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**Letters Received
by the Department of
Justice From the
State of Louisiana
1871-1884**



NATIONAL ARCHIVES AND RECORDS SERVICE
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General Records of the Department of Justice
Record Group 60
in the National Archives Building

LETTERS RECEIVED BY THE
DEPARTMENT OF JUSTICE
FROM THE STATE OF LOUISIANA
1871-1884

On the six rolls of this microfilm publication are reproduced unbound letters, with their enclosures, that were received by the Department of Justice from the State of Louisiana during the period January 1871-August 1884. The series of records of which this correspondence forms a part is known as the source-chronological files of the Justice Department. This publication also includes a register of correspondence relating to Louisiana and several series of miscellaneous letters, telegrams, and newspaper clippings pertaining to Louisiana affairs, filed separately from the correspondence in the source-chronological files.

The Department of Justice grew out of the Office of the Attorney General, created by the Judiciary Act of 1789. The act assigned limited responsibilities to the Attorney General. He was required to conduct all suits involving the United States before the Supreme Court and to render opinions upon questions of law at the request of the President and heads of executive departments. The enactment of legislation, as well as reorganization within the executive branch of Government, resulted in the assignment of additional legal and administrative functions to the Attorney General's Office in succeeding years. Until 1870, however, the various attorneys general continued to operate under the limited mandate contained in the Judiciary Act of 1789, and authority over legal matters involving the United States became dispersed throughout the executive branch. Some of the departments succeeded in establishing their own legal offices, which were independent of the Office of the Attorney General. In addition, lack of authority hampered the Attorney General in exercising effective control over the conduct of his subordinates, the U.S. attorneys and marshals resident in the various Federal judicial districts. Supervision of these officers was divided among several departments.

Efforts to reorganize this cumbersome system of legal administration were made during and after the Civil War, but no fundamental reforms occurred until June 22, 1870, when Congress enacted legislation establishing the Department of Justice. This act consolidated legal administration within the newly created Justice Department and elevated the Attorney General to the position of chief administrator. By its terms the Attorney General was empowered to regulate the conduct of subordinate legal officers. The supervision of their accounts was transferred to his agency from the Interior Department. Other executive departments were forbidden to employ attorneys at the expense of the United States, and the Department of Justice was assigned responsibility for attending to legal matters on their behalf.

Some of the law offices established within other departments were transferred to the Justice Department and subordinated to the Attorney General. The centralization of legal administration within the Justice Department not only clarified the authority of the Attorney General but also greatly increased the powers of his office and the scope of his responsibilities. In recognition of this, the act of 1870 also created the position of Solicitor General and authorized the appointment of assistants to the Attorney General.

The establishment of the Justice Department also resulted in the adoption of new recordkeeping methods. At the beginning of 1871 the Department began to use a source-chronological filing system, designed to assure greater control over incoming correspondence relating to legal matters. Under this method, incoming correspondence was sorted and arranged by "source"--either by governmental unit (President, Senate, House, executive departments, etc.) or by judicial district (States, Territories, and the District of Columbia). The records maintained in this fashion are termed the source-chronological files of the Justice Department. Only that portion of the files relating to the judicial districts of Louisiana between January 1871 and August 1884 has been included in this microfilm publication. Correspondence received by the Justice Department after August 1884 was maintained by a different filing method and therefore is not reproduced in this publication.

By an act of March 3, 1881, the State of Louisiana gained a second judicial district. The new district, known as the Western Judicial District of Louisiana, consisted of the parishes of Avoyelles, Bienville, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Catahoula, Claiborne, Concordia, De Soto, East Carroll, Franklin, Grant, Jackson, Lafayette, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Saint Landry, Saint Martin, Tensas, Union, Vermilion, Vernon, Webster, West Carroll, and Winn. The remainder of the State was designated the Eastern District of Louisiana. The division of the State into two judicial districts led to a similar split in the source-chronological file for Louisiana with correspondence of the Western District filed separately from that of the Eastern.

