house under said Kellogg, and affiant called the attention of said Kellogg to the responsible and respectable names upon his application for position, as a reason why the said Kellogg should give affiant a better place than he was assigned to; whereupon said Kellogg said, in substance, as follows, to wit: "Why, sir, I do not care a straw for names, for many of the employés of this Custom-house are recommended by men who would sign any man out of the penitentiary;" meaning thereby, as I understood, that he knew his employés had been recommended by disreputable men, who, for the *same reasons*, would sign any man out of the penitentiary; and affiant thereupon declared to the said Kellogg that if that was the character of his appointees, affiant would not consent to serve with any such persons, and then withdrew his application and retired, and has never since applied for or held office under said Kellogg. And affiant further declares that said Kellogg did, upon one occasion, give employment to a certain person, residing in Illinois, visiting the city of New Orleans solely for his health, and who did not expect to live in Louisiana, as his family and business were in the said State of Illinois; and the said person, appointed as aforesaid, did not perform any duty whatever for the Government, nor was he expected to do so when appointed, as was mutually understood at the time, and as was declared by the said Kellogg, who, in substance, if not in words, declared that said person was appointed solely because of his political influence, and not because he had anything for him to do; and affiant charges and believes that said person was so appointed, as declared by said Kellogg, to an eighteen-hundred-dollar clerkship in the said Custom-house, under the said Kellogg, and held the same several months, drawing pay, as aforesaid, from the Government and rendering no equivalent therefor, thereby defrauding the Government, with the consent and connivance of said Wm. P. Kellogg, Collector as aforesaid; and affiant further deposes and says that the reason said name is not given herein is, because affiant is temporarily at this (Washington) city, and has forgotten the name of the aforesaid person, but he verily believes that he can, immediately on his return to New Orleans, ascertain the name of said person, and also that of witnesses who will, by their evidence, substantiate the above charge; and affiant further declares he will, with as little delay as possible, after his return to New Orleans, procure said names, as aforesaid, and furnish the same to the Treasury Department, in this city of Washington. And affiant further deposes and says that a system of favoritism exists in said Custom-house, and, as affiant firmly believes, with

the knowledge and consent of said William P. Kellogg, to the detriment of lawful commerce—in this, that it is often of great importance to a merchant importing the same kind of goods as his neighbors to put them on the market with as little delay as possible, and this fact is often taken advantage of by employés, as aforesaid, to extort exorbitant and illegal fees from the importing merchants of said city, by compelling all those who will not submit to and pay such illegal exactions to wait until all others are served, and they thereby suffer great damage and loss by not being able to place their goods upon the market equally with their neighbors, and that said merchants seldom or never complain because fearful of further loss and damage, by reason of terrorism excited by the illegal, unjust and arbitrary acts of these favorite officers of the said Kellogg aforesaid.

ALFRED REID.

Sworn to and subscribed before me this 20th day of May, A. D. 1867.

N. CALLAN, [SEAL.]
Notary Public.

UNITED STATES OF AMERICA,
District of Columbia, City of Washington, } ss:

Personally appeared before me, the duly commissioned and qualified undersigned authority, James Smith, a loyal citizen, residing in the city of New Orleans, now temporarily in Washington city, who, being duly sworn, deposes and says that he has carefully examined the foregoing petition, specifications and charges, and that he firmly believes most of the same are within the personal knowledge of the witnesses named in the body of said charges. Affiant further deposes and says that, from his personal knowledge, he knows the material facts set forth in the above charges to be true and correct; and that he believes it to be the desire of all the good people of the State of Louisiana, and particularly the commercial community of the city of New Orleans and State of Louisiana, as well as the importing and exporting interests of that State and city, that Wm. P. Kellogg, Collector of the port of New Orleans, should be removed. Further, the good people of the State of Louisiana, who are commercially interested therein, as well as all importers and exporters of goods, wares and merchandise, believe that said Wm. P. Kellogg is guilty of misconduct and misdemeanors in office, and affiant is confident that his removal would meet the approbation of all the good people of the entire Mississippi Valley. Affiant further deposes and says that he has particularly examined the affidavit made by R. King Cutler, Esq., above, and that he fully corroborates every statement therein made. Affiant further deposes and says that he has carefully examined the above affidavits of General H. N. Frisbie and Alfred Reid, Esq., and fully corroborates the statements by each of them made.

JAMES SMITH.

Sworn to and subscribed before me this twentieth day of May, A. D. 1867.

N. CALLAN, [SEAL.]
Notary Public.

We now state that the petition, charges and affidavits were presented to the President of the United States, and, although by him favorably received, were by him referred to the Secretary of the Treasury for examination and report thereon. That the Secretary of the Treasury forthwith transmitted a copy of the same to the accused, Kellogg. Pending the answer of the accused, knowing full well his dishonesty, we anticipated his power of subornation of witnesses, and therefore informed the Secretary accordingly.

On or about the 18th of June, 1867, the accused, Kellogg, transmitted to the Secretary of the Treasury his billingsgate and personal abuse, which he styles an answer, a copy of all which was demanded by us of the Secretary of the Treasury in manner and form following, to wit:

WASHINGTON, D. C., *June 20, 1867.*

Hon. H. McCULLOCH,

Secretary of the Treasury, United States:

SIR: Permit me to say that I have just been informed of a wicked, vindictive, malicious, unjust and false defense, made by W. P. Kellogg, Collector of Customs at the port of New Orleans.

Such is the outrageous conduct of Kellogg that, in my opinion—and in the opinion of a large number of honorable gentlemen—your friends as well as mine, both here and in Louisiana—I feel compelled to call upon you for a copy of his defense, including a copy of all letters addressed to you upon the subject. This request I hope you will not decline, as “sometimes the power behind the throne is equal to the throne itself.”

As to the vile, low and contemptible defense made by Kellogg, I shall, in common with others, within a few days, make such a reply thereto as will not only drive him to shame, but to everlasting disgrace and ignominy. I am aware of the responsibility which I now assume, and, being unaccustomed to fear, and having never been unsuccessful, I shall meet the issue, and carry out the measures in my usual way; and, by the help of God, I will see that a traitorous scoundrel receives justice; all of which must and shall be done.

Respectfully, yours,

(Signed) R. KING CUTLER.

On the 22d day of June, 1867, we received the following reply to said request, as follows, to wit:

TREASURY DEPARTMENT,

June 21, 1867.

SIR: Your favor of the 20th instant is received. All the papers in relation to the alleged malfeasance in the office of the Collector at New Orleans have

been referred to Mr. J. B. Guthrie, of this Department, for examination and report. If you have anything further to submit, either personally or in writing, he will give you an opportunity to do it. Mr. Guthrie is an upright, intelligent man, thoroughly conversant with customs business, and will give to this case a more thorough and satisfactory investigation than I could give to it myself, or could be given to it by any other person connected with the Department.

I am, very respectfully,

(Signed)

H. McCULLOCH.

R. KING CUTLER, Esq.,

Washington, D. C.

We therefore now present a copy of said pretended answer, as published in the New Orleans journals, at the instance of said Kellogg, in words and figures following, to wit:

COLLECTOR KELLOGG'S ANSWER.

If a thing is worth doing at all, it is worth doing well. Collector Kellogg thought it was worth while refuting the charges preferred against him by R. King Cutler and others, and we are of the opinion that he has effectually accomplished the task. Allusion to this effort on the part of certain "loyal Louisianians" to stain the reputation of an honorable official, and to cause his removal, has already been made in the Times, and a brief review of the whole case, as set forth in the documentary statements and testimony, yesterday mailed to the Secretary of the Treasury, may prove of general interest. We proceed:

Last March the Collector received a letter from a member of Congress inquiring in particular as to the status of R. King Cutler, and under date of March 31st the Collector forwarded an answer, in which occurs the following:

Such men as Cutler want a new shuffle and deal that will give them plunder. They are actuated by no principle whatever. *Originally in favor of secession*, they are radicals only to promote their selfish ends, and to attain that prominence that they never could have hoped for before the rebellion, nor at any time among a people who know them well. I have never felt at liberty before to write you just what kind of man this Cutler is, as I feared you would hardly credit it; but since you desire to know the truth, I must say that Cutler is generally regarded here as a miserable low vagabond. There are none, radical or conservative, so poor as to do him reverence. He is regarded by all, with scarce an exception, as an object of contempt. I regard him as entitled, by far, to the least consideration of any of the so-called *original Union men* of this city. Many of them are really good men, but I think hereafter you will look back with surprise at the bastard figure that this man Cutler has cut in politics of late. In my judgment he is *a great detriment to the so-called radical party here*. I tell you frankly that the current opinion here is, that whoever associates with this man Cutler disgrace themselves and debase their manhood. You know I am not in the habit of writing in this manner about any one, but as you ask me for the truth I must tell it to you. It is generally believed here that Cutler is a fugitive from justice, having been indicted in Massac county, Illinois, for counterfeiting. Since I came down here I have

often thought that Mr. Lincoln knew something of this when he treated Cutler with the contempt that you will recollect he did on an occasion when you and I were present.

