44TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 799.

THE MANAGEMENT OF THE WAR DEPARTMENT.

AUGUST 5, 1876.—Laid on the table and ordered to be printed.

Mr. CLYMER, from the Committee on Expenditures in the War Department, by unanimous consent submitted the following

REPORT:

The Committee on Expenditures in the War Department would respectfully report that your committee, on its organization, felt at great loss to determine what subjects came properly within the scope of its inquiry. This difficulty was no little increased by the fact that, during the eleven years since its creation as one of the standing committees of the House, there was no record to be found that it had ever made a report or held a meeting. It was, therefore, left for the committee to determine what subjects came properly within its jurisdiction. Deeming the office of Secretary of War and the proper discharge of its duties the initial point to which attention should be directed, inquiries were set on foot, and all efforts made to secure testimony to determine the truth or falsity of various reports that had for years been circulating through the public press of the country touching the irregularities and alleged malfeasance in office of the Secretary of War. As stated in a report heretofore made to the House by your committee on the 2d day of March, 1876, they discovered that William W. Belknap, then Secretary of War, had been guilty of such glaring and corrupt prostitution and employment of the patronage pertaining to his office as not only to warrant, but demand the presentation of resolutions of impeachment; whereupon, on said 2d day of March, 1876, your committee made the following report:

That they found at the very threshold of their investigations such uncontradicted evidence of the malfeasance in office by General William W. Belknap, then Secretary of War, that they find it to be their duty to lay the same before the House.

They further report that this day, at 11 o'clock a. m., a letter of the President of the United States was presented to the committee accepting the resignation of the Secretary of War, which is hereto attached, together with a copy of his letter of resignation, which the President informs the committee was accepted about 10 o'clock 20 minutes this morning. They therefore unanimously report and demand that the said William W. Belknap, late Secretary of War, be dealt with according to the laws of the land, and to that end submit herewith the testimony in the case taken, together with the several statements and exhibits thereto attached, and also a rescript of the proceedings of the committee had during the investigation of this subject; and they submit the following resolutions, which they recommend shall be adopted:

Resolved, That William W. Belknap, late Secretary of War, be impeached of high crimes and misdemeanors while in office.

Resolved, That the testimony in the case of William W. Belknap, late Secretary of War, be referred to the Committee on the Judiciary, with instructions to prepare and report, without unnecessary delay, suitable articles of impeachment of said William W. Belknap, late Secretary of War.

Resolved, That a committee of five members of this House be appointed and instructed to proceed immediately to the bar of the Senate, and there impeach William

W. Belknap, late Secretary of War, in the name of the House of Representatives, and of all people of the United States of America, of high crimes and misdemeanors while in office, and to inform that body that formal articles of impeachment will in due time be presented, and to request the Senate to take such order in the premises as they deem appropriate.

Which said report and resolutions were unanimously adopted by the House, and in obedience thereto such articles were prepared and presented to the Senate of the United States for trial on the 3d day of April, 1876. All proper steps were taken by the House for the prosecution of said charges, and the trial of the same is now pending and undetermined.

In the face of the testimony herewith submitted, we are of the opinion that the unanimous action of the committee in demanding articles of impeachment, and of the House in ordering them, as above stated, was amply warranted. If any further proof were needed, it is furnished by his act of resignation in the face of the charges, after all the testimony had been read to him; and we now see this official head of the Army, the custodian of the Nation's honor, pleading the acceptance of that resignation by the President as his only hope of escape. Should the technical defense prevail, the record of his crimes will yet endure. The complicity of the late Secretary of War in the sale of the Fort Sill tradership did, in the judgment of your committee, render it necessary to inquire into the conduct and management of post-traderships generally, and the inquiry resulted in the conviction that the above cited case was not the only instance by many in which the said Secretary had been guilty of practices subversive of law, destructive to the *morale* and inimical to the best interests of the Army, and calculated to bring dishonor and disgrace upon the country.

Prior to 1867 the sutlers at military posts were designated or appointed by the officers in command. By the act of July, 1866, the office of sutler was abolished, and by a joint resolution of the same year the General of the Army was authorizd to permit trading establishments to be maintained at any military post on the frontiers, and on July 15, 1870, the following act was passed:

The Secretary of War is authorized to permit one or more trading establishments to be maintained at any military post on the frontier not in the vicinity of any city or town, when he believes such an establishment is needed for the accommodation of emigrants, freighters, or other citizens. The persons to maintain such establishments shall be appointed by him, and shall be under protection and control as camp-followers.

By this act the power of appointment was vested in the Secretary of War. It does not certainly appear to your committee by whom or through whose influence the passage of the foregoing act was secured; yet it was stated in the Senate that the section (act) was prepared to carry out the views of the Secretary of War and of officers of the Army. That it placed a vast patronage in his hands is evident, and from the manner of its use it may not be doubted that the then occupant of the place was fully alive to its value as a means by which to enrich himself, the members of his family, and his special friends. Immediately on the passage of the law those who formerly had held the position of sutlers or traders at the several military posts became solicitous as to their continuance in office now that they were subject to appointment by the Secretary of War, and, in person or by attorney, they appeared at the seat of Government to secure their re-appointment. It is a matter of history how, in the Fort Sill case, the Secretary of War dealt directly with Marsh and Evans; how for years he received at the rate of $6,000, and, subsequently, at the rate of $3,000 annually from that post alone.

At this same period, during the autumn of 1870, there appeared on the stage two other persons, who, throughout the testimony herewith submitted, appear as the chief brokers in post-traderships, whose influence with the Secretary of War was all-powerful to secure appointments, to whom no request was ever denied, and who had it in their power, even in opposition to the express preference of the General of the Army, to have appointed to the most lucrative and important posts persons who were strangers thereto and of no recognized position, and who had no other claim or right save that conferred by their preference. These two persons were Gen. J. M. Hedrick, of Ottumwa, Iowa, who had formerly served with the late Secretary of War in the Army, and Gen. E. W. Rice, of Washington. It will be instructive and interesting to detail the amounts received by these worthies, respectively, for their services in securing appointments to post-traderships, and although they did not fail to swear that the then Secretary of War was not their partner in the transactions, and that the rich patronage was for their own sole profit, yet the country will form the conclusions which are warranted by the facts and circumstances in the case.

General Hedrick received from James Trainor—

For securing his appointment at Fort Concho, Texas	$2,500
For securing appointment of A. E. Reynolds at Camp Supply	4,500
For securing appointment of R. C. Seip at Fort A. Lincoln	3,750
For securing appointment of A. C. Leighton at Forts Buford and Fetterman	10,000
Total	20,750

Making the sum of $20,750 actually received by said Hedrick for his services in securing the appointment of said persons to said several posts. In addition thereto, he held a one-third interest in the post-traderships at Forts Buford, Abraham Lincoln, Griffin, and Fetterman, in which, according to his own testimony, he had never invested one dollar, and all of which, amounting to tens of thousands of dollars, he owned by reason of the unexplained, if not inexplicable, influence wielded by him over William W. Belknap, then Secretary of War, his intimate friend and townsman, who had never denied him any request.

These interests in the several trading-posts named he held with the brothers Leighton, Alvin C., Joseph, and James, of Ottumwa, Iowa, who furnished all the capital and gave the business their personal supervision; General Hedrick being at the same time a supervisor of internal revenue, at a salary of $3,000 per annum. The account of General E. W. Rice stands as follows:

He received—

For the introduction of J. S. Evans, applicant for the post-tradership at Fort Sill, to the Secretary of War	$1,000
For securing the appointment of Joseph Loeb to Fort Concho	2,000
For securing the appointment of Henry Reed to Fort Wingate	1,500
For securing the appointment of Major Hicks at Fort Griffin	5,000
For his interest in the tradership at Fort Richardson, received from L. M. Gregory	2,000
For his interest in tradership at Fort A. Lincoln, from R. C. Seip	3,750
Total	15,250

What the remaining interest of General Rice in these several traderships may be your committee is unable to determine. The progress of this investigation doubtless terminated many of them. Seated at the very footstool of power, basking in its sunshine, the intimate and associate of the late Secretary of War, never denied his presence, and all-powerful in his every recommendation, it is not surprising that vast sums were paid him for mere introductions, but it would be a just cause

of surprise if the hoarded profits were not divided with him from whose hands they were derived, and whose mere will opened avenues of wealth to this intimate and office-broker. That this will be the general judgment of men, who may doubt? In addition to these sums thus paid to these two favored brokers in traderships, there was paid by eleven of the traders summoned by your committee the sum of $10,775, as assessments for political purposes, during and since the year 1872. There were others in a small way engaged in the business of procuring appointments for post-traders from the War Department, such as Hawkins Taylor and B. Gordon Daniels, whose gains were so inconsiderable as compared with those of Hedrick and Rice that it is not deemed necessary to state at length the facts regarding them.

Another gentleman, Simon Wolf, esq., the recorder of Washington, was charged by a witness, James Trainor, with having received from him $250 for undertaking to secure his appointment to the post-tradership at Fort Concho, Tex. This accusation Mr. Wolf denies most positively, and he has also furnished your committee with such evidence as to convince them that the charge is groundless. That the witness Trainor paid such an amount to some one in Washington for the purpose named your committee do not question. It is a case of mistaken identity in which the good name of a reputable citizen has been made to suffer, and the committee take pleasure in thus relieving him from all suspicion touching this charge.