The letters and enclosures contained in the source-chronological file for Louisiana were received from Federal officers, State and local officials, and private citizens. The correspondence covers a variety of subjects connected with legal matters: Reconstruction conflicts; civil rights; internal revenue and customs; natural resources and the public domain; regulation of trade, commerce, and transportation; maintenance of neutrality; special classes of claims involving the United States; the defense and supervision of public officers; protection of the rights and property of the United States; and other subjects. The

correspondence also covers such administrative matters as the submission of statistical reports, authorizations of expenditures, retention of assistant counsel, and the conduct of litigation. Following these introductory remarks is a list (appendix 1) of Federal officials--judges, district attorneys, and marshals--who held office in the judicial districts of Louisiana between 1871 and 1884. Appendix 2 is a list of assistant district attorneys whose appointments were authorized by the Attorney General, with a brief description of their official responsibilities. Much of the official correspondence of the district attorneys, their assistants, and marshals is located in the source-chronological file for Louisiana.

According to the recordkeeping practice of the time, letters received were sorted on their arrival at the Justice Department and entered into registers by date of receipt. The entries in the registers noted the name or title of the correspondent, the date and subject of his letter, and the action taken by the Department upon it. This information was also entered on a printed jacket in which the letter was placed for filing. The register served as a guide to identify and locate correspondence, while the jackets served as abstracts of the contents of the correspondence. The division of Louisiana into two judicial districts did not produce any major change in registering correspondence. Items continued to be entered into a single register by date of receipt, with the added notation of its district of origin.

The register of letters received for Louisiana has been reproduced and included as a finding aid in this publication. In preparing this microfilm publication, the National Archives and Records Service (NARS) has checked the register entries against the items located in the source-chronological file for Louisiana. A checkmark in the "action taken" column of a register entry indicates that an item (or an identifiable portion of it, such as a covering jacket) was located in this file and arranged for filming. The checkmarks in the register therefore serve as a guide to the items reproduced in this microfilm publication as part of the source-chronological file for Louisiana.

A number of the items entered into the register were not located in the source-chronological file for Louisiana. Failure to locate an item in this file does not necessarily indicate that it is missing. Some registered communications, including a number that originated with Federal officials and private citizens in Louisiana, were received from other Government offices and agencies. Such communications usually are located in the source-chronological file for the office or agency from which they were received or forwarded. Other registered communications were referred to other agencies by the Justice Department and eventually became incorporated in the files of those agencies. Still others were removed and filed in different series of Justice Department records.

Entries in the register of letters received offer some clues about the movement and possible location of these fugitive items. The entries generally designate the source of communications by identifying the officer or agency from which communications were forwarded. Moreover, the register includes an "action taken" column with entries that usually designate the officer or agency to which communications were referred by the Justice Department. Communications removed and filed in other series of Justice Department records are identified similarly in the "action taken" column by file number or title of series. For example, the designation "appointments" indicates that the communication was moved to a series of records relating to the appointment of Federal judicial officials. A case file symbol, expressed by a number over a date stated by year (e.g., "F. 1851/'86") indicates that the communication was moved to the year files, a series of letters-received subject files. Where the register entries suggest that a communication is located in another series of records in the Justice Department or in another agency, NARS has not searched the records to locate the communication.

In this microfilm publication individual items in the source-chronological file are arranged chronologically as received at the Justice Department, in accordance with the practice generally followed in entering such items in the register of letters received. When two or more items have the same date of receipt, they are arranged by the date they were written. Identification jackets for each item are filmed before the communication itself, and covering letters are filmed before enclosures. In preparing the file for filming, NARS discovered that a few items lacked identification jackets and/or register entries. Items lacking identification jackets were furnished duplicate jackets, designated as "dummy jackets." A chronological list of items lacking register entries has been inserted into the register at the conclusion of the regular entries. The list is meant to serve as a guide to unregistered correspondence that was arranged and filmed according to the procedures adopted for the remainder of the source-chronological file. Finally, administrative correspondence involving requests and receipts for postage stamps was removed from the file before filming after deciding that it was of insufficient research value to justify inclusion.