You are at liberty to show this letter if you desire so to do.

As it is known that the member of Congress referred to and others, about the time the above was received, gave Cutler the cold shoulder, also that portions of the letter were shown, this is supposed to be the actuating motive for his recent onslaught. Waiting until Congress adjourned, and all prominent Louisianians had departed from the National Capital, he assembled a squad of his strikers, and filed a lot of loose, frivolous charges against Collector Kellogg, Cutler and his aids swearing to the truth of the same. He thus hoped to achieve a masterly *coup d'etat* by having the Collector suspended under the Tenure-of-Office Bill, in the absence of his friends, and before he could be heard on the subject. These charges were filed May 24th, sworn and subscribed to by R. King Cutler, Alfred Reid, J. L. Jacobs, H. N. Frisbie, Joseph Gorlinski, and James Smith. Secretary McCulloch seems to have at once discerned their worthless character, *for he adopted a very unusual course*. After the President had perused these precious documents, he, with the written consent of Mr. Johnson, forwarded them to Collector Kellogg, in order that he might refute every allegation, and thus settle the matter at once and forever. The refutation, as above stated, is now on the way to Washington.

First is his own affidavit, denying *seriatim* every charge except the final one—"that he was a resident of Illinois when appointed." Thirty witnesses are cited as competent to testify in support of the charges; twenty-three of them have signed the following affidavit, contradicting the allegations, and denouncing those making them:

STATE OF LOUISIANA, }
 City of New Orleans, } ss:

Boyd Robinson, F. J. Leche, Patrick Creagh, Joseph Gros, Wm. Hall, Wm. C. Carroll, Jules Cassard, Charles A. Fassy, Philip Winfree, Wm. R. Miller, W. P. Judd, J. Maxent, P. N. Lauve, F. J. Herron, Maurice Quirk, J. A. De Blanc, Chas. H. Fox, A. S. Mansfield, J. Madison Wells, J. Hawkins, C. A. Weed, W. H. Hire, J. F. Molliere, being first duly sworn, depose and say that they have carefully read a copy of the charges filed in the Treasury Department, Washington, D. C., against Wm. P. Kellogg, Collector of Customs at New Orleans, said charges having been subscribed and acknowledged before Charles Walter, justice of the peace in and for the county of Washington, in the District of Columbia, on the 18th day of May, A. D. 1867, by R. King Cutler, Alfred Reid, J. L. Jacobs, Joseph Gorlinski, H. N. Frisbie, and James Smith; and said affiants say that they find their names set forth in said charges referred to as witnesses in support thereof; and said affiants further state that, having carefully read said specifications and charges, number I, and II, and III, and IV, and V, inclusive, state that they have no knowledge of the truth of the general allegations contained in said specifications and charges; and said affiants further say that they have been in a condition to know more or less of the manner in which the said Wm. P. Kellogg has discharged his official duties as said Collector, and that said affiants have reason to believe, and do believe, that the said Kellogg has discharged his duties as Collector faithfully and honestly, and as they believe to the general satisfaction of the commercial community of New Orleans.

And said affiants further say that they have never given any information to said Cutler, or others making said charges, in support thereof, and that reference to them as witnesses in support of said charges is unjust and un-

warranted; and, further, said affiants say that they believe said charges and specifications to be wholly untrue, as well as the affidavits accompanying the same.

(Signed)

CHARLES H. FOX,
JULES CASSARD,
WM. C. CARROLL,
BOYD ROBINSON,
A. S. MANSFIELD,
J. MADISON WELLS,
Governor Louisiana,
JOSEPH GROS,
C. A. WEED,
J. F. MOLLIERE,
WM. H. HIRE,
J. A. DEBLANC,

PATRICK CREAGH,
PHILIP WINFREE,
F. J. LECHE,
WM. R. MILLER,
WM. B. HALL,
WM. P. JUDD,
J. HAWKINS,
J. MAXENT,
C. A. FASSY,
P. N. LAUVE,
MAURICE QUIRK,
F. J. HERRON.

STATE OF LOUISIANA, }
Parish of Orleans, City of New Orleans. }

Be it known that on the eighth day of June, in the year of our Lord one thousand eight hundred and sixty-seven, before me, J. Morris Day, a notary public in and for the parish and city aforesaid, duly commissioned and qualified, personally came and appeared the persons whose names are signed to the foregoing affidavit, and who made oath to the same before me, each for himself; and I certify that I am personally acquainted with each and every one of the said persons, and know them to be residents of the city of New Orleans; and I further certify that, being well acquainted in the city of New Orleans, I know of no other persons in said city who bear the same names but those who have subscribed and made oath to the foregoing affidavit.

In witness whereof, I have hereunto set my hand, and affixed the impress of my seal of office, at the city of New Orleans, day and date above written.

(Signed)

J. MORRIS DAY, [SEAL.]

Notary Public.

Thus it will be seen, at one fell swoop twenty-three of Cutler's thirty witnesses are taken from him. Two others of the number make separate affidavits, also contradicting the charges; and three of the remaining five cannot be reached, the Collector being unacquainted with them, as doubtless they are with the manner in which he has conducted the customs business. The last two are Senator Yates and Congressman Farnsworth, of Illinois, who are doubtless desired to prove the allegation that Judge Kellogg has appointed two or three men from their State in the New Orleans Custom-house on their recommendation, and that the Collector was a resident of Illinois when appointed. As these Congressmen are warm friends of the accused gentleman, they will not probably relish the use made of their names.

The following affidavit of Surveyor E. T. Parker, and fourteen other principal officers in the Custom-house, must prove damaging to the Cutlerites:

STATE OF LOUISIANA, }
City of New Orleans, } *ss:*

E. T. Parker, Surveyor of the port of New Orleans; James B. Sullivan, Naval Officer of the port of New Orleans; James Jackson, Appraiser of the port of New Orleans; Edgar K. Whittaker, Auditor of the Custom-house; John Timberlake, Cashier Custom-house; John D. Park, Assistant Appraiser; John D. Crawford, entry clerk; Theodore Meeks, register clerk; J. A. De Blanc, Deputy Surveyor; L. D. Kellogg, Assistant Appraiser; John C. White, Deputy Naval Officer; Robert Flynn, Chief Gauger; Edmund B. Hood, Chief Weigher, and officers of the Custom house at New Orleans, and residents of said city, being first duly sworn, say that they have carefully read a copy of the charges filed in the Treasury De-

partment, Washington, D. C., against William P. Kellogg, Collector of Customs at New Orleans, said charges having been subscribed and acknowledged before Charles Walter, justice of the peace in and for the county of Washington, District of Columbia, on the eighteenth day of May, A. D. 1867, by R. King Cutler, Alfred Reid, J. L. Jacobs, Joseph Gorlinski, H. N. Frisbie and James Smith, and after so carefully reading and considering all such charges and specifications, numbered I, II, III, IV, V, and after also carefully reading all of the affidavits accompanying such charges filed in support thereof, said affiants do say that they believe the same to be *false* and *malicious*; and affiants further say that, from their official connection with the Custom-house at New Orleans, had the illegal practices alleged in said charges and affidavits existed, or been practised in said Custom-house, or any department thereof, with or without the connivance and concurrence of the Collector, said affiants would have been cognizant thereof; but said affiants do say that all and every allegation contained in said charges and affidavits, whereby infractions of the revenue laws and revenue regulations are charged, or whereby illegal assessments of fines are said to have been made, or whereby vessels have been, as charged, illegally detained, or merchants, or importers, or shippers illegally and unwarrantably embarrassed or interfered with, are wholly and entirely *false*, and, as affiants verily believe, *malicious*; and affiants further say that they believe the said Wm. P. Kellogg has discharged his official duties as Collector of the port of New Orleans faithfully and honestly, and to the satisfaction of the commercial community of said port.

(Signed)

EDWARD B. HOOD, *U. S. District Weigher.*

J. A. DE BLANC, *Deputy Surveyor.*

JAMES B. SULLIVAN, *Naval Officer.*

JONA C. WHITE, *Deputy Naval Officer.*

ROBERT FLYNN, *U. S. Gauger.*

JOHN D. PARK, *Assistant Appraiser.*

E. T. PARKER, *Surveyor.*

LUCIUS D. KELLOGG, *Assistant Appraiser.*

JAMES JACKSON, *U. S. Appraiser.*

THEODORE MEEKS, *Register Clerk.*

EDGAR K. WHITAKER, *Auditor.*

JOHN TIMBERLAKE, *Cashier.*

J. D. CRAWFORD, *Entry Clerk.*

STATE OF LOUISIANA, }
 Parish of Orleans, City of New Orleans. } ss:

Be it known that, on this eighth day of June, in the year of our Lord one thousand eight hundred and sixty-seven, before me, J. Morris Day, a notary public in and for the city and parish aforesaid, duly commissioned and qualified, personally came and appeared the persons whose names are signed to the foregoing affidavit, and who subscribed and made oath to the same, each for himself, and I certify that I am personally acquainted with each and every one of said persons, and know them to occupy the official positions mentioned in said affidavits as officers of the customs in and for the district and port of New Orleans. In witness whereof I hereunto set my hand and seal of office at the city of New Orleans, day and date above written.