There was still another person engaged in post and Indian traderships regarding whom your committee, by reason of his near relationship to the President of the United States, feel that it is mortifying to be compelled to express an opinion, Orville L. Grant. At the time of the passage of the law of 1870 giving the appointment of post-traders to the Secretary of War, Durfee & Peck, a firm largely engaged in transportation on the Missouri River, were the post-traders at Fort Sully, Fort Rice, Fort Stevenson, and Fort Buford, and Indian traders at Cheyenne agency and Standing Rock, mixed Indian and Army posts.

These positions they had theretofore held by the choice of the officers of the several posts and by license from the Indian Department. They were responsible traders, and had large sums invested in goods, buildings, &c., at these several posts. On the 6th of October, 1870, they were dispossessed at Fort Buford by the appointment of Alvin C. Leighton, a partner of Hedrick, who compelled them to remove their goods and abandon their buildings at a great sacrifice. In their own names and that of J. W. Wham and J. W. Marsh they held Fort Stevenson until July 4, 1874, when they were finally removed to make place for A. L. Bonnafon, jr., of Philadelphia. Fort Rice they held in their own name and that of Henry J. Miller and William Harmon until June 30, 1874, when James P. Pitts was appointed, whose partner in the enterprise was to have been Mr. John Tomlinson, now dead, the brother in-law of the late Secretary of War. Pitts did not take the position until the spring of 1875; Durfee and Peck, or Harmon, their agent, paying him a portion of the profits for the privilege of remaining until he took the position.

Fort Sully was held by Durfee & Peck and George H. Durfee until July 3, 1874, when John F. Athy, the clerk of General W. C. Babcock, surveyor-general of Kansas, who is a brother of General Orville E. Babcock, was appointed, not by the Secretary of War, but by the President. Athy was without means to stock the post, and could not, for this reason, take the position. In about nine months he found parties who furnished the means to do so, but Durfee & Peck were obliged to pay

the sum of $750 a quarter, or, in the whole, $2,250, for the privilege of trading during the interval. It is to be remarked that Surveyor-General Babcock drew up the contract for the payment of this sum, and that the money was sent to him and not to Athy. On or about the 5th of September, 1874, Durfee & Peck, represented by John H. Charles, were removed as traders from the Cheyenne agency by the appointment of George W. Felt, the order for whose appointment was made by the President personally, at the instance of Orville L. Grant. In the summer of 1874 Durfee & Peck were removed from the Standing Rock Indian agency by the appointment of J. R. Casselberry, of Philadelphia, Orvil L. Grant being his partner.

From the foregoing narrative it appears that by the summer of 1874 this greatest trading-firm of the Upper Missouri were driven from every post, and financial ruin stared them in the face. They well understood that some sinister influence was working their destruction, and, to save something from the wreck and to secure their chief creditor, they transferred to him, Mr. John W. Charles, one of the oldest and most reputable citizens and now the mayor of Sioux City, all their interest in these several Army and trading posts. The act of July 26, 1866, prescribes that—

Any loyal person, a citizen of the United States, of good moral character, shall be permitted to trade with any Indian tribe, upon giving bond to the United States in the penal sum of not less than five nor more than ten thousand dollars, with at least two good sureties, to be approved by the superintendent of the district within which such person proposes to trade, or by the United States district judge or district attorney for the district in which the obligor resides, renewable each year, conditioned that such person will faithfully observe all laws and regulations made for the government of trade and intercourse with the Indian tribes, and in no respect violate the same.—(Act of July 26, 1866. Revised Statutes United States, page 374, section 2128.)

In obedience to the provisions of this act, Mr. Charles made immediate application to the Indian Department, through the several agents for license to trade at Cheyenne, Standing Rock, Fort Berthold, Fort Peck, Fort Belknap, and Fort Turney, and filed the requisite bond in each case. The agent at Cheyenne at once accepted his application and the Department of the Interior approved it and sent it back. How it was canceled and G. W. Felt appointed by the President in September, 1874, has heretofore been shown. For some reason Mr. Charles was denied and never received license to trade at either of the other posts. He besieged the Indian Department by letters regarding the matter, but received no reply. He came to Washington, called on the Commissioner, inquired why his letters were not answered; he asked if he was not entitled to licenses, and why they were not granted. The Commissioner endeavored to evade, but at last replied, "Well, you understand that as well as I do. So far as I am concerned, I would grant you a license." That was all the explanation he gave.

In view of the imperative terms of the law, in view of the fact that Mr. Charles had complied with its every provision, and in view of the fixed determination of the Commissioner to disobey its provisions, it will be instructive to inquire into the actual cause which defeated Mr. Charles's application and ignored his absolute right. Upon his arrival in Washington, Mr. Charles called upon the President and handed him a letter, of which the following is a copy:

WASHINGTON, D. C., ——, 187 .

To the PRESIDENT:

SIR: Regretting very much that circumstances compel me to trouble you with the subject-matter of this letter, I only do so because my all is at stake; and as I have failed to obtain just relief from your subordinates, the President and Congress are the

only tribunals left to which I can appeal for justice, and as this lies within your jurisdiction. I was granted licenses to establish trading-posts at certain points on the Missouri River. Under those licenses I went on, purchased stocks of goods, erected or purchased the necessary buildings and warehouses, and prepared for trade. While prosecuting my business, without a single charge having been preferred against me, my licenses were revoked and Mr. Orvil L. Grant was given the sole right to trade on the river. The law nowhere contemplates that this right of trade shall be made a monopoly. I was and am still willing to withdraw from that country and give up the trade, provided that Mr. Grant will pay a reasonable price for my buildings and stock on hand; we to agree upon the prices wherever we can, and to leave the prices of all things upon which we cannot agree to be settled by arbitrators, appointed in the usual manner.

To such an arrangement I was and am willing to agree, and to break up my business and withdraw from trade in that country, upon any basis that will not involve my total ruin,

If Mr. Grant, coming in with exclusive powers and privileges, will not do this, then I hope and entreat that as a matter of fairness and justice you will order the Secretary of the Interior to carry out the law, to renew my licenses, withdraw the interdiction on my trade, and allow me to carry on my business in fair and honorable competition.

Very respectfully, your obedient servant,

JOHN H. CHARLES,
Per THUM.

This letter was presented to the President about the 1st of December, 1874. The testimony of Mr. Charles regarding the presentation of the letter, and its effect and results, will be instructive. It is as follows:

Q. Did you write that letter?—A. I did, sir.

Q. You sent it to the President of the United States?—A. My impression is that I handed it to the President myself; I may have sent it by mail.

Q. How do you know that he did get it; do you know that it was referred to Orvil Grant by the President?—A. Have you got the envelope that it was in?

Q. No, sir; I have not.—A. I don't recollect. I went up to see the President; I think, however, that I had the letter taken up by somebody else.

Q. Do you know that he just referred it to his brother Orvil?—A. I do not know that he did. It is possible that he did; I think he did. In fact, it would be a matter that I would expect him to refer to Orvil.

Q. Did he ever do anything that you know of to save you?—A. The President?

Q. Yes, sir.—A. No, sir; I think not; he never renewed those licenses.

Q. Mr. Smith, the Commissioner, told you that you could not get them for reasons that you knew?—A. Well, he intimated as much as that; if he had the simple saying of it——

Q. What were the reasons that you understood?—A. Well, I inferred that the President did not want him to give them.

Q. Why did he not want to give them?—A. Well, I suppose, perhaps, he wanted to give these agencies to some person else.

Q. Who were the other persons that he wanted to give them to?—A. Well, sir, it was Bonnafon and Orvil Grant and Casselberry, and perhaps Mr. Felt. Mr. Felt, perhaps, had the license at that time. What is the date of that letter?

Q. It is a copy of the letter, and I have not dated it.—A. If you have a copy of the original letter, the trade for the Cheyenne agency was made by me with Felt, I think, in the first of December or the last of November, 1874, but still we had already spoken about it some time before.

Q. Did you call the attention of the Commissioner of Indian Affairs, Mr. Smith, to the fact that the law was imperative that you had a right to trade at Indian posts if you furnished bonds and were of good moral character?—A. Well, I talked to him about the substance of that letter.

By Mr. ROBBINS:

Q. Did you tell the President also the substance of that letter in your interview with him?—A. Yes, sir; Senator Allison was present when the interview took place.

Q. What did the President say?—A. Well, he said he had fixed that thing, and was not going to change it, and he bit the end off his cigar, as if he didn't like me a bit.

Q. You said you had a license for Cheyenne?—A. Yes, sir; that license came back approved, and the license for Standing Rock had been granted by the agent, but it never returned from Washington.

Q. Was not your license at Cheyenne revoked by telegraph?—A. I think I got notice of it by telegraph.

Q. From whom?—A. I think it came from the agent, through the regular channel.

Q. What authority had the agent for doing that?—A. Well, it came from the Department of the Interior, of course.

Q. Didn't you come to Washington at once as soon as you got that telegraphic dispatch?—A. Well, I didn't acknowledge the receipt of it, and about that time I came to Washington.