Together with the source-chronological file for Louisiana and its register of letters received, this microfilm publication includes four series of loose letters, telegrams, and newspaper clippings pertaining to Louisiana affairs. These series, collectively, are described as miscellaneous correspondence and are arranged by subject as listed below:

Miscellaneous correspondence relating to:

- (1) Factional conflict over organization of the Legislature, January 4-21, 1872
- (2) Administration of Gov. William P. Kellogg, November 23, 1872-January 9, 1875

(3) Suppression of the "September Rebellion," September 5, 1874-January 9, 1875

(4) Congressional elections of 1878, August-December 1878
A more detailed description of the contents and physical form of the records in each of these series is contained in the notes located at the beginning of roll 6.

The records in these four series originally were received by NARS from the Justice Department among a loose assortment of unidentified legal materials. They have been rearranged by subject, time period, and physical form as series of records. Some items in the series are directed to the Attorney General, and a few are stamped as having been received at the Department of Justice. No entries, however, have been located for any of them in the departmental indexes or registers for the period 1871-84. Since the records pertain to subjects covered by correspondence in the source-chronological file for Louisiana, NARS decided to include them in this microfilm publication as several miscellaneous series of records relating to Louisiana affairs.

The records reproduced in this microfilm publication are part of the records in the National Archives of the United States designated as General Records of the Department of Justice, Record Group 60. Among related records in this record group are additional source-chronological files covering incoming correspondence, each of which is accompanied by a register of letters received. Copies of outgoing correspondence are contained in several series of letters-sent volumes, arranged by class of persons to whom the letters were directed. These series of letters-sent volumes have been reproduced by NARS in several separate microfilm publications: M699, *Letters Sent by the Department of Justice: General and Miscellaneous, 1818-1904*; M700, *Letters Sent by the Department of Justice Concerning Judiciary Expenses, 1849-1884*; M701, *Letters Sent by the Department of Justice: Instructions to U.S. Attorneys and Marshals, 1867-1904*; M702, *Letters Sent by the Department of Justice to Executive Officers and to Members of Congress, 1871-1904*; and M703, *Letters Sent by the Department of Justice to Judges and Clerks, 1874-1904*. Notations of "action taken," entered both in the registers and on the identification jackets of items in the source-chronological file, supply the dates on which individual letters were answered. These dates can serve as a guide in locating particular replies among the various series of letters-sent volumes.

Other related records among the records of the Department of Justice include a series of subject indexes to the source-chronological files, 1871-84, covering both letters received and letters sent; a series of incoming correspondence, accompanied by registers, relating to judiciary expenses, 1849-89, arranged by source and thereunder chronologically; and a series of appointment papers, 1853-99, arranged by source, thereunder by Presidential administration, and thereunder by candidate for appointment.

Other records relating to legal matters involving Federal judicial officials in Louisiana are in Records of the District Courts of the United States, Record Group 21, Records of the Office of the Pardon Attorney, Record Group 204, and Records of the Solicitor of the Treasury, Record Group 206.

This microfilm publication, including the introduction and related material, was prepared by Henry J. Wolfinger.

APPENDIX 1

FEDERAL OFFICERS FOR THE JUDICIAL DISTRICTS OF LOUISIANA, 1871-84
Louisiana, 1871-81, and Eastern Louisiana, 1881-84

<u>U.S. District Judge</u>	<u>Date of commission¹</u>	<u>Oath of office²</u>
Edward H. Durell (vice T. H. McCaleb, resigned in January 1861)	May 20, 1863 (T) Feb. 17, 1864 (P)	June 16, 1863 Mar. 10, 1864
Edward C. Billings (vice Durell, resigned in December 1874)	Feb. 10, 1876 (P)	Feb. 21, 1876

U.S. District Attorney

James R. Beckwith (vice A. B. Long, deceased)	Nov. 12, 1870 (T) Dec. 9, 1870 (P)	Nov. 22, 1870 Dec. --, 1870
James R. Beckwith (reappointment)	Dec. 23, 1874 (P)	Jan. 9, 1875
George S. Lacey (vice Beckwith, removed)	Mar. 2, 1877 (P)	[Mar. 14, 1877]
Albert H. Leonard (vice Lacey, resigned)	June 15, 1878 (P)	June 22, 1878
Albert H. Leonard (reappointment)	Aug. 3, 1882 (P)	--