(Signed)

J. MORRIS DAY, [L. s.]
Notary Public.

In order that the Washington authorities may know what manner of man this "Senator elect from Louisiana" is, and how much credence should be given to any statements he may make upon this or any other subject, the following scrap of legal personal history is transmitted by the Collector:

CIRCUIT CLERK'S OFFICE,
January 1, 1867.

STATE OF ILLINOIS, }
Massac County. } ss.

I, John B. Hicks, Clerk of the Massac Circuit Court, in said State, do hereby certify that I was, on the day of the date hereof, called upon to give a written statement of the facts touching one indictment preferred by the grand jury of said county against Wyatt C. Cutler and Rufus K. Cutler, the former then known here as Dr. Cutler, for and concerning counterfeiting. I do certify that at the May term, 1849, the grand jury then in service for said county did prefer one indictment against Wyatt C. Cutler and Rufus K. Cutler, sometimes called Col. Cutler, for the crime of counterfeiting. And I further state that, on the 14th day of February, 1849, they, the said Wyatt C. Cutler and Rufus K. Cutler, were recognized before John W. Carmichael and Daniel Musselman, two acting justices of the peace for said county, in the sum of five hundred dollars, to appear at court and answer to said charge, which they, said Cutlers, both of them failed to do. The securities on the bail peace, before the justices, were Henry Delevoue, Henry Grace, John Grace and Jonas Young, all making their mark as signature, with the exception of Henry Delevoue.

Upon the finding of said indictment a *capias* was regularly issued out of the Circuit Court Clerk's office, against the body of Wyatt C. Cutler and Rufus K. Cutler, but was returned not found, and continued from time to time, and returned in the same manner, (not found;) finally a *sciens facias* as to the securities was issued, then cause continued. The prosecution then endeavored to obtain judgment against the securities, according to the tenor and effect of their said recognizance, when it was discovered that the indictment and recognizance before the justices of the peace had mysteriously disappeared; and, although the cause was continued until the spring term of 1853, the securities got out of the bond in that way, plea of "*defence nul tiel record.*" The prosecution then being stripped of legal materials, a *nolle prosequi* was entered.

All of which the proceedings in said cause will show.

Witness my hand and judicial seal of said court, at Metropolis, Illinois, this first of January, A. D. 1861.

(Signed)

JNO. B. HICKS. [SEAL.]

DISTRICT COURT OF THE UNITED STATES, }
District of Louisiana. }

I certify the foregoing to be a true copy of the original document, this day presented to me, which I have carefully compared with the original; that the seal hereto attached is a fac simile of the seal of the Massac county Circuit Court impressed on the original.

In testimony whereof I hereby set my hand and the seal of our court, at New Orleans, this 5th day of June, 1867.

(Signed)

CHAS. CLAIBORNE, *Clerk.* [SEAL.]

I certify that Chas. Claiborne, whose genuine signature is attached to the foregoing certificate, is the duly qualified Clerk of the District Court of the United States for the District of Louisiana, and that to his official acts full faith and credit are due and owing.

Given under my hand, at New Orleans, this 8th June, A. D. 1867.

(Signed)

E. H. DURELL, *Judge.*

I certify, from the facts within my knowledge, that the Rufus K. Cutler, within named, refers to the Hon. R. King Cutler, the late aspirant for Senatorial honors from the State of Louisiana. This, the 12th of June, 1867, in the city of New Orleans.

(Signed)

J. B. COTTON.

Witness to this certificate and signature.

(Signed)

C. WALLACE.

Collector Kellogg also gets up brief biographical sketches of the others, which may be condensed as follows :

Record of H. N. Frisbie—Special Orders No. 155, Headquarters Department of Louisiana, December 30, 1865. Order by Gen. Canby, directing a refund of several thousand dollars illegally obtained from his negro regiment, and appropriated by H. N. Frisbie ; also, General Order No. 3, Headquarters Department of Louisiana, January 17, 1866—sentence of court martial against H. N. Frisbie. There are interesting details for which we have not space.

Record of Alfred Reid and Joseph Gorlinski—Affidavit sent, showing their bad character.

James Smith—This individual is not positively known, but supposed to be an officer that came down here with Butler, who is now a “hanger-on about Washington, seeking for Government pap.”

J. L. Jacobs—Neither is this individual certainly identified, but is reported to Collector Kellogg to be a “wandering negro-minstrel player, formerly engaged in some place of amusement on St. Charles street.”

In addition to these statements, the Collector sends to the Department, accompanying a letter written by himself to the Secretary, a large number of affidavits relative to the character and standing of the more prominent of those making the charges. Among them are several showing that these accusers “are not worthy of belief, even when making statements under oath.” A pretty set of fellows to claim that they represent the merchants of New Orleans !

As testimonials of his own character and standing in the community, Collector Kellogg forwards a mass of letters indorsing him both as a private citizen and public officer in the warmest and most emphatic terms. The recipient is justly proud of these evidences of esteem and good will, for they were sent him unsolicited. The letters were sent to the Secretary in packages, indorsed as follows :

1. Letters from Hon. Christian Roselius, Hon. Randell Hunt, W. H. C. King, Esq., editor New Orleans Times ; Alfred Moulton, Esq., President Chamber of Commerce ; Arthur C. Waugh, Esq., Judge Taliaferro, and others.

2. Letters from Importers—J. Avet, Puig Bros., Folger & Co., John B. Muri-son & Co., Chaffraix & Agar, and others.

3. Letters of Shippers—Creevy, Nickerson & Co., Ashbridge & Decan, Geo. A. Fosdick, and others.

These documents are perfectly overwhelming, and must have the effect of increasing the confidence heretofore reposed in Collector Kellogg by the chief officers of the Government.

By a mere inspection of the foregoing pretended answer it is easily perceived, by all who lay claim to rationality, that not only the diseased mind, made so by fraud and Government robbery by the said Kellogg, has been studiously, foully and dishonestly brought to bear therein, but that the mind of a murderer, whose proper name is Backhouse, and whose position is that of editor of the journal in which the above is published, is also brought to bear. It is asserted by this editor, sanctioned by Kellogg, that “If a thing is worth doing at all, it is worth doing well.” We shall, therefore,

endeavor to do this *well*, but shall be guided by truth and positive, stubborn facts, and then leave the Secretary, Mr. J. B. Guthrie, his referee, and all other persons, to judge as to who are the dishonest and who are not.

But, in order to a clear, full and comprehensive understanding, we shall proceed by properly dissecting this pretended answer. Compare the charges with the affidavit of the men who say that "they believe that the charges are false, and that Kellogg has faithfully and honestly discharged the duties of the office." The most glaring and willful error in this connection is the affidavits of his various subordinate officers. Many men who are under him are not expected to state anything displeasing to him, under penalty of removal; for instance, Edward B. Hood is Kellogg's own Custom-house Weigher, and thousands of dollars have been obtained from merchants and in defrauding the Government, through the medium of this office. J. A. De Blanc, Deputy Surveyor, is directly under the power of Kellogg, and his office needs no further definition. A great deal of money comes through the office of the United States Guager. Robert Flynn is now the occupant, and Kellogg his superior. The Assistant Appraiser's office, occupied by John D. Park, is too subservient to Kellogg, as superior, to need any comment. So far as Lucius D. Kellogg, Assistant Appraiser, is concerned, decency forbids that a relative, or even a namesake, being partial to his superior, when a namesake or a relative should fail to accommodate him. James Jackson, United States Appraiser, is in the same class or category, but a much worse man, for he is the man that we know positively has obtained coffee—in fact nearly all the coffee—that Kellogg, some other Custom-house officials, and many of Kellogg's recently defaulting friends have used within the last year or eighteen months. If any further proof on this subject is desired, it can be produced by witnesses now in New Orleans. Next comes Theodore Meeks and J. D. Crawford, clerks under Kellogg, who, we need not say, from their very position, stand ready to write and swear to any document that Kellogg may present to them. As to John Timberlake,