Q. And that was about the time that you came and saw the President?—A. Yes, sir.

Q. Had you any interview with General Belknap about this thing at about the same time?—A. I think Mr. Allison addressed him a note or telegraphed in my behalf, asking him to assist me in this matter, and he replied by telegraph that it was not in his Department; that it belonged to the Department of the Interior; that he could do nothing; that it was not a matter with which he had anything to do.

Q. Try to recollect if you had a personal interview with General Belknap about these matters generally—about licenses out there?—A. I called upon General Belknap when I was in the city, but this first correspondence was earlier than that.

Q. Did you call upon General Belknap and discuss this whole question with him, and did he not then in general terms say that he was compelled, or that they were compelled, to revoke this license by order of the President of the United States?—A. I went up to the War Department office, but I think that was later.

Q. Well, when was it that he said this thing, if he said it at all?—A. My impression is that when I came here and had an interview with the President, it was about the 1st of December, 1874, about the time that Mr. Felt was at Cheyenne, invoicing the goods at that place. My recollection is that I got here ahead of some of my friends who were expected to assist me, and I telegraphed for them; Senator Allison, for instance, for one man; and my impression is that I did not go to see General Belknap until in January.

Q. In January, when you called upon him, what conversation took place between you and him?—A. In January (it must have been along about the 25th of January of last year) I called upon him and my impression is that he said the law was clear, and that there was not any other way.

Q. What was not any other way?—A. That I ought to have a license.

Q. Did not he tell you that the President himself compelled them to cancel this license—didn't he state so to you, roundly?—A. I think not.

Q. What did he state about the President?—A. After he expressed himself that it was not in his Department, he did not give much advice. He was not very talkative on that subject, and I do not think he said anything very pointed or of much comfort to me.

Q. Would it have been a comfort for you to know that the President had ordered these things to be done?—A. It would have been a sort of satisfaction to know that the enemy was so that I could reach him.

Q. Are you certain that he did not say that it was by order of the President that this thing was done?—A. I had understood that, I think, from other sources already.

Q. Had you understood that from the Interior Department?—A. Parties that seemed to be posted said so, and then my interview with the President satisfied me that whatever was done, he had "fixed that." Those are the words he used, "I have fixed that." There was something said about Durfee & Peck being bad men for Indian traders, or something to that effect, and that that nest ought to be rooted out. He said that in the conversation. Mr. Allison spoke up and said, "I have known this man for a great many years; knew him when I was a boy."

Q. He gave you a good moral character, did he?—A. Yes, sir; he did.

Q. And then you had given bonds, hadn't you?—A. I had.

Q. What was there under the law why you should not have an appointment?—A. That is a question for some of you lawyers to decide.

Q. I am extremely anxious for you to recollect what General Belknap did say about the direct interference of the President.—A. General Belknap was a personal friend of mine and would do anything that he could, consistently, for me, but I think you are mistaken about that. I have no recollection about that thing. I remember distinctly my going up there and having a talk with him.

Q. Did he tell you that he could not help you?—A. Yes, sir; that he could not help me, that it was out of his Department entirely. That was pointed. I think he would have done anything he could for me.

Q. Standing Rock you did sell out to Orvil Grant and Bonnafon and that crowd?—A. Yes, sir; just as the terms were.

Q. Cheyenne you sold out to Mr. Felt?—A. Yes.

Q. And at Fort Berthold you could not agree?—A. No; we made no sale at all. The goods were taken the following spring to Fort Benton, by Mr. Marsh.

Q. In your efforts to be permitted to trade on that river, did you ever offer anybody any sum of money to be permitted to trade?—A. Not a cent.

Q. Did anybody ever demand any sum of money from you for that privilege?—A. No

sir; I suppose if I had taken Orvil Grant in as a partner at the time, I could have gone on and traded.

Q. Did he ask to be taken in as a partner by you?—A. No, sir; he did not. We did not meet in that kind of spirit at all. There was not any room for any pleasant, sociable talk on that occasion.

Q. What was the reason that you were not sociable?—A. Well, we were aiming to get hold of the same chestnut.

From the foregoing it is evident that it was the President of the United States who had "fixed that thing," and that it was by his direct order that Mr. Commissioner Smith had purposely and deliberately disregarded and violated the express terms of the statute. Was there any great and overshadowing public necessity, was there any high and patriotic purpose, was there any pure and noble aspiration for the general welfare, which induced the President thus to violate the law, thus to bring ruin upon the individual citizen by the arbitrary exercise of his influence over subordinates in the Government? From the testimony of Mr. Orvil L. Grant it appears that during the summer of 1874 his brother, the President of the United States, wrote him a letter informing him that there would be vacancies in the trading-posts at Standing Rock, Fort Peck, and Fort Belknap, and possibly also at the Cheyenne agency, although of this last he was not positive. Armed with this letter he went into the market and bartered his power and influence. By it he became the owner of a one-third interest in the post of Standing Rock, with J. R. Casselberry and A. L. Bonnafon, sen., of Philadelphia; never having advanced a dollar toward the capital until January, 1876, when he put in about $2,000, although he had theretofore drawn out $1,100 on account of profits. He became the equal partner of Joseph Leighton at Fort Peck, where the capital invested amounted to about $25,000, although he had never invested a dollar. Having had the promise of the post-tradership at Fort Berthold, he withdrew his claims in favor of Raymond, receiving therefor $1,000. At Fort Belknap he assisted a man named Conrad to get the license, although he swears that he has no interest therein. It will thus appear that of the posts at which Mr. Charles applied for licenses to trade, Cheyenne is in the hands of G. W. Felt, a personal appointee of the President; that at Standing Rock Orvil L. Grant is the owner with Casselberry and Bonnafon; that Orvil L. Grant and Joseph Leighton are the owners at Fort Peck; that Fort Berthold is held by Raymond, who has paid Orvil L. Grant $1,000 to permit him to remain; that Fort Belknap is held by Conrad, whom Orvil L. Grant assisted in securing his appointment.

Of Fort Turney we have no record, and we have heretofore shown that A. L. Bonafon, jr., had been appointed post-trader at Fort Stevenson in July, 1874. He is the son of A. L. Bonnafon, sen., the partner of Orvil L. Grant, at Standing Rock, and received his appointment through Grant's influence. This statement will enable this House and the country to judge of the motives which induced the President to direct the Commissioner of Indian Affairs to disregard the law, and refuse to give John W. Charles a license to trade at these Indian posts. If they be worthy, he will receive due commendation; if otherwise, merited condemnation. From the facts in the case, it is not doubted by your committee that the object in refusing a license to John H. Charles at these several posts was to enable the favorites who held them to trade unmolested and unembarrassed by any competition whatever. This conclusion is fortified by other executive orders and proceeding.

Prior to January, 1875, the Missouri River was the eastern boundary of the great Sioux reservation upon which Standing Rock trading-post

was situated, and at which Grant, Casselberry, and Bonnafon, sr., were the traders. Settlers had located on the eastern bank. At one place there was a thriving settlement called Brulé City, containing a saw-mill, stores, and shops, and immediately opposite the Standing Rock agency there was another settlement. By executive orders, the first issued January 11, 1875, the second March 16, 1875, and the third May 20, 1875; the boundaries of the great Sioux reservation were extended so as to cover all the eastern bank of the Missouri River, and thereby break up these various settlements, drive out the inhabitants, and thus effectively shut off all competition with the favored traders on the western bank. In order to show the effect of these orders, your committee would refer to the evidence of O. C. Treadway, pages 45, 46, and 47 of the accompanying testimony; to that of W. A. Burleigh, page 41; to that of John Lawrence, page 45; to that of General Custer, page 55; to that of William Harmon, page 238; and that of C. K. Peck, of the firm of Durfee & Peck, pages 54 and 57.

O. C. Treadway sworn and examined:

By the CHAIRMAN:

Question. Where do you reside?—Answer. Sioux City, Iowa.

Q. Are you in any way connected with post-trading?—A. No, sir.

Q. Do you know this Upper Missouri River?—A. Yes, sir.

Q. Have you had any business up there?—A. Not within the last few years. I used to be a trader and jobber on the Upper Missouri River from Yankton up.

Q. Do you know this great Sioux reservation?—A. Yes, sir. I know the county pretty well from Sioux City to the mouth of the Yellowstone.

Q. That is an official map, and you see that reservation, as it has been extended, marked upon it. Will you be kind enough to state to the committee what was the effect of that extension of the reservation to the east bank of the river on the trading-posts and military posts?—A. The effect, if it was enforced, would be to make them absolutely and unqualifiedly Indian and military trading-posts, without any opposition; to drive out everything to the edge of the reservation. That is what we used to do when I was a trader—choke off every man that was not within the scope of the law.

Q. When you were a trader would you have considered it a great advantage to have the limits extended so as to drive out all those people?—A. Yes, sir; there is no doubt about its being an advantage.

Q. How long were you a trader up there?—A. I was interested up there two or three years, away back in 1863 or 1864, or longer.

Q. When did you cease your trading there?—A. I ceased my connection with the trade on the Upper Missouri River in the fall of 1864 or 1865.

Q. At what posts were you interested?—A. I was interested at Fort Sully, Fort Rice, and Fort Union, before Fort Buford was built.