U.S. Marshal

Stephen B. Packard (vice F. J. Herron, removed)	Apr. 16, 1869 (P)	May [5,] 1869
Stephen B. Packard (reappointment)	Mar. 13, 1873 (P)	--
John Robert Graham Pitkin (vice Packard, resigned)	Sept. 8, 1876 (T) Feb. 13, 1877 (P)	Oct. 4, 1876 --
Jack Wharton (vice Pitkin, removed)	June 9, 1877 (T) Dec. 3, 1877 (P)	June 16, 1877 Dec. 29, 1877
Jack Wharton (reappointment)	Jan. 11, 1882 (P)	--
John Robert Graham Pitkin (vice Wharton, deceased)	Apr. 14, 1882 (P)	Apr. 25, 1882

Western Louisiana, 1881-84

U.S. District Judge

Aleck Boarman	May 18, 1881 (P)	May 21, 1881
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U.S. District Attorney

Henry Bullard Taliaferro	May 20, 1881 (P)	June 17, 1881
Milton C. Elstner (vice Taliaferro, resigned)	Oct. 29, 1881 (P)	Nov. 30, 1881

U.S. Marshal

James C. Weaks	May 20, 1881 (P)	July 11, 1881
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¹ (T) designates a temporary commission, issued during a recess of the Senate. (P) designates a permanent commission, issued upon the Senate's confirmation of the appointment.

² Some oaths of office are lacking. Dates or portions of dates within brackets are based on sources other than oaths of office.

APPENDIX 2

ASSISTANT U.S. ATTORNEYS
Louisiana, 1871-81, and Eastern Louisiana, 1881-84

<u>Appointee</u>	<u>Date of appointment</u>	<u>Terms of appointment</u>
John W. Gurley	Dec. 10, 1870	Regular salaried assistant: initial compensation of \$2,500 per annum. Served until 1896.
Edward M. Hudson and Walker Fearn	Mar. 22, 1871	Special assistants: proceedings for condemnation of sugar, etc., and for prosecution of Waddy Thompson et al.
William Grant	Nov. 9, 1871	Special assistant: suit to test the validity of land claims in the cases of <i>Cities of New Orleans and Baltimore v. United States</i> .
William Grant	Nov. 25, 1871	Special assistant: suits on Treasury transcripts in the cases of <i>United States v. William R. Whittaker et al.</i> and <i>United States v. Thomas P. May et al.</i> (late assistant treasurers at New Orleans).
Robert Hutcheson	Mar. 22, 1872	Regular salaried assistant: compensation of \$2,500 per annum. Special charge of prosecutions for violations of the internal revenue laws. Served until April 1874.

<u>Appointee</u>	<u>Date of appointment</u>	<u>Terms of appointment</u>
James Emmott	Apr. 3, 1875	Special assistant: defense of cases against Gen. P. H. Sheridan et al. for alleged interference with the Louisiana Legislature.
John H. New	Feb. 24, 1876	Special assistant: "whiskey cases" and "cotton cases," involving suits against persons and property of individuals charged with fraud against the Government.
W. E. Horne	Dec. 17, 1878	Special assistant: compensation of \$100 per month and necessary expenses. Investigated violations of the election laws. Appointed for a term of 1 month, with an extension of 15 days granted on Jan. 16, 1879.
John Ray	Nov. 15, 1878	Special assistant: "whiskey cases," involving suits against persons and property of individuals charged with fraud against the Government in the manufacture and sale of whiskey and tobacco.
Thomas C. W. Ellis	Feb. 19, 1880	Special assistant: suit to recover proceeds of cotton, once the property of the Confederate States, from John A. Stevenson.

<u>Appointee</u>	<u>Date of appointment</u>	<u>Terms of appointment</u>
Charles E. Woods	Dec. 19, 1882	Regular salaried assistant: compensation of \$2,000 per annum. Handled prosecutions for violations of the election laws. Served to May 1, 1883.
Adolph Bouchard	Jan. 30, 1884	Special assistant: compensation of \$10 per day. Suit for recovery of moneys fraudulently obtained from the Government by Henry Peychand, Syndic of Bellocz Noblom and Co. Served until Apr. 1, 1884.

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