Cashier, common sense tells us that where a chief is a defrauder, cheater, and swindler, the clerk who handles the money or audits the accounts generally stands ready to testify to anything his superior says. In the same category stands Edgar K. Whittaker, Auditor. Now these men, with three others, are the ones this corrupt man, Kellogg, has brought forward to sustain his character. Why not, in their stead, give the names of fourteen respectable merchants in the city, under oath—honorable men, who are wholly without interest in the matter? but no, he prefers to take his own household, many of whom share the spoils of plunder with him. Let us take up the other three. Who is E. T. Parker? Sir, he is the Surveyor of the Port, and in politics has never been considered a man of mediocrity, but a mere bolstered-up sycophant, ready and willing to cater to any man or party who will feather his nest. Jona C. White is a man so completely under the control and will of Kellogg and Sullivan, his superiors, and being a Deputy Naval Officer under Sullivan, it is only necessary for us to mention his name *en passant*, for his action would necessarily be blended, and in fact lost sight of, by the dense shadows cast by Kellogg and Sullivan, his superiors. Next, who is Mr. James B. Sullivan? Mr. Sullivan, the willing witness of Kellogg, is Naval Officer. Not long after his appointment this same Kellogg made the following proposition to Sullivan, viz: That Sullivan should allow all vessels arriving from Cuba with cigars, &c., to deliver, free of duties, 25 boxes of cigars each for Kellogg's use. Now sir, look at the magnitude of this swindle: Six vessels per week would give 150 boxes, of 100 cigars each, which would be 60,000 cigars per month; at a gold duty of 10 cents each, would be a gain to Kellogg and his accomplices of \$72,000 per annum, in gold, of which Government would be defrauded. If this could be done with 25 boxes per each vessel, it could as easily be increased to 100 per trip, for sale to the general smoking public, and thereby crush the efforts of honest dealers therein. This is one transaction, and the witnesses to thoroughly establish the fact are now in

Washington. A summons can reach them, and you can hear them under oath at any time and place you may designate. Then, why may not these fourteen men, under the immediate control, yea, subordinates of Kellogg, testify boldly to his honesty? Perhaps many of them were smoking those cigars when they appeared before the notary, and when they subscribed their names to the foregoing document, which every one of them knew to be false. A word more of Mr. J. B. Sullivan. He subscribed, in his bold hand-writing and official capacity, on the 8th day of June, the above and foregoing false statement, in which statement you find the name of Alfred Reid, whom, it would seem from the tenor of the document, neither Kellogg nor Sullivan knew. Unfortunately for these men, as is usual for men deeply dyed in rascality, the falsity of the oath, and the complicity of some of those willing witnesses, are clearly shown by the following letter, addressed to Alfred Reid by James B. Sullivan, Naval Officer, on the 13th day of June, 1867, and, as you will perceive, five days subsequent to this famous oath:

NEW ORLEANS, *June 13, 1867.*

DEAR SIR: I have just heard, with much pleasure, that you are an applicant for the situation of Special Treasury Agent, made vacant by the resignation of B. F. Flanders. The Secretary cannot make a more judicious selection to fill the vacancy, or one that will be more conducive to the public interest. Your capacity for business is undoubted; and your acquaintance with the business men of this place is extensive; and it is known to all here that you have a knowledge of the gigantic frauds on the Government, in the unholy cotton swindle at Shreveport, of both Government and citizens.

Believe me, sir, no one will oppose your appointment to that situation but those whose interest it is to conceal and cover up that infamous transaction.

In conclusion, permit me to wish you every success in your application, for I know well that you do, and will, deserve the appointment.

Your friend,

JAMES B. SULLIVAN,

Naval Officer.

Mr. ALFRED REID,

Washington City, D. C.

Sir, is not this conclusive evidence of the complicity, deception and dishonesty so clearly charged against Kellogg and these men, and does it not prove conclusively the truth

of every word uttered by Alfred Reid in his affidavit against Kellogg? And, further, does it not clearly vindicate his character and veracity as against the foul, malicious, and basely false affidavit made by the fourteen bosom friends and accomplices of Kellogg.

Sir, perhaps the least astonishing feature of this pretended anomalous answer is that the affidavit by twenty-three men, who are referred to as witnesses against Kellogg, have testified in the manner set forth above. It is necessary, perhaps, in order to an honest and just understanding, and in order that no truth shall go unheard, and no lie unrebuked, that a statement comparatively, relatively, and otherwise shall now be made of those twenty-three men. Their affidavits seem to be, at first sight, overwhelming to the casual observer, or the willing tool of fraud; but let us dissect it. In the first place, all those men, with two or three exceptions, have been or are in the employ of W. P. Kellogg. The question may then be asked, very naturally, If the charges against Kellogg are true, why did you refer to those men to prove them? Now, sir, we consider that you have just read their affidavit. Do you not suppose from their bold statement, as made therein, that neither of those men had any respect whatever for any of the men making charges against Kellogg? Then you may ask, how is it that they testified thus? You shall have it, *seriatim*:

A. S. Mansfield has ever been considered by us, up to the time of his signing this affidavit, or about the time of the failure of the First National Bank of New Orleans, a man of unquestioned wealth and honor. As to his connection with the corruption and fraud practised in the First National Bank and sub-Treasury of the United States at New Orleans, we profess to know little, if anything, but leave that matter for your careful consideration. As to our right to refer to him as a witness to substantiate the charges made against Kellogg, and to refute the impressions seemingly made by his affidavit, we beg leave now to make a witness of A. S. Mansfield against A. S. Mansfield. Honest men are supposed to tell the truth in a letter as well as when

swearing to an affidavit. We, therefore, give the letter of A. S. Mansfield, as follows, to wit:

NEW ORLEANS, LA., *April 25, 1867.*

To His Excellency ANDREW JOHNSON,
President of the United States:

DEAR SIR: If, from any cause, you should conclude to change the present Collector of the port of this District, I beg very respectfully to commend to your favorable consideration General H. N. Frisbie, a resident of this city, and late of the volunteer forces in the service of the Government. He is capable, honest, and efficient; of good standing in society, and of irreproachable character; and his selection for the position would give general satisfaction. I earnestly desire his appointment in the contingency named.

I am, very respectfully,

Your most obedient servant,

A. S. MANSFIELD,

New Orleans.

This gentleman was referred to by us to prove only a specific charge; now, it seems, he has volunteered to make statements in this affidavit not referred to by us, and, therefore, under these circumstances, you are left to judge whether he is an aspirant for an official position, or which of the two statements are true, or whether he is one of the conspirators with Kellogg or not.

Next in line we take Charles H. Fox. This gentleman went from Illinois to Louisiana with Kellogg. He is a man of very ordinary ability, and has held the office of Inspector of Customs at New Orleans, and, had it not been from undue influences brought to bear upon him by Kellogg, he would have testified to the truth, and Kellogg thereby would have been put to shame. Fox was in Washington city when R. King Cutler had Kellogg appointed, and, had it not been for the consent of Mr. Cutler, Fox would not have been an Inspector of Customs at New Orleans; nor has he been specially referred to in the manner in which he has testified, which again proves the power of money in the subornation of witnesses.

Let us pass to Jules Cassard. This fellow was once a Deputy Surveyor. He was referred to by us only to prove rebel appointments. His evidence is contained in Report

No. 25 of the House of Representatives, entitled A Report on the New Orleans Custom-house, which can be found on page 36 of said document. His testifying in the manner aforesaid, in behalf of Kellogg, shows a voluntary disposition on his part to evade truth and assist him with whom he had so long been in confederacy in plundering the Government. You may ask why did we refer to this man as a witness. The answer is, as clearly indicated above, that we referred to him as to what he had testified to before the riot committee.

Wm. C. Carroll, Boyd Robinson, Joseph Gros, Philip Winfree, Wm. B. Hall, J. F. Molliere, C. A. Fassy, J. A. De Blanc, Maurice Quirk, and others herein named were referred to in the charges by us against Kellogg simply as to their sworn statements in the above cited Custom-house reports. We confess that we had no thought that these gentlemen would so far forget themselves, their duty to their God and their country, as to permit themselves to be gulled and suborned into a statement contrary to that which they have thus plainly, fully, and unequivocally made under oath to the aforesaid riot committee. We did not rely upon what they might thereafter swear, especially when hunted down by the blood-hound dollar of Kellogg, but we relied upon what they had already sworn to before the Congressional riot committee, and upon their manhood for adhering to truth. We now submit the question as to these gentlemen, and when you examine their sworn statements before the riot committee and their prepared statement in this affidavit, you will be compelled to say that the former was made out of the presence and without the persuasions of said Kellogg, and, showing these facts, their affidavits need no other comment.

As to J. Madison Wells, honor and manhood compels us to say that we cannot kick a "dead goose," that we will not strike a man when he is nearly lifeless upon the ground, and that all honest and upright men of all parties having condemned him, we forbear further comment on his most miserable trickery. We must, in conclusion, confess regret in even referring to so vasculating an individual.

Mr. C. A. Weed has had the boldness and audacity to sign this common affidavit. His connection with Kellogg has been of a character well known to a large portion of the good people of the city of New Orleans. He was referred to in proof of a certain fact only, which fact he well knew, but he was too cowardly to state the truth.