Q. Were you a sutler or an Indian trader?—A. An Indian trader; we were sutlers at Fort Sully for a while, and sutlers at Fort Rice.

Q. How long have you been in Washington?—A. I came here in the latter part of January.

Q. Are you here now representing parties on that Upper Missouri River, as counsel for them?—A. I am here on several jobs.

Q. Do you represent any of those people as counsel?—A. Yes, sir; I represent people on that Upper Missouri River as counsel here.

Q. Any of these post-traders?—A. No, sir.

Q. Any of those Indian-post traders?—A. No, sir.

Q. You are not here with reference to any matters which are before this committee?—A. Not that I know of; I am here with reference to a matter at Brulé City.

Q. With reference to that extension?—A. Yes, sir.

Q. What is the nature of that business?—A. Well, my claim is a memorial before the Indian Committee of this House asking compensation of $200,000 for property taken under this executive order.

Q. Under these executive orders of January, March, and April, 1875?—A. This particular property which I represent was taken under the order of January 11, 1875, and the order of Livingston which followed it.

Q. The claim made by those white people driven off under these orders amounts to $200,000?—A. That is the amount of the claim.

Q. What is the nature of the claim?—A. The nature of the claim is this: I present my memorial in behalf of only two parties. In 1873, if my memory seves me right

now, two parties settled upon land opposite to the mouth of the White River, on the east side of the Missouri; they pre-empted and obtained patents for three hundred and twenty acres of land. They laid off their land into a town. They commenced the building of a city called Brulé City, at the mouth of the White Earth River, on the east bank of the Missouri, in anticipation of what seemed to them a great commercial point, looking toward the Black Hills. They laid off their lots and commenced selling them, getting settlers in there and having improvements made. They continued this until the time that this executive order came closing them out and stopping everything, and they ask, as a result, the damages which they claim have accrued to them by the seizure, as we say, of our property. We call it a seizure because the property has been taken possession of, (whether rightfully or wrongfully is another question,) but it has been, we submit, seized, and the executive order and the Indian order of Livingston following it settles that question. If it was lawfully seized by the Government, we are entitled to our compensation, as it was our property.

Q. The parties you represent had received patents for these lands and paid for them?—A. Yes, sir.

Q. Do you know any other parties except those at Brulé City who had paid for their lands but had not received their patents?—A. Yes, sir; Judge Oliver, our Representative, conferred with me the other day in reference to an Iowa man who was trying to get his money back for lands he had purchased in this extension, and he could not succeed.

Q. Have you any idea of the amount of money that you would have to be paid back for those lands?—A. I have not examined that.

Q. The Lower Brulé agency is an Indian agency?—A. Yes, sir; and there are soldiers kept there also. Brulé City is below that.

Q. Has the effect of that order been to prevent the further growth of that place?—A. Yes, sir; it has stopped the growth. It is so represented to me by my clients that the agent prohibited their making any further improvements in that city, and went so far as even to forbid homesteaders from plowing, as it angered the Indians.

Q. Did he close up all the places of business in that city where they were selling goods?—A. That was what he threatened to do, and I was conferred with as counsel as to what course to pursue on that point. Whether he closed them up or not, I do not know. They came to me and made these representations, and I told them they had better acquiesce, for if they got into the clutches of the military or the Indian Department I did not think their property was worth five cents on a dollar. I told them they had better look out.

Q. Would the closing up of all business at Brulé City be advantageous to the Indian and post-traders at Lower Brulé agency?—A. Yes, sir; the closing up of the trade on the east bank of the river would be beneficial to all those posts. As we used to travel it was about two days' march from where Brulé City is now to where Brulé agency is located. Brulé City is about forty miles below the agency, I should judge.

Q. The next point below that is Fort Randall. How far is that from Brulé City?—A. Fort Randall is on the south side of the river; it is within the reservation. The change also enhanced the value of the post-tradership at Fort Randall; it improved the trade, of course, all along the Missouri River. The geography of the country is such that when you control the Missouri you control all the timber, and when you go out back there is no one inclined to go there. When you control the Missouri you control the country.

W. A. Burleigh sworn and examined, March 15, 1876:

Q. By the records of the War Department it appears that Durfee & Peck were appointed traders at Fort Stevenson, October 6, 1870; resigned January 16, 1872. J. W. Wham was appointed January 13, 1872; revocation June 22, 1872. D. W. Marsh, appointed June 21, 1872, and resigned July 3, 1874; and A. L. Bonnafon, jr., was appointed July 3, 1874, and is the present occupant.—A. So I understand.

Q. This Fort Stevenson is near the Great Sioux reservation?—A. No, sir; it is above the reservation. It is near the Arickaree reservation—the Arickarees, Gros Ventres, and Mandans.

Q. Fort Buford is the next. The record shows that Alvin C. Leighton was appointed post-trader at Fort Buford on the 6th of October, 1870, and that he is the present occupant. Is it near any Indian reservation?—A. It is almost surrounded by the Arickaree and the Blackfeet reservation.

Q. Fort Peck, you say, is a purely Indian reservation?—A. So I understand.

Q. And Fort Benton is a military reservation?—A. Yes, sir.

Q. At Fort Benton, A. E. Holden was appointed post-trader February 21, 1871, and he is recorded as having declined the appointment.—A. Wherever one of these posts is established upon a river, and the ground is open to settlement on the other side, the post-tradership is rendered almost worthless in consequence of small traders going in from the outside and underselling the post-trader. He sells at profits that would not

enable him to live at a post; and that is the case at Fort Benton, I presume. There are several stores there.

Q. State the nature of the Executive order on that subject.—A. In the first place, I will state that, under the treaty with the Yanktons, there were four hundred thousand acres of land set apart on the east bank of the Missouri River for their permanent occupation, extending about thirty miles up and down the river. The river was then open for more than one hundred miles, on that side of the river, and, with the exception of a small portion of the Fort Randall reservation, which was vacated by the Government several years ago, the country was surveyed. There was no other reservation until you got up to Crow Creek, about one hundred miles above, where there was a small reservation for the Sioux and Winnebagoes, but the Winnebagoes afterward moved down into Nebraska. The country from there to the 46th parallel, on the east bank of the Missouri River, was open to settlement, with exception of the Fort Sully military reservation. A considerable portion of this was occupied by homesteaders and pre-emptors, who had gone there, as they had a right to do by virtue of the homestead and pre-emption laws, and settled. For some unaccountable reason these parties were notified that, by an Executive order, this land had been set apart—this monstrous reservation on the other side of the river, almost one-third of our territory; and when we came to look into the thing we found an Exentive order issued January 11, 1875, running down from a point here, [indicating on the map,] striking the Missouri River so as to leave an open space between the Yankton reservation and the Sioux reservation. That order did not cover the ground, and on the 16th July, 1875, it took in the country opposite the Standing Rock agency, and on May 20, 1875, there was another one, which closed up the entire country on the east of the Missouri for a distance ranging from ten to thirty miles, and shut everybody out, and the military were sent to clear the country.

Q. What was the effect of that order upon the trading-posts?—A. The effect of driving these people out and closing up all those stores, was to give an entire monopoly to the trading-posts situated on the other side of the river.

Q. Would not the effect of the enforcement of these orders be to greatly enhance the value of the trading-posts?—A. Unquestionably.

Q. What posts were particularly affected by this order?—A. Forts Randall, Brulé, Crow Creek not so much. Fort Sully would not have been so much, but it would have an effect upon it; and Cheyenne River and Standing Rock. Those are about all that would be affected by that order. Fort Rice, I should think, would not be affected by the order.

Q. These orders were issued by the President of the United States?—A. Yes, sir.

Q. Are the dates of the several orders there?—A. Yes, sir; January, 1875, March, 1875, and May, 1875. The first order was the 11th of January, 1875, and the second the 16th of March, 1875, and the third, May 30, 1875. There is another very pernicious effect which we have suffered. It has taken all the timber from below the Yankton agency for the distance of six or seven hundred miles where we have to run our boats, and it gives the parties controlling these agencies—for we have never had any difficulty from the military; they have always been kind and courteous—it has had a tendency to make a monopoly of this wood-trade. We have been compelled to pay as high as $10 a cord for wood that we ought to have bought for $2.50.

Q. To whom did the profits of the wood go?—A. I don't know. It is monopolized by the trader at the post.

Q. Does he contract for the delivery of the wood to the post?—A. I don't know that he does. That is advertised for, but I mean the wood that is put up by different parties who cut steamboat wood on the river. It is to a very considerable extent monopolized by those traders at those posts; not exclusively, but to a great extent.

Q. Then, as I understand it, no white man can open a store anywhere within the limits of this reservation?—A. Nowhere within the limits of the military and Indian reservations.

Q. After the issuing of these orders in the spring of 1875, do you know whether parties who had stores and were trading there were driven out?—A. I do.

Q. Will you state by whom?—A. They were ordered out by the Indian agents, and told if they did not go they would take the troops and force them off.

John Lawrence sworn and examined, March 15, 1876.

By the CHAIRMAN:

Question. You are well acquainted with the Upper Missouri, and know all the posts spoken of by Dr. Burleigh here?—Answer. Yes, sir.

Q. You have lived there, you say, fifteen years?—A. Yes, sir.

Q. Do you know of these Executive orders having been issued?—A. Yes, sir; two of them, one of the 11th of January, and one of May 20, 1875.