Before we proceed further let us here suggest, that a certain individual by the name of J. Morris Day figures as a notary public, and has made a certificate over his signature. Now, we desire to inform you that this same man Day holds his office in the Custom-house building, is a marine notary, and is under the complete control of Kellogg, Sullivan and Parker, and his certificate was dictated by Kellogg and his accomplices, and we know that if the twenty-three men named as witnesses were sworn, examined, and cross-examined, they would swear that every word we have stated is true and correct. Kellogg, his officials and accomplices, have formed what is vulgarly called a "ring," and their dictation to this J. Morris Day was readily obeyed, because J. Morris Day is accustomed to tricks of dishonesty. He was discharged for defrauding the Government, by the celebrated witness, James B. Sullivan, the Naval Officer, in the purchase of stationery for the naval office. While he was in office the stationery bills averaged \$500 per month, and, when it was discovered that he made bogus bills and divided with the stationers, Sullivan had to discharge him. After he was discharged the stationery bills were only about \$30 per month, so says Sullivan. But, although discharged for this rascality, yet "birds of a feather will flock together." This affidavit, thus cunningly prepared by Kellogg and his accomplices, was signed by those twenty-three unthinking men just the same as they would have signed a petition to open a street, build a wharf, or recommend a man for office. Especially in this category came Wm. H. Hire, a late appointee of Wells to a dead political State office—that of State Register of Voters, salary, \$5,000 per annum; duties, simply to draw his pay—and the object in referring to him was to prove the residence of Kellogg in Illinois.

As to F. J. Herron, God knows the poor fellow suffers enough. His connection with the First National Bank, the sub-Treasury of the United States at New Orleans, and the Crescent newspaper is enough to let any man see the depth of his honesty. His cotton speculations at Vidalia, La., and other places, his particular commercial rascality at Natchez, Miss., his public identification with those who offered the \$100,000 to bribe the Hon. J. Jay Knox, and his general financial schemes, made him a fit subject to join the Bohemians of New Orleans. Poor fellow, he well knew what he was referred to to prove, but had not the nerve to state it. We hope that Divine Providence will forgive him for signing the foregoing affidavit. What we referred to him to prove is already established by others. Before we leave this individual, we cannot and will not refrain from stating one important fact—that he recommended to the President the appointment of Gen. H. N. Frisbie to the office of Collector in case of the removal of Kellogg, and that he spoke in the highest terms of the honesty, integrity, and business tact of the said Frisbie, for the truth of which we refer you to the letter of Herron, on file in your office.

P. N. Lauve, J. Maxent, and Jacob Hawkins, the Catahoula schoolmaster: Their profound ignorance of such a document without an examination and cross-examination, satisfies us that they were not aware of what they signed. They were merely referred to to prove a rascality of Kellogg, which they all well knew, and which fact others, far superior in intellect, now here in Washington, *do* know in regard to the bonded ware-house hauling. When we come to consider Wm. R. Miller, the pretended marine lawyer, and Inspector of Customs under Kellogg, we must say that we are sure he did not know what he was signing. We *do* know that he knows full well the facts stated against Kellogg, which an examination and a cross-examination will fully bring out of him. We learn that Kellogg made Mr. Miller his mouth-piece, persuader, and street-runner, in getting this false affidavit signed by those whom Kellogg could not himself persuade to sign it.

Patrick Creagh is a good man, and, although he knows every word alleged against Kellogg to be true, yet he has

signed this document not knowing its contents, and was basely deceived by said Kellogg.

Wm. P. Judd was referred to by us as one who knew certain facts in regard to the residence of Kellogg. We confess that the imbecility of this old whitewasher should have prevented such a reference. The contract he obtained from Kellogg for whitewashing the Custom-house induced him to sign the affidavit.

Felix J. Leche was referred to as a witness to prove the same facts, as before stated, in regard to the bonded warehouse hauling. This young fellow, Leche, is a good deal like Judd.

We have now gone through the list of names, of which the celebrated Backhouse, *alias* W. H. C. King, says, "At one fell swoop twenty-three of Cutler's thirty witnesses are taken from him."

We now come to consider other testimonials in favor of Kellogg:

First on the list is Christian Roselius, who, it is said, gave a letter to Kellogg *in favor of his character*—a man, it has often been well said of, "whose soul can be brought out of him by a small pin-hook, baited with a silver sixpence, placed to his lips"—one whom the Supreme Court of the State of Louisiana, before the war, ordered to return about \$12,000, part of a sum which he unrighteously obtained from the succession of the late John McDonogh; and who committed willful and corrupt perjury, as is clearly shown on pages 282, 283, 284, and 285 of the Report of the House Committee on the New Orleans Riots in 1866. No matter how much respect one may have for this man, he stands recorded a perjurer.

Randall Hunt, next in line, has so often been wined and dined by Kellogg that his Southern chivalry against decency and truth seems to have been awakened, and, as brilliant as when he became an enemy to the Government of the United States, and R. King Cutler having defeated his Senatorial aspirations, he deemed it his duty to vent his spleen and vengeance against that gentleman. Revenge, of course, is

sweet, but honorable men never make use of low, dirty, foul means.

W. H. C. King, editor of the New Orleans Times, a murderer, received justice in July, 1864, in two speeches made by R. King Cutler, in the Constitutional Convention of Louisiana, against him, T. P. May, the defaulter, and others of the New Orleans Times newspaper, and, by unanimous vote of that body, under the power of R. King Cutler, brought the editors of said paper to punishment; all of which is of record in the journal and debates of said convention. Ever since then the said King has acted the newspaper-braggart, and, without any cause, has continually vented his spleen against the said Cutler; hence his vindictiveness and his letter in favor of Kellogg.

Alfred Moulton and Arthur C. Waugh, respectable merchants, know but little, if anything, for or against Kellogg.

Judge Taliaferro is one of our feeble-minded old men, whose son, R. King Cutler caused to be appointed Postmaster by the lamented President, Abraham Lincoln, and is an easy, willing tool, exclusively controlled by one Jacob Hawkins, who happened to be a school teacher in the old man's neighborhood some years ago. The poor old man seems to be harmless, and means no offence to any one.

All those named as importers and shippers are men of large importing interests, and consequently have heavy duties to pay, and, under the sway of interests, would naturally furnish letters of praise by the bushel, if necessary, to expedite "purely business transactions." There are but eight importers and shippers named. Some of those are known to have been smugglers during the war, some before the war, and some after. A smuggler is certainly capable of assisting—by a flattering letter at least—a corrupt collector of a port. There are several hundred respectable American and foreign importing merchants in New Orleans, and it certainly cannot be very overwhelming in Kellogg's favor to select only eight of that large number, the most of whom were smugglers, to prop up his honesty and establish his character.

W. P. Kellogg—not content with the vituperative abuse in common with the murderer, W. H. C. King, and well knowing that the twenty-three men of whom he boasts so much, and knowing full well the statements in their affidavit would not be sufficient, when compared with the charges against him—comes boldly forth and makes a dashing witness in his own behalf. After he has emptied the contents of his foul soul, he knew that the case was still against him, and, having once been a fifteen-shilling county-court lawyer, thought it advisable, after consultation with his accomplices, to present this high-sounding affidavit, signed by his under officials, accomplices and victims; and, after a careful day and night consultation with them, came to the definite conclusion that all yet was not sufficient, and that they must now proceed to attack the character and standing of the six witnesses whose affidavits are attached to the charges as before set forth. In this connection we regret to say that the cause of one whom we felt it our duty to accuse, has been so desperate that he has felt it necessary to resort to such a vile defence; but, in carrying out the idea presented, we shall now proceed to show how groundless this part of his defence is. So far as Alfred Reid is concerned, what has already been shown is sufficient to need no other comment on his behalf.

Joseph Gorlinski, Esq., is attacked. He is too well known in Louisiana to need a general explanation in his behalf. A more careful, judicious and honorable gentleman is not now living; and the insinuation against him, because of his having stated what he knew to be true, is a most diabolical, malicious and cowardly act; he is unimpeachable.

James Smith was a Colonel in the volunteer service of the United States from New York, is a respectable lawyer, and one who knows too much of the truth of the charges against Kellogg for the latter to disclose the fact that he ever knew him. His character is unimpeachable, and Kellogg knows it well. Colonel Smith was confidential agent and counsel for the United States Treasury Department at New Orleans, to prosecute certain persons for defrauding, or attempting to

defraud, the Government in cotton transactions before a military commission convened for that purpose.

J. L. Jacobs is, and has been, a merchant for many years, and knows less of wandering negro-minstrelsy than he does of the evil doings of W. P. Kellogg. He is at present connected with one of the largest jewelry establishments in New York, belongs to a most respectable family, and his character is unimpeachable. He can be seen and heard.

General H. N. Frisbie is of too high an order of intellect, and has a record too clear, to be assailed by such a man as Kellogg. In order to perfectly refute the foul slander and libel of Kellogg against General Frisbie, it is only necessary to refer to and cite the following facts :

WASHINGTON, D. C., June 19, 1867.

His Excellency ANDREW JOHNSON,

President of the United States :

SIR : The above printed extract is the allegation of Collector Kellogg, of New Orleans, against me, in his answer to the charges and affidavits now on file in the Treasury Department against his official conduct.

As my character and standing are assailed, it is deemed proper to call attention to the order upon which it is attempted to be based.

During the summer, previous to being mustered out of military service, the enlisted men of my command were desirous of buying land, and solicited my advice and assistance; they were told that they would be given if enough of them were in earnest in the matter to make it successful; thereupon, some three hundred and fifty of them subscribed and paid in near five thousand dollars. These facts were immediately reported to my proper commanding officer, General Canby, through General Sherman, then commanding the defences of New Orleans; together with the fact that it was my intention, if the project was not disapproved by my commanding officer, to collect thirty thousand dollars more for the same purpose when the regiment was paid off, at muster-out. No notice was for a long time taken of this application or request, but finally an order came from General Canby's headquarters prohibiting the transaction, as being detrimental to military discipline for an officer to have dealings with enlisted men; and, in accordance with the order, *all* of the money was returned, in the presence of officers, and receipts taken therefor, fully showing that no fraud was *committed*, and none was *intended*.

Secondly, the order promulgating the sentence of the court martial shows no connection with this money case, and, aside from itself, needs but a brief explanation. While in command of the post of Port Hudson, an order came to transfer all the ordnance there to Baton Rouge, preparatory to a general reduction of the number of troops in the department, the officer responsible for the ordnance being relieved, with orders to join his regiment. The delay in removing this property, and the length of time the officer was necessarily engaged therein,

led General Sherman, then commanding the district, to believe that there was neglect of duty by some one, and, at the request and instigation of a certain corrupt and drunken provost marshal, whom I had caused to be relieved, he preferred charges against *me*, as the one to blame, culminating as stated in the order. By my friends and the public it was considered a *farce*, as the fine, imposing the stoppage of a month's pay on an officer of my rank, was simply ridiculous. It will be perceived that I was found *not guilty* on all points, except one, and that, too, by a court of the fewest members allowable. They all being my juniors, and anxious to remain in the service, so strove to please that it came to be generally understood that courts martial were organized not to *try*, but to *convict*, all persons sent before them; and on this one point, by one majority only. The president of that court martial is now an enlisted man in the First U. S. Infantry.

The points of defence made were:

1st. Absence from the post, on other duty, by virtue of competent authority, during the entire four months, except fourteen days, when accidentally present.

2d. No neglect of duty by *any one*, there being no transportation wherewith to remove the ordnance.

3d. Proof, by high and intelligent officers, that no damage had been sustained by any of the property.

This was believed to be ample to clear any one from the charges; and the record is cheerfully submitted to the judgment of impartial minds, believing that no tarnish is left upon a military service of near five years, rendered with cheerfulness, and with as unselfish motives as man ever gave to the service of his country.

I am glad to know that these matters are alleged against me by no soldier, but by one who considered it his highest duty to his country, in the hour of her greatest need, to be the holding of a lucrative office, as far removed from danger as could be obtained. This man, comparatively young, has sat upon soft cushions, while others, like your Excellency, fought *in* and *for* your State, where enemies were thickest, freely offering their all for their country—*this* man cites *this* as an evidence why I should not be believed when charging him with crimes and misdemeanors in office, by which he has enriched himself and defrauded the Government.

Regretting the exigency that compels me to lay before your Excellency an explanation of these facts of history, yet justice demands—knowing full well the desperate character of this political trickster—that I should protect myself from his vile insinuations; showing the means he may use to deceive, hoping thereby to retain a place in which he may still further defraud the Government, and to subscribe the means thus obtained to the support of the slanderers and traducers of the President.

Should further proof of the utterly false and malicious insinuations be deemed necessary, it may be found in the fact that these same negroes, having faith in my integrity and ability, went with me, worked with and for me, were clothed, fed, and paid for a whole year after this—successfully working five of the largest plantations in the State of Louisiana; thereby organizing labor, encouraging the disheartened planters, and assisting labor, peace, and good

order with money by the hundreds of thousands of dollars. Of this part of my record I am as proud—believing that I deserve as much therefor from my country—as I am of an honorable military service, rendered, as I believe, without a stain or blemish.

I have the honor to be, with great respect,

Your most obedient servant,

H. N. FRISBIE,

Late Brevet Brig. Gen. U. S. Vols.; Col. 92d U. S. Colored Infantry; Lt. Col.

37th Ill. Inf. Vols.; Major 37th Ill. Inf. Vols.; Captain 37th Ill. Inf. Vols.

Now, sir, compare these facts with the foul slanders of Kellogg, and the answer will be that Kellogg's defence is scattered to the four corners of the earth! The record proves the facts stated by General Frisbie to be true.

R. King Cutler is next in order, and it would seem, from the vindictive manner in which he has been pursued, that he is the great "Gibraltar," "the lion in the path," the man whose reputation must be crushed, or Kellogg's defence falls powerless to the earth. We will now consider the document herein published against Mr. Cutler. It has been about nine years since this document was forged. It has been well known, and considered as a forgery by the people of Louisiana, and particularly in New Orleans and vicinity, during that whole time. Mr. Cutler himself has written several times to the town and county mentioned, to ascertain if there was any such record against any one bearing his name, and has been, to the present time, unsuccessful in ascertaining the fact. Some time last winter, while Mr. Cutler was in this city, he noticed a publication in the New Orleans Crescent, purporting to be the same or a similar document. Mr. Cutler then replied in the columns of the New Orleans Tribune which reply is in words and figures following, to wit:

RUFUS KING CUTLER.

We have received from the Hon. R. King Cutler, one of the members of the convention of 1864, and one of the members of the Southern Loyalists' Association, at Washington, a letter, which will be found below.

We understand the feeling of wounded susceptibility that gives rise to the protest. There are, however, some expressions that are not in conformity with the usages of the press, and to which we have some objection, and which we cannot endorse. We would have asked Mr. Cutler to modify them, had that

gentlemen been in the city. But as the time needed to communicate with him would have postponed for more than a week the publication of a protest, which he is certainly anxious to put before the public, we have concluded to print his letter without delay, with the above reservation :

WASHINGTON, D. C., *January 10, 1867.*

Editors N. O. Tribune:

SIRS: I have been in Washington city since November 22, 1866, and my attention was not called to the following infamous publication in the New Orleans Crescent until recently. I now beg leave to reply to it, through your loyal columns, as follows, to wit:

The editorial and document read thus :

“ OFFICIAL STATEMENT IN REFERENCE TO RUFUS KING CUTLER’S PAST HISTORY. A grave injustice has been done to Mr. Cutler’s character, in the statement that has been made that he served out his term in a State penitentiary. This charge we are now in position to show is a mistake. Ever anxious to break a lance in the cause of truth, we hasten to lay before our readers a document which bears the State seal of Massac County Court, Illinois, and which throws some light upon the matter. The document was received in this city by a prominent citizen shortly after the date it bears, and by application, through us, any information as to its past history can be readily obtained from him. We give below the document in question:

“ ‘ CIRCUIT CLERK’S OFFICE, *January 1, 1866.*

“ ‘ STATE OF ILLINOIS, }
“ ‘ *Massac County.* }

“ ‘ I, John B. Hicks, clerk of the Massac Circuit Court, in said State, do hereby make the following statement of facts against Wyatt C. Cutler and Rufus King Cutler, (the former then known here as Dr. Cutler,) concerning counterfeiting : I do certify that at the May term, in 1849, the grand jury then in service for said county did prefer an indictment against Wyatt C. Cutler for the crime of counterfeiting; the said Wyatt C. Cutler and Rufus K. Cutler were recognized before two acting justices of the county in the sum of \$500, to appear at court and answer the said charge, which they, the said Cutlers, failed to do.

“ ‘ A *capias* was then issued out against the said Cutlers, but was returned not found, and continued from time to time. Finally a *sciens facias* was issued against the securities. It was then discovered that the indictment and recognizance before the justices of the peace had mysteriously disappeared; and, although the cause was continued until the spring, the securities were relieved from the bond in that way, upon the plea of *nul tien record*. The prosecution being thus stripped of legal materials, a *nolle prosequi* was entered; all of which the proceedings in said court will show.

“ ‘ Witness my hand and judicial seal of said court, at Metropolis, Illinois, this January 1, 1861.

“ ‘ JOHN B. HICKS, *Clerk.*’ ” [SEAL.]

A simple inspection of the above document will convince any ordinary mind that it is not a legal or judicial document, but is only the voluntary statement of some fellow who calls himself “Hicks.” The forger of this document was very careless as to the dates and contents thereof, as inspection of it clearly shows.

That one Rufus K. Cutler was recognized before two justices of the peace to appear at court and answer a charge made against one Wyatt C. Cutler *only*, (as it is stated in the document,) certainly proves the fabrication.

The facts are these: The document is false from its beginning to its end. Rufus King Cutler, the undersigned, a lawyer, and Wyatt Coleman Cutler, a merchant, have resided in the city of New Orleans and vicinity since March 13, 1845, and neither of them have ever resided in Metropolis, Illinois. There are now living in New Orleans and vicinity many persons who know that this

Rufus King Cutler, and this Wyatt Coleman Cutler, were residing in New Orleans part of the time, and in the vicinity part of the time, during the years 1846, 1847, 1848, 1849, and 1850, and since, and that they resided nowhere else during that whole time.

I charge the editors and publishers of the New Orleans Crescent with having published the "editorial and document" herein set forth, wickedly, wilfully, and maliciously, (in my absence,) and that they know them to be false. I charge them with willingly, corruptly, and maliciously giving publicity to this forged document, they knowing it to be forged and basely false.