Q. From your knowledge of that country, what was the effect of those orders?—A.

The effect of that was virtually to drive the citizens out of that country, with a few exceptions.

Q. Were there any citizens who had paid for their land in that agency who, nevertheless, had not received their warrants?—A. Yes, sir; quite a number.

Q. Had some of those citizens stores?—A. I think one, Mr. Day, had a store at Brulé City.

Q. The effect of the order was what?—A. Mr. Day told me that Mr. Livingston, the Indian agent at Crow Creek, was down and undertook to close him up. After that order the post-office was abolished, and the mail-route leading to Brulé City.

Q. Was the order rigidly enforced?—A. O, yes.

Q. Was there an attempt made to enforce it against this Indian woman trader, Mrs. Galpin, at Standing Rock?—A. I understood so. I do not know. She was trading when I wasthere last summer.

Q. Well, the effect was to close up all competing stores in that country as against the military traders?—A. I do not understand that at these agencies there is a military trader. He is an Indian trader, and he supplies the military as well as the Indians.

Q. In your judgment, did the order conduce to the sobriety and good of the Indians?—A. I do not know as it has. I know that last summer there were a good many of them drunk at Standing Rock, or some six miles this side of there. That was after the order went into effect.

Q. Where did they get their liquor?—A. I think it came from Bismarck; so some persons told me.

George A. Custer sworn and examined March 29, 1876:

Q. Do you know anything about the extension of this Great Sioux reservation across the east bank of the Missouri River?—A. Yes, sir.

Q. That was done by the proclamation of the President in January last year and by another proclamation in April?—A. Yes, sir.

Q. What was the effect of that proclamation upon the value of the traderships along that river?—A. It greatly enhanced their value by making them a more perfect monopoly, by removing all opposition and rivalry.

Q. Did it dispossess any people who had acquired title to lands there?—A. I cannot say that it dispossessed people who had acquired title, because I am not sufficiently familiar with the legality of their title, but I know that it dispossessed people who claimed that they had a title, and who, no doubt, but for this, would eventually have acquired title.

William Harmon sworn and examined April 13, 1876:

Q. Do you recollect when that Great Sioux reservation was extended by proclamation last year?—A. Yes, sir.

Q. It formerly had extended only to the west bank of the Upper Missouri River; the effect of the extension was to include both banks of the river in the Great Sioux reservation?—A. Yes, sir.

Q. Did it drive out the sutlers from there?—A. It did.

Q. Did it prevent all competition with these trading-posts up there?—A. Yes, sir; it stopped everybody.

Q. Do you know where the Lower Brulé settlement was?—A. Yes, sir; it was quite a little settlement; it is depopulated now entirely. There was a little village, a saw-mill, and stores and shops.

Q. They could not trade there any longer?—A. No more than they could on the regular reservation, because the law says, "If any man shall introduce goods on an Indian reservation, they shall be confiscated."

Q. The ostensible ground for extending that reservation was to protect Indians from the whisky brought in by illicit trade?—A. So I have understood.

Q. Now, what in your judgment has been the effect of that proclamation in that respect? Has it accomplished that object?—A. No, sir.

Q. Has it done any more than to prevent all competition, and increase the profits of the traders at those posts?—A. The Indians get as much whisky as they did before the reservation was changed. It has had no effect to stop the whisky traffic at all.

Q. But it has had the effect to increase the value of the posts?—A. It naturally would.

Q. Do you know anything of the introduction of contraband goods, whisky, or of anything else, from Canada into this country?—A. No, sir.

Q. Have you ever heard of it?—A. No, sir; I never have.

Q. Standing Rock, then, was the only post at which you, yourself, were interested, and of which you have personal knowledge?—A. Yes, sir; I will state a little further about that reservation. It was changed January 11, 1875. Then there was a man trading opposite Standing Rock agency, eight miles below; his name was Dillon, and as soon

as they saw the proclamation, there were twenty-five or thirty people in huts opposite the agency, and they were going to drive them out. I happened to be down there. I laughed and said, "I could come down here and squat beside your agency. The agency is off the reservation." I told the agent that. Said I, "Your agency is nine miles above the 46th parallel." Of course, when they found that out they could not do anything with the people, so that it necessitated another proclamation, which was issued in March, and which extended the reservation to Beaver Creek, about twelve miles above the agency.

Q. Did the final proclamation effectually cut off all competition in that region?—A. There is a piece of land between the Rice reservation and the Standing Rock reservation called Beaver Creek, that was not included. I believe there have been parties trading there this winter.

Q. But, saving that, it has effectually cut off all competition?—A. It has effectually closed everybody else out.

Q. Then the parties who hold the agencies through that Great Sioux reservation are sole possessors of the trade?—A. Unless they allow a man to apply for a license under the law.

Q. That is, if the order of the Department is enforced, which will not permit the Indian agent to issue licenses?—A. I understand that within a week or so that order has been revoked. I don't know that, but previously, of course, with that order in force, no man could get a license, and they had it their own way.

C. K. Peck sworn and examined March 15, 1876, page 54:

Q. These are the only military and Indian posts in which you were interested on that river?—A. Yes, sir.

Q. Have you any other knowledge as o the reasons you were dispossessed from all these posts, save through the influence of Mr. Orvil Grant?—A. I have not.

Q. You attributed your dispossession to his influence, did you?—A. Yes, sir. I was in the office of the Commissioner of Indian Affairs, and was informed that an order had been issued for the revocation of our licenses. I went in to see Secretary Delano in regard to it. He said that he knew nothing of the cause of it whatever; that it was the order of the President. I asked him if there were any charges against the firm of Durfee & Peck in his Department, and he said none whatever, that he ever heard of. I referred him to the law of Congress which specified that any person of good moral character giving bond of $5,000 shall have a license to trade, &c. He simply replied that he had no option in the matter; if he did not cut off heads when he was ordered to, his would be cut off.

Q. And that he had dispossessed you on the order of the President of the United States?—A. Yes, sir.

Q. That was the end of your connection, was it, on that river?—A. Yes, sir. I asked for an extension for a certain time of the order, that it might not be put into effect at once. The spring trade was all over, and the summer trade, of course, at these Indian posts, is comparatively light. It was only two or three months before our licenses would expire. He said he would see the President in regard to that point. I saw him again. It was allowed to go in that way until the licenses expired by limitation. I may as well explain, in connection with that, that I made a conditional sale after that, during the time that the licenses were to expire. I was aware that such an order was going to be issued, and before the expiration of the licenses I made a sale to John H. Charles, of Sioux City, of our interest, presuming possibly that he could obtain a license. It was a conditional sale. Charles made every effort to obtain a license. He entered into a contract, and had it in writing, I think, with Bonnafon & Co., or Bonnafon and Orvil Grant; and, in fact, Orvil Grant was in Sioux City to see him in regard to the sale, taking the stock, as I understood him, at cost, and the buildings at great depreciation. The sale, however, was never consummated in that form; Mr. Charles, of course, was not able to get his licenses, and the property reverted to us again, and we had to make the best disposition we could of it.

Q. Did you have to sacrifice largely on it?—A. Yes, sir; we had to sacrifice largely on it.

Page 57:

Q. Do you know the Great Sioux reservation?—A. Yes, sir.

Q. Was Standing Rock near the Great Sioux reservation?—A. It was on it.

Q. What other posts were on the Great Sioux reservation?—A. Cheyenne.

Q. You know of at least two proclamations of the President of the United States, one issued last January and one in the spring of this last year, after Orvil Grant, Bonnafon, and Casselberry became the traders up there, or at least controlled the river?—A. Yes, sir.

Q. What was the effect of these proclamations of the President of the United States? Was it to extend the boundary of the Great Sioux reservation across the east bank of the Missouri River?—A. Yes, sir.

Q. What was the effect of that? Was it to drive off all white people from there?—A. Yes, sir; to stop the business and trade.

Q. Did it greatly enhance the value of these posts?—A. Most assuredly.

Q. Did it subserve any good purpose that you know of?—A. Not to my knowledge.

Q. It prevented all competition with the traders who were within the reservation?—A. It did; yes, sir.

Q. What increase in the price of wood for your boats did that make to you rivermen? What were the ordinary prices before that, when you had competition there, and since?—A. I don't know that I can state that.

Q. What average price did you pay for wood during the last season in trading on that river? I mean along in the Sioux reservation.—A. I should say three and a half to five dollars.

Q. That is during this last year?—A. Yes, sir.

Q. I ask that question because Dr. Burleigh stated in his evidence that it cost them about eight dollars a cord.—A. No, sir; not along there. I don't think it did, at least.

Q. Did the extension of this reservation increase the price of timber to you?—A. It naturally had that effect, because parties who had been there and were doing a sort of trade themselves would at the same time put up wood for sale to boats, and of course they were unable to do any business on the opposite side of the river, and as a consequence were not justified in remaining to put up wood alone.

Q. Do you know Lower Brulé City?—A. I do.

Q. What was the effect of this proclamation upon that town?—A. It broke up the parties interested entirely.

Q. Closed their places of business and broke up the town?—A. Yes, sir.

Q. Were there settlers on the east side of the river who were driven from their homes by this proclamation?—A. I think there were.

Q. Do you know the reasons which induced the issuing of this proclamation?—A. It was generally understood up there that it was done at the instance of Orvil Grant to stop trading which had started opposite Standing Rock.

Q. To close out that opposition?—A. Yes, sir.

Q. Did it have that effect?—A. Most assuredly.

Q. You have said that the profits at Standing Rock when the business was economically and carefully managed would be about $10,000 a year?—A. Yes, sir; I think that would be about a fair estimate.

Q. Have you any idea what would be the increased value of the business at that point by the enforcement of this executive order of the President of the United States?—A. There had been no post started opposite Standing Rock until after Orvil Grant went there. Parties there, who were disaffected, started across the river. They knew the Indians and knew the trade, and could talk to the Indians themselves, and of course were able to do business.

Q. Would those establishments have materially decreased the value of the Standing Rock posts?—A. Yes, sir; it would have done away with all profits as far as new traders were concerned. That would be my impression.

Although the ostensible and alleged object of these several executive orders extending the boundaries of the Great Sioux reservation so as to include the east bank was the "suppression of the liquor-traffic with the Indians on the Missouri River," yet the real effect and necessary result of the same is gathered from the foregoing testimony of witnesses who knew whereof they were speaking. It was to drive off all the settlers from the east bank of the river, to break up and destroy thriving settlements, and make the Government justly liable to claims amounting to hundreds of thousands of dollars in damages done to property and vested interests, and, over and above all, to remove and suppress all competition on the part of the settlers and traders on the eastern bank with those favorites of the President who were interested in the several trading-posts on the western bank. Every witness, save one, whose testimony was given before your committee on this subject agrees in these general conclusions; and they generally express the opinion that the extension of the boundaries of the reservation did not conduce to the greater sobriety of the Indians; that it failed to accomplish that object, if indeed it was the real, and not merely the ostensible, one. The only evidence given before your committee which differs from the foregoing is that of Henry S. Parkins, which appears on page 250 of the testimony, as follows:

Q. Do you remember when the proclamation was issued extending the Great Sioux reservation eastward?—A. Yes, sir.

Q. The first proclamation was last January a year, was it not?—A. Yes, sir.

Q. That still left an opposition to you below Standing Rock?—A. Yes, sir.

Q. Then there was another proclamation, issued last May, was there not?—A. I think it was in March.

Q. Did that last proclamation cut off that opposition?—A. Yes, sir.

Q. So you have no opposition, then, that that proclamation could reach?—A. No, sir; except as I have stated.

Q. The opposition at Beaver Creek is lower down?—A. No; it is above.

Q. It was not covered, then, by the extension of the Sioux reservation?—A. No, sir.

Q. It is twelve miles above you?—A. Yes, sir.

Q. If those proclamations had not been issued, your profits would have been still less than they have been, would they not?—A. Possibly. That proclamation was not issued in our interest. Neither do I think that the parties whom I represent had much to do with it. The commanding officer at Standing Rock came to me and told me that he had written a letter stating that the reservation ought to be extended, for these reasons: in the first place, the agency buildings were not on the reservation; there had been a saloon where whisky had been sold right in the middle of the Yanktonnais camp. He said this was all wrong, and he said he had written to have the reservation extended, and after the proclamation came out he came to me and said, "I got this done," and took to himself the credit of getting it done, and said that it was a good thing and a proper thing to be done, and I concurred with him that it was.

Q. Then you think the proclamation was issued in order to benefit the morals of the Indians and the people up there?—A. I think it was entirely.

Q. The incidental advantage, however, was to the trading-posts?—A. Well, it naturally came that way, but there was nothing done on our part.

Q. Nothing that you know of?—A. Nothing to extend the reservation, except stating that it would be a good thing, and the commanding officer at Standing Rock told me that he had it done, and not only told me, but told other officers of the post; spoke of it as a move that he made to better the condition of the Indians, so as to shut out the whisky-shops, and make the buildings on the reservation.

Q. Has there been greater sobriety since the extension of the reservation than formerly?—A. I think there is; at all events there has been no killing done since, from the effects of whisky.

Q. There has been less whisky sold, has there?—A. There has been none sold on the reservation. The nearest place is twelve or fifteen miles off, at Beaver Creek.

When it is stated that this witness has charge of the trading-post at Standing Rock, being the agent of Orvil L. Grant, Bonnafon, and Casselberry, it is not surprising that his conclusions regarding the effects of the executive orders differ materially from those of the other witnesses. We leave this House and the country to judge upon the evidence as given whether said orders were issued from philanthropic motives toward the Indians. If so, it is an anomaly in our affairs that the interests, especially the *moral* interests, of the Indian has been cared for, to the subversion and destruction of the vested rights and privileges of the whites. While it is to be regretted that so great a number, and so many of them, have been destroyed by these executive orders, there may be compensation in the reflection that the profits and emoluments of the Indian traders within the extended limits of the reservation have been greatly enhanced and increased. With this recital of executive disobedience to law, and direct interposition of authority for the purpose of advancing the interests and increasing the fortunes of favorites and relatives at the expense of the people generally, we would dismiss this subject of posts and Indian traderships, save that there is still one case remaining so glaring in its wrong and so naked in its iniquity that justice demands of us a brief statement of the facts.

In 1867, J. E. Barrow, of Saint Louis, had sent a large stock of goods to New Mexico. Finding no market for them he applied for a post-tradership at Fort Union, in that Territory. President Grant was then General of the Army, and had the power of appointment. Finding difficulty in securing the place, Barrow applied to W. D. W. Bernard, the brother-in-law of John C. Dent, the eldest brother-in-law of General

Grant, who agreed to aid him on condition that he would give him one-third of the profits; whereupon, Barrow agreeing thereto, Bernard wrote General Grant a letter stating that Barrow was to give him one-third of the profits annually for his influence in getting him the place. After a month or six weeks Barrow was appointed. What happened subsequently is stated so clearly and succinctly by Barrow that we insert his evidence, (pages 137 and 138,) as follows:

MARCH 28, 1876.

J. E. BARROW sworn and examined.

Q. Go on and state all the facts.—A. After getting the appointment I removed my goods from Las Vegas, where I had them, to Fort Union, in the winter of 1867-'8, built my house, and opened my goods for sale. Mr. Moore was at the same time, also, sutler there. After being there some eight months, I was removed while I was absent at Saint Louis. Mr. Bernard, in the mean time, was out there, and proposed to take his share of the profits and stay in the house, which he did for some time. After I went to Saint Louis, in the fall of 1868, without any notification whatever I received a dispatch from my clerk, stating that my permit was revoked, and that Mr. Bernard was appointed in my place. I had a large stock of goods on hand, probably fifty or sixty thousand dollars' worth; my buildings cost me several thousand dollars. It was a thing unexpected to me, and placed me in a very peculiar situation, as I owed many thousand dollars at Saint Louis, to my creditors. I did not know what to do to give them satisfaction. I tried to make arrangements to sell out; I did not know whom to sell to; I could not take the goods away, as they were not adapted for any other place than a sutler's store. I then met Mr. Dent; Bernard had telegraphed Dent to see me, and to arrange about buying the stock of goods. I was not disposed to let Bernard have anything to do with it. He was considered a profligate and a man of very reckless habits, and a spendthrift. I took Mr. Dent down with me to the fort, and when I got there Bernard had charge of everything. I made the sale there to him, and went to Saint Louis to consummate it, and after I got there he refused to accede to the terms that he had made at the fort.

Q. Who refused?—A. Mr. Dent; but after two or three weeks I had to accept his own terms, which subjected me to a loss on the debts I had out there of $16,000 or $18,000, and a loss on my goods of between $30,000 and $40,000.

Q. You sold out then to John C. Dent?—A. Yes, sir.

Q. He was the brother-in-law of the President?—A. Yes, sir. There was at least $16,000 or $17,000 of debts owing me there, and I sold out to Dent at a loss of $25,000 or $30,000.

Q. What were your total losses in the operation?—A. Between $30,000 and $40,000. I sold on long credit, and compromised with my creditors at 50 cents on the dollar.

Q. When you were supplanted by Bernard did you make any efforts to be retained?—A. I wrote to General Grant and told him the facts of the case, but got no answer from him.

Q. What did you tell him?—A. I told him that Mr. Bernard was a profligate, that he had got my things in his hands out there, that he had no money and no credit, and I was afraid to let him have charge of them, and of course I preferred to sell out to Mr. Dent or some one else and save myself.

Q. You received no reply from the President, who was then General of the Armies?—A. No, sir.

Q. In the letter which you sent to General Grant, making application for the post—it was written by Bernard in the first place, and in that all the terms of your agreement were fully set forth?—A. Yes, sir.

Q. That in case you were appointed Bernard was to have one-third of the profits?—A. Yes, sir.

Q. Was he to put any capital in?—A. No, sir.

Q. What was he to have that one-third of the profits for?—A. For his influence with General Grant in obtaining the appointment for me. I knew nothing of Mr. Bernard only what I had heard—that he had been intimate with him, been drunk with him, given him a horse, and all that kind of thing, and I concluded I would apply to him for my permit.