For my numerous friends in New Orleans, and the State of Louisiana, the foregoing card I know is unnecessary, for they have known me long and favorably. But my enemies, whether rebel, political, private, or otherwise, they must hereby understand that truth is powerful and will prevail, and that I am ready to render the satisfaction which society, law, or honor demand.

R. KING CUTLER.

Before proceeding further, we must say that the words not published in the Tribune are these: "That the editors, proprietors, and publishers of the New Orleans Crescent are calumniators, liars, and cowards." The foregoing answer to the above-quoted slander and libel silenced not only the Crescent, but all Mr. Cutler's enemies, politically and otherwise, until, in the course of the discharge of his duties as a representative man of the State of Louisiana, he made an affidavit, in common with others, against said Kellogg. Certainly no farther reply, especially when we consider the great lapse of time, is necessary; but, in order to put this question forever at rest, it is deemed proper to proceed. There is no one now living, nor has any one yet lived, who has ever seen R. King Cutler in Metropolis, Massac county, Illinois. He was never there. Senators and Representatives, now and heretofore representing that State, as well as persons residing in the town and county, certainly could testify to the fact within the last nine years, if the facts were true; but, the facts being false, no such evidence can be given. W. P. Kellogg has known of this libel and slander against Mr. Cutler ever since he became acquainted with him, in the month of March, 1865. We now ask a comparison between the forged instrument published by Kellogg and the forged instrument published by the New Orleans Crescent last winter. The name John B. Hicks, purporting to be that of a clerk of said county, is signed to both documents, and both documents are dated at the bottom, "1st January, 1861," while at the top one is dated "January 1st, 1866," and the other

“January 1st, 1867.” In Kellogg’s forgery, R. King Cutler appears to be indicted as a principal for counterfeiting, and in the one the Crescent published, R. King Cutler appears to be only a bondsman. You will find, also, in the document forged by Kellogg and his accomplices, particularly John B. Cotton, many names and things added that are not in the one published by the Crescent. The answer of Mr. Cutler to the editors of the Crescent, as to time, place, and identity, is conclusive; but J. B. Cotton has helped Kellogg in forging the additions, hence it may be proper to let you know who this J. B. Cotton is. He has been a deadly enemy of Mr. Cutler for four or five years past. The first cause was politics, Mr. Cutler being a Union man and Cotton being a most incorrigible rebel. The second cause, and really the cause of this little certificate, not sworn to, is, that last summer Mr. Cutler and Cotton had a personal altercation, in which Mr. Cutler got the best of him. This defeat of Cotton by Mr. Cutler increased his enmity, and, through spite and revenge—believing he would never see Mr. Cutler again—he made this cowardly and basely false statement. Cotton knows nothing whatever of or concerning any fact by which Mr. Cutler is identified with those forged instruments. Cotton is at times exceedingly vindictive, but never brave, and, when speaking of an enemy, or one whom he does not like, whether under oath or not, he cannot help but lie.

It will be seen that Kellogg’s so-called defence was published in several of the New Orleans papers simultaneously with its being sent to the Secretary of the Treasury, and he thus hoped to prejudice the public mind in his favor and against us. Of course, had we resorted to the same means employed by him—a free use of money and the prostitution of a high office—our charges and rejoinder might have been scattered as far as a venal press could carry them.

We now beg leave to call your special attention to the all-important fact that Wm. P. Kellogg and his accomplices have grossly, wickedly, wilfully and maliciously made a glaringly false statement in regard to the number of witnesses referred to, and that, while we admit they have tampered

with thirteen out of the twenty-three of those named by us herein set forth, yet we now present in the manner we have to you the following names of gentlemen who have been referred to as witnesses, establishing the conduct of Kellogg, which statement gives the flat lie to Backhouse, the Editor, and Kellogg, the Collector: H. N. Frisbie, Jas. Smith, Terence Cook, O. H. Poynot, J. F. Farnsworth, Richard Yates, J. W. Parrish, Michael Hahn, Rev. J. P. Newman, Jno. L. Davies, Wm. L. Randall, Joseph Gorlinski, J. L. Jacobs, E. Dorsey, R. King Cutler, Wm. McMillan, S. Wrotnowski, Chas. S. Randall, Alfred Reid, Edmond Flood, Wm. Dowse, Wm. H. Burroughs, C. B. White, Mr. Laffon and Moses Fox—twenty-five in number—who were referred to in proof of the various specific charges against Kellogg, nearly every one of whom have been earnestly solicited by said Kellogg and his accomplices to give him a written statement that he had always been honest and had properly discharged the functions of his office, which request was promptly refused by every one asked. As an instance of Kellogg's perfidy, and the attempt at subornation of witnesses, we beg leave now to submit the statement of Mr. Moses Fox, an old resident of New Orleans, and who was for a long time the special officer of Kellogg. Mr. Fox enjoys the high esteem of all the good citizens of New Orleans. His statement has been recently received by Mr. Cutler, and is as follows, to wit:

I met Mr. Kellogg on the afternoon of the 5th instant, and he requested me to call at his office the next day at 10 o'clock a. m., as he had use for me. I went, and he showed me a charge made against him concerning detention of vessels unless they employed a certain stevedore. I answered that I was not in the Department at the time he mentioned, and he asked me for a certificate to that effect; but I, not knowing exactly what was behind this item, declined giving the same.

Mr. Fox further stated the following, to wit:

Mr. Benoit, Day Inspector, was in charge of the Steamer Evening Star on the 23d of December, 1865. Benoit, W. R. Miller, Henry Webber, myself, and two other Inspectors, seized, on board of said steamer, five barrels of cigars, and placed them in the Surveyor's office. On the 27th I discovered that the cigars were spirited away, and I found them in possession again of the Purser of the steamship, having been released by Kellogg. I then re-seized them, and they

were then sold. About the same time several hundred dollars' worth of cotton was seized for evasion of payment of tax; and W. C. Thompson, an Inspector, privately sold the same, under orders from the Surveyor, *and I saw the money divided between the Collector, the Surveyor and said Thompson.* It was subsequently discovered that Thompson had made a short report of net profits of said cotton; and Kellogg, by threats, made Thompson give up all the money he had; made him sign his pay-roll for one month, and transfer the same to him; took Thompson's gold watch, and another very fine gold watch, belonging to Thompson's wife, in payment, and pocketed the whole. Mr. Benoit knows these facts, as well as myself. Kellogg told Benoit and myself "to keep dark" about the transaction. Thompson was dismissed, and, not long afterwards, I resigned in disgust.

The foregoing statement of Moses Fox, having been recently received, is in addition to the facts which we stated, in the charges against Kellogg, that he could testify to. We have also received the following affidavits:

NEW ORLEANS, *May 30, 1867.*

I do hereby certify that W. P. Kellogg has, on sundry occasions, and unnecessarily, caused the detention of vessels ready to sail, subjecting parties to loss, expense and annoyances.

GEORGE C. PERRY.

Sworn to before me on the 30th of May, 1867.

G. H. BRAUGHN, [SEAL.]
2d Justice of the Peace.

NEW ORLEANS, *May 30, 1867.*

We certify that W. P. Kellogg has, on sundry occasions, made unjust seizures of imported goods, causing loss and damage to the merchants, and payment of large expenses.

J. P. THOMPSON.
CAPT. J. P. SAMPSON.

Sworn to before me on the 30th of May, 1867,

G. H. BRAUGHN, [SEAL.]
2d Justice of the Peace.

NEW ORLEANS, *May 23, 1867.*

I certify that Wm. P. Kellogg has, on a great many occasions, permitted liquor to pass this port without collecting the revenue on the same, and taking irresponsible bonds for the same.

S. R. WOOD.

Sworn to before me on the 30th of May, 1867.

G. H. BRAUGHN, [SEAL.]
2d Justice of the Peace.

NEW ORLEANS, *May 30, 1867.*

I certify that Wm P. Kellogg has, on sundry occasions, appointed men to

office in the Custom-house in this city who were disqualified to hold office in any position under the Government of the United States.

JOHN M. MARLIN.

Sworn to and subscribed before me this 30th day of May, 1867.

G. H. BRAUGHN, [SEAL.]

2d Justice of the Peace.

The following statement refers to Kellogg's cotton stealings:

With Kellogg's outside operations we will mention his association with one Mr. Atwood, in the cotton pickery business, which can be proved by witnesses now in New Orleans. This business paid an enormous profit (in cotton stealings) during the years 1865 and 1866, and Atwood and his associates got a fair share of Government patronage, through the influence of Kellogg. In fact, the intimate relations between these two fellows caused many and various surmises. This Atwood has no associations with the good people of New Orleans, for reasons well known to them.