Q. Bernard, you say, is married to a sister of John C. Dent?—A. No, sir; Dent and Bernard married sisters.

Q. So that Bernard is not a brother-in-law of the President?—A. No, sir; he is a brother-in-law of John C. Dent. Bernard was appointed in my place, and then Dent was afterward appointed, and Bernard was then appointed inspector of banks in Saint Louis, which he is now. He is bank-examiner there.

Q. Has his character improved any since then?—A. I do not know. Gentlemen of Saint Louis will be apt to know better than I; they have seen him for years, and know his reputation. He is considered a profligate and a man of reckless habits.

We leave the House and the country to form their own conclusion upon the facts as stated. They are unchallenged and uncontradicted. We present them as corroborative testimony of all that is charged in this report touching the unfailing willingness of the President to serve his friends. To those who question it we commend a careful perusal of the whole of the testimony of Barrow, as it appears on pages 136 to 144 inclusive.

THE CLAIM OF THE KENTUCKY CENTRAL RAILROAD COMPANY AGAINST THE GOVERNMENT, AND THE RELATION OF THE HON. GEORGE H. PENDLETON THERETO.

The charge made before your committee was that George H. Pendleton had corruptly used money in the prosecution and collection of a claim, in the War Department, of the Kentucky Central Railroad against the Government, which was brought to the notice of the committee, not by the testimony of any witness, or the order of the House, but by rumors published and circulated in the newspapers.

Mr. Pendleton promptly offered himself for examination, and testified in the most direct, explicit, and comprehensive manner that no corrupt or improper means had been used in the prosecution and collection of the claim. Many witnesses were examined, embracing the officers and clerks of the Kentucky Central Railroad, the owners of the road and claim, the newspaper correspondents and those who circulated the rumor, the persons with whom it was said to have originated, the officers of the banks in New York and Cincinnati, and every person suggested to the committee as likely to have knowledge or information bearing on the case whose presence could be secured.

Their testimony not only did not impair in the least degree the force of George H. Pendleton's statement, but did, in every particular, absolutely verify and confirm it.

As bearing upon the charge against Mr. Pendleton, your committee examined fully into the origin, nature, and merits of the claim of said railroad against the Government; examined General William McKee Dunn, Judge-Advocate-General of the Army, who passed upon the claim and recommended its payment, and they find that said claim was just and valid, and fully established by the clearest testimony.

Your committee believe that, in the absence of all fraud, the Government or the public have no interest in the question of compensation paid by the railroad company to Mr. Pendleton; but as the amount paid to him has been a subject of much public comment, the committee deem it but right to say that Mr. Pendleton freely stated to them the amount he was to receive, and that the proof was clear that every person interested in and owning said railroad fully understood and approved the contract with Mr. Pendleton for his contingent compensation in the collection of said claim, and that all of said owners were then and are now fully satisfied with it, and cordially approve the final settlement of the claim under it.

Mr. Pendleton is, therefore, in the opinion of your committee, fully exonerated from all charges against him.

CHARGES AGAINST GENERAL O. E. BABCOCK.

As incidental to their investigation, your committee were called upon to examine charges against General O. E. Babcock touching his relation to and participation in the frauds committed by the "whisky ring" at Saint Louis.

All the testimony in relation thereto is herewith submitted, and as the case has been passed on by a jury, your committee do not feel themselves called upon to express any other judgment than to say that their conclusions do not differ from what seems to be the general popular verdict.

CONTRACTS WITH COWLES & BREGA FOR THE EXTERMINATION OF MOTHS IN ARMY CLOTHING.

Your committee deem it proper to refer to the facts developed in the matter of what is known as "Cowles & Co.'s process for preservation of Army clothing and equipage."

It appears that from the 15th of June, 1871, to the close of the fiscal year ending June 30 1876, there was expended in the use and application of said process the sum of $489,040.07. That after the process had been adopted and for some time in use, the Secretary of War directed its discontinuance, which order was, however, revoked. That in the Army appropriation bill for the fiscal year commencing July 1, 1875, the following appropriation is found:

> For purchase and manufacture of clothing and camp and garrison equipage, and for preserving and repacking stock of clothing and camp and garrison equipage, and materials on hand at the Philadelphia, Jeffersonville, and other depots of the Quartermaster's Department, one million four hundred and fifty thousand dollars: *Provided*, That no part of this sum shall be paid for the use of any patent process for the preservation of cloth from moth or mildew.

It also appears that the proviso in this section was specially intended by Congress to stop the use of the said Cowles & Co.'s process, though so worded as to exclude from use all patented processes, of which this swa one. General M. C. Meigs, Quartermaster-General, recognizing the plain obligations imposed by this act of Congress, refused to apply any portion of the appropriation to the purchase, use, or application of this process, but upon the 1st day of June, 1875, General Meigs was temporarily relieved by General Rufus Ingalls, who on that day assumed the duties of the office, as Acting Quartermaster-General, and on that day there was filed in his office the application of Cowles & Co. for the payment to them of $39,040.07, for the use or application of their process to the clothing and equipage of the United States Army. This request was referred by General Ingalls to the Secretary of War, and by him referred to the Attorney-General of the United States, Hon. Edwards Pierrepont, who upon the 25th day of August, 1875, submitted, for the guidance of the Department, the following singular opinion, which, because of the subtle distinctions drawn, as well as the anomalous conclusion reached, deserves, and will doubtless receive, no small amount of attention at the hands of the legal profession throughout the country:

OPINION OF THE ATTORNEY GENERAL.

DEPARTMENT OF JUSTICE,
Washington, D. C., August 25, 1875.

Hon. W. W. BELKNAP, *Secretary of War:*

SIR: I have considered the question proposed in a letter from Mr. H. T. Crosby, chief clerk of your Department, dated the 30th ultimo, which was accompanied by a communication from Messrs. George A. Cowles & Co., of Philadelphia, and other papers, touching *the preservation of Army clothing by what is known as the Cowles process. The* question put is, "Whether or not the appropriation for clothing for the present fiscal year (18 Stat., 454) can be legally used in applying this process to the preservation of Army clothing?"

That appropriation is in the following terms: "For purchase and manufacture of

clothing and camp and garrison equipage, and for preserving and repacking stock of clothing and camp and garrison equipage, and materials on hand at the Philadelphia, Jeffersonville, and other depots of the Quartermaster's Department, one million four hundred and fifty thousand dollars: *Provided,* That no part of this sum shall be paid for the use of any patent process for the preservation of cloth from moth or mildew."

The above question is understood to arise on the proviso just quoted, and it involves the inquiry as to the effect of the latter upon expenditures for one of the objects enumerated in the appropriation, viz, for "preserving" the stock of clothing on hand. That the proviso prohibits the payment of any part of the sum appropriated "for *the use* of any patent process" for the object mentioned is very clear, but with its prohibitory operation seems to end.

It does not forbid the application of any patent process to the preservation of the clothing where the use of the process may be obtained without paying therefor or incurring any obligation to pay therefor.

Accordingly, if the use of Cowles's process can be had without charge, directly or indirectly, or without incurring any obligation to pay for such use, I think the appropriation in question may be legally employed in applying the same (*i. e.*, in paying for the mere labor necessary to apply the same) to the preservation of Army clothing.

Here is the plainest of congressional statutes, the object of which was well known to every one, enacted for the expressed purpose of protecting the Treasury from what Congress deemed waste and pillage, so understood and regarded by the Quartermaster-General, (General Meigs, see page 459 of the testimony,) openly defied, and the Department making the disbursement of the money, in the face and in direct violation of the law, pleads the opinion of the Attorney-General as its authority in the premises. Whether the opinion illustrates in the late Attorney-General, the legal adviser of the Administration, a greater fitness for correctly construing and expounding the law, or for discovering methods for its evasion or open violation, your committee will not undertake to determine. Of one thing, however, there can be no doubt, viz: Had the country, at that juncture, not been deprived of the services of its Quartermaster-General, (General Meigs,) and the duties of his office devolved upon General Ingalls, this infraction of the law would not have occurred, nor the Treasury been depleted of $39,040.07. Whether the responsibility for this high-handed action rests with the then Attorney-General or the Acting Quartermaster-General, or is to be shared by both those officials, it is not necessary and may not be proper for us to determine. The transaction itself must stand as irrefutable proof of a laxity of administration and disregard of the limitations of law, meriting the severest censure of all right-thinking men.

The following is the bank-account of Cowles & Co. during a part of the time of their contract with the Government:

Amount collected by Fant, Washington & Co., agent of G. A. Cowles & Co., between February or March, 1872, *to July or August,* 1874.

From the Army, Navy, and Ordnance Departments	$403,875 00
Distributed as follows:	
G. A. Cowles & Co., manager, expense-account	41,374 18
G. A. Cowles & Co., Army account	63,525 10
G. A. Cowles & Co., individual account	92,570 99
George W. Brega, individual account	92,570 99
L. H. Bacon, of Hartford, Conn	57,934 26
Victor Vierow, of Philadelphia	28,967 13
Donn Piatt	22,934 35
Commissions to Fant, Washington & Co., 1 per cent	3,998 00
Making the total amount received from the Government	403,875 00

From which it appears that the sum of $294,877.54 were the profits realized by the parties engaged in this questionable contract, out of an aggregate appropriation of $403,875. Their insatiable rapacity is shown

by their subsequent demand for the additional sum of $39,040.07, which they obtained under the opinion of the late Attorney-General, above cited.