The following proposition of Kellogg to Mr. Cutler needs no comment:

In the early part of the winter of 1865 and '66, Kellogg stated to Mr. Cutler that there was a great deal of railroad iron, large rolling-iron mills, steamboat machinery, pig iron, and contents of a large wagon manufactory, and other property, captured by the Government of the United States at Shreveport, La., and Jefferson, Texas, and other places on Red river, worth, as he supposed, about one million of dollars; which information he derived through Mr. T. McGinnis, who inspected the same and gave his statement and estimate to Kellogg. He also stated that he would get the power from the Secretary of the Treasury to take charge and dispose of the same, and that, if Mr. Cutler would go in with him, they could make a good thing of it, and divide at least \$250,000 between them; which proposition Mr. Cutler peremptorily declined. This proposition confirmed Mr. Cutler in his suspicions of the treachery and dishonesty of Kellogg.

In regard to the high-toned and stylish letter, written by Collector Kellogg, in answer to the pretended inquiry of the status of Mr. R. King Cutler, dated March last, and published as a part of the pretended anomalous answer of said Kellogg, we beg leave to submit for your consideration, as a perfect refutation of the same, the following historical, well-known, stubborn facts. The high official positions of honor, profit and trust held by Mr. Cutler, in the State of Louisiana, and his reputation and lucrative practice as an attorney and counsellor-at-law, in said State, for many years past, give a flat contradiction to every sentence uttered by Kellogg

in said pretended letter. The journal and debates of the Constitutional Convention of the State of Louisiana show him to have been the leader of that body; and the constitution produced by it was mainly the work of his mind and energy. The Legislature of Louisiana, in 1864, gave him the largest vote ever cast in that State for United States Senator, as the journal of that body will show. His competitors for Senatorial honors then were the Hon. E. H. Durell, United States District Judge, the Hon. Cuthbert Bullitt, late U. S. Marshal, and the Hon. A. P. Dostie, then State Auditor.

Mr. Cutler had the honor of receiving three votes to one, over these three gentlemen combined, on the first ballot, as the record shows; (*not much vagabondism in all this.*) In the spring of 1865, Mr. Cutler had the present Postmaster, R. W. Taliaferro; the Collector of the United States Internal Revenue, of the First District of Louisiana; the Naval Officer, the Surveyor of the port, and Wm. P. Kellogg, Collector of Customs, appointed to their respective positions by the late lamented President Lincoln. The Assessor of Internal Revenue was also appointed to his position, at the request of Mr. Cutler, by President Johnson. Mr. Cutler was present, with W. P. Kellogg, at President Lincoln's office but twice only, and then no one else was there besides President Lincoln and the Hon. Richard Yates, Senator from Illinois. The first occasion was just prior to the President's visit to City Point, and the latter just subsequent to his return from that place; and, instead of being treated with the contempt charged in Kellogg's scurrilous letter, (as the Hon. Richard Yates will testify,) he was treated by President Lincoln with all that dignity and courtesy usually extended to an actual Senator; and that President Lincoln, instead of treating Mr. Cutler with contempt, earnestly and frequently wished him his seat in the Senate. And, finally, through Mr. Cutler's personal influence with President Lincoln, W. P. Kellogg was appointed to the office of Collector of Customs at the port of New Orleans.

The Hon. Richard Yates and W. P. Kellogg were constant

associates of Mr. Cutler at the time mentioned, and that association continued, on the part of Kellogg, up to the time Mr. Cutler discovered him to be a treacherous, deceptive and dishonest man, which discovery was fully made about the month of February or March, 1866. Kellogg pledged his word and honor to Mr. Cutler, in the presence of Senator Yates, to then carry out a certain political programme in Louisiana, which he failed to do. He went to New Orleans and took possession of his present office in June, 1865, and was a constant visitor at the residence of Mr. Cutler, often dined and supped with him, and at all times considered himself in very good company. The first twenty-one appointments made in the Custom-house by Kellogg were of gentlemen selected by Mr. Cutler, several of whom are still retained in office by Kellogg, and who are still some of Mr. Cutler's particular friends. Mr. Cutler was the legal and confidential adviser of Collector Kellogg, and continued so to be until the discovery of treachery and dishonesty in him, as before stated. (*Not much low, vulgar vagabondism in all this.*) Nor did he feel that he was *losing his manhood, or even being disgraced*, when he was being wined and dined by Mr. Cutler, nor when he was promenading in Mr. Cutler's orange orchard, nor when he was obtaining oranges by the barrel from Mr. Cutler, free of charge, *to send to Washington and other places.* Perhaps we should not notice this vulgar, low and contemptible letter, nor would we do so were it not couched in such foul and unbecoming language. It is true Mr. Cutler has been a bold and leading politician. The private, political and moral standing of Mr. Cutler in the State of Louisiana, where he has lived for nearly twenty-three years last past, is above suspicion, and gives the positive lie to every syllable, word and sentence in the foul letter of said Kellogg. Further, we do not believe that such a letter was ever written, but was simply forged, as were the Illinois documents herein printed, for reference. Mr. Cutler now has, as a political leader, the friendship of at least 25,000 voters in the State of Louisiana, and 11,700 of that number are awaiting his political programme to guide them

in their action in restoration and reconstruction. His private and political record has passed into history in the State of Louisiana, and such a history would do honor to any man in that State, and it is far superior in merit to that acquired by any of his opponents.

Let us for a moment examine further into the conduct, political and private, of W. P. Kellogg, during his sojourn in Louisiana. Who have been his associates during the two short years he has been there? Why, they were Mr. Cutler and his friends during the first six or eight months; at which time Mr. Cutler discarded him. Subsequently his time has been spent with more congenial spirits—men of his own calibre—such as his accomplices named herein: Christian Roselius, the perjurer, and the smuggling shippers and importers. Kellogg's general acquaintance in New Orleans, to ascertain the character of any individual, is denied by himself, under oath, in the Report on the New Orleans Riots, pages 301 and 390. The assertion is now made, and can be substantiated by the New Orleans community, that Kellogg has no associates in the city of New Orleans, except those stated above, unless it be considered that *a seat in a theatre or a ride to the lake* give general acquaintance. As to the charge against Mr. Cutler, that members of Congress "gave him the cold shoulder" last March, it is utterly false and ridiculous, for he, during the entire sessions of the Second Session of the Thirty-Ninth and the First Session of the Fortieth Congresses, occupied alternately the floors of both Houses as a privileged Senator elect; conversed daily with members of both Houses upon questions under consideration therein. Mr. Cutler took a very active part during the entire winter, and discussed freely the mode and manner of reconstruction, and had the honor of having a bill on reconstruction, mainly prepared by himself, presented to the House of Representatives, and by that body duly considered. Kellogg, while in New Orleans, wrote letters to a Radical Senator, the purport of which is as follows:

On or about February 1, 1867, W. P. Kellogg, Collector of the port of New Orleans, learning that Mr. Yates believed him to be in sympathy, politically,

with the President, writes to correct any misapprehensions he (Yates) might entertain in that respect, by saying that "he (Kellogg) had not deserted the Republican party, and is not intending to do so at any time; but that he is trying to save as much from the wreck as he can for the benefit of the Republican party, by holding on to the office; and he does not consider it any harm to deceive Johnson, in making him believe he is a sort of a Johnson man, as Johnson himself has deserted and betrayed the Republican party."

This was prior to the passage of the "Tenure-of-Office Bill." Subsequent to the passage of that bill, in the months of April and June, 1867, he addressed letters to the head of a Department here, and the following is the tenor of those letters:

[Private.]

NEW ORLEANS, *June* 16, 1867.

HON. R. KING CUTLER,

U. S. Senate, Washington:

DEAR SIR: * * * Kellogg feels pretty confident that you cannot induce McCulloch to consent to his removal, and he is working hard to keep him with him. Soon after the passage of the "Tenure-of-Office Bill" Kellogg wrote the Secretary that, previous to this time, he had refrained from giving his views on political topics from motives of delicacy, but now that the "Tenure-of-Office Bill" was a law, and the President had not the power to remove him, only to a certain extent, he would say that he was an earnest supporter of the Administration and the President's policy. In a letter, of a more recent date, to the Secretary, Kellogg assures him that the President and himself may rest assured that they are not deceived in him, the assertions of R. King Cutler to the contrary notwithstanding. * * *

Now, sir, you can plainly see that Kellogg is condemned as a political trickster, and dishonest politician, by his own mouth and pen. It has been circulated, at the instance of Kellogg, in the northern journals, that the gentlemen making the charges against Kellogg *dare* not, and *would* not, return to Louisiana. This is but another cowardly assertion, and without the slightest foundation in truth; for we intend to return next month, and will certainly take a part in the reconstruction of the State of Louisiana, without fear or molestation.

In conclusion, although many facts yet remain to be disclosed, we beg leave now to submit that the so-called defence of W. P. Kellogg, and his abuse and vituperation, poured so unsparingly upon us, have been fairly, squarely, honorably, and justly met, and his whole case so thoroughly de-

feated, that justice, truth and honor demand at your hands a report to the President of the United States recommending the immediate suspension of W. P. Kellogg. When honor, justice, the public welfare and law have thus spoken, nothing is left for you to do but the glory of concurring.

All of which we most respectfully submit.

R. KING CUTLER,
H. N. FRISBIE,
ALFRED REID,
JAMES SMITH,
J. L. JACOBS,
JOSEPH GORLINSKI.