STATEMENT OF HON. B. H. BRISTOW.

In the matter of the claim of John A. Thompson & Co., for $108,750, against the Government, and the relations of the Hon. B. H. Bristow, late Secretary of the Treasury, thereto, it having been charged in the public press that said claim was fraudulent, and that the Hon. B. H. Bristow was corruptly interested therein, he asked permission of your committee to make a statement in relation thereto; which appears on pages 469 to 473, inclusive, of the testimony.

Without designing to express an opinion as to the validity of the claim itself, regarding which there was no testimony before us, your committee take pleasure in expressing their opinion that the conduct of Mr. Bristow in relation thereto was just and honorable, affording no grounds for the strictures upon it contained in the newspaper publications.

CHARGES AGAINST HON. MICHAEL C. KERR, SPEAKER OF THE HOUSE.

Your committee have deemed it proper to republish, with the testimony in the case, all the proceedings had before and by them relating to the charges against the Speaker of this House. Their report thereon was adopted unanimously by the House and has received the approval of the country. To it nothing may be added. A faithful and honored public servant, under its unchallenged conclusions, stands relieved of a base and unfounded charge, conceived in iniquity, and attempted to be sustained by unblushing perjury.

CONCLUSION.

The fact that the managers of the impeachment deemed it advisable that the testimony relating to the charges against William W. Belknap, late Secretary of War, should not appear until the trial was concluded, caused delay in the publication of all the testimony taken before your committee, and makes it impossible, in these closing hours of the session, to report as fully upon all the subjects examined by them as their importance demands. An examination of the testimony accompanying this report will disclose matters of grave importance, showing malfeasance, oppression, and negligence in the discharge of official duty on the part of the War Department, other than those specially referred to and discussed in this report. We present all the facts developed in the progress of our investigation, trusting that they, by their inherent force, will, in the unbiassed judgment of this House and of the country, amply sustain the criticisms herein pronounced upon delinquent and faithless officials.

HIESTER CLYMER.
WM. M. ROBBINS.
JOS. C. S. BLACKBURN.

VIEWS OF THE MINORITY.

I find myself unable to concur in the report of the Committee on Expenditures in the War Department in many of their conclusions, and beg leave to submit the following as my views in relation to some of the matters under investigation by that committee. I shall have nothing whatever to say in regard to the resolutions presented to the House in the matter of the impeachment of William W. Belknap, late Secretary of War, nor of his impeachment by the House and his trial by the Senate. Everything pertaining to that impeachment and trial has passed into history, and I shall not in a single line or sentence attempt to revive it. I find no reason, either, to complain of the severe strictures of the committee upon the conduct of those parties who are shown by the testimony to have been guilty of bartering their influence, or pretended influence, with the late Secretary of War in procuring appointments to post-traderships, receiving for such influence compensation in money.

I do desire, however, to call attention to the fact that these transactions were confined mainly to two persons, to wit, General J. M. Hedrick and General E. W. Rice; and that, as shown by the report of the committee, they had received, from 1870 to the date of the investigation, in the aggregate, the sum of about thirty-six thousand dollars; they had received this sum of money from about ten post-traderships in various parts of the country. During the investigation great numbers of witnesses were brought to Washington from our entire western border, from Texas to British America. The same transaction was proven a greet number of times. The country was informed, through the press, that there had been a general sale of the military trading-posts in the West; that almost every post-trader held his place by purchase, either directly or indirectly, from the late Secretary of War, or from some one in his interest; but when the testimony comes to be analyzed, there are, in fact, not more than ten of the military posts, out of more than two hundred at which traders were appointed by the late Secretary of War under the law of 1870, that have been the subject of barter—enough, however, to bring a great shame upon the country and disgrace upon the Department. I am satisfied, however, that everything was unearthed that was to the discredit of the Department in the direction indicated; and while the result is a scandal, yet it is not what might have been expected from the givings out of the committee and the press during the investigation.

I come next to a matter upon which the committee has dwelt at great length, and evidently with peculiar satisfaction. It appears from the testimony that some time prior to January, 1874, Orvil Grant, brother of the President, expressed a desire to obtain an appointment as post-trader, or as Indian trader, at some post in the West. At that time almost the entire Indian as well as military trading-posts on the Upper Missouri were held and operated by a firm known as Durfee & Peck, who were engaged in transportation on the Upper Missouri, as well as

trading with the Indians and supplying the soldiers at different military posts in that portion of the country. It appears from a letter that Orvil Grant testifies to having received from his brother that he was informed by the President some time in January, 1874, that certain Indian and military posts on the Upper Missouri, then held by Durfee & Peck, were likely to become vacant; that in pursuance of this information Mr. Orvil Grant came to Washington, made application to the Commissioner of Indian Affairs for and obtained the Indian traderships at Fort Peck and at Standing Rock for parties who agreed to give him an interest in the same, he making in one case a small investment, and agreeing, as he testifies, to pay the interest upon one-third of the capital invested and to receive one-third of the profits. In the other case it does not appear that he made any investment of money whatever, but was to receive a share of the profits, equal to one-third, for having procured the post. It also appears that he obtained about the same time from the War Department a military trading-post at Fort Berthold, which he afterward sold out to one Raymond for the sum of $1,000. It is to be remarked here, however, that Mr. Grant testifies that he had no idea whatever that either the President or the Secretary of War had any knowledge that he obtained any sum of money from Raymond for the post.

This is the extent, so far as the testimony shows, of Orvil Grant's interest either in post or Indian traderships on the Upper Missouri. The committee seek to show, and do charge, that the President of the United States was guilty of some great wrong in favoring his brother's appointment to these various traderships, and, in furtherance of the idea, they proceed to claim that for the purpose of enhancing the value of the trading-posts at Standing Rock and Fort Peck the great Sioux reservation was extended upon the east side of the Missouri River, so as to destroy and drive out all competition with these posts. This attempt on the part of the committee seems, in the face of the fact that this extension was made in direct obedience to the expressed wishes and desires of the Commissioner of Indian Affairs, as well as those in immediate charge of the reservation above spoken of, as far-fetched.

In this connection I desire to present to the House and the country the following letter from the Commissioner of Indian Affairs, addressed to the Secretary of the Interior, dated January 8, 1875:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 8, 1875.

SIR: I have the honor to recommend that the President be requested to issue an order withdrawing from sale and setting apart, for Indian purposes, a tract of country, in the Territory of Dakota, lying within the following-described boundaries, viz: Commencing on the east bank of the Missouri River where the forty-sixth parallel of north latitude crosses the same; thence east with said parallel of latitude to the ninety-ninth degree of west longitude; thence south with said degree of longitude to the east bank of the Missouri River; thence up and with the east bank of said river to the place of beginning; the same being deemed necessary for the suppression of the liquor traffic with the Indians upon the Missouri River.

Very respectfully, your obedient servant,

E. P. SMITH,
Commissioner.

Hon. SECRETARY OF THE INTERIOR.

On the 9th of January the letter of Commissioner Smith is forwarded by the Secretary of the Interior to the President of the United States, who on the 11th day of January makes the following order:

EXECUTIVE MANSION,
January 11, 1875.

It is hereby ordered that the tract of country in the Territory of Dakota, lying within the following-described boundaries, viz: Commencing on the east bank of the Missouri River, where the 46th parallel of north latitude crosses the same; thence east with said parallel of latitude to the 99th degree of west longitude; thence south with said degree of longitude to the east bank of the Missouri River; thence up and with the east bank of said river to the place of beginning, be, and the same hereby is, withdrawn from sale and set apart for the use of the several tribes of Sioux Indians, as an addition to their present reservation in said Territory.

U. S. GRANT.

And on the 13th of March, 1875, Mr. Smith, the Commissioner of Indian Affairs, again addresses the Secretary of the Interior the following letter, which was, on the 15th of March, indorsed and forwarded to the President:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 13, 1875.

SIR: Referring to office report of the 8th of January last, recommending the extension of the Sioux Indian reservation in Dakota, on the east side of the Missouri River, I have now to respectfully request, for similar reasons, viz, the suppression of the liquor traffic with the Indians at Standing Rock agency, that the President be requested to issue an order withdrawing from sale and setting apart for Indian purposes a tract of country in the Territory of Dakota, lying within the following-described boundaries: Beginning at a point where the 102d degree of west longitude intersects the 46th parallel of north latitude; thence north on said 102d degree of longitude to the south bank of Cannon Ball River; thence down and with the south bank of said river to a point on the east bank of the Missouri River, opposite the mouth of said Cannon Ball River; thence down and with the east bank of the Missouri River to the mouth of Beaver River; thence up and with the south bank of Beaver River to the 100th degree of west longitude; thence south with said 100th degree of longitude to the 46th parallel of latitude; thence west with said parallel of latitude to the place of beginning.

As a further reason for said request I would respectfully state that from the information now in my possession it is believed the agency buildings, as now located at Standing Rock, are outside the reservation as defined by treaty of April 29, 1868, (Stats. at L., vol. 15, p. 635,) but are included in the tract proposed to be withdrawn.

I inclose herewith a portion of a map showing the supposed location of said agency buildings and the tract of country proposed to be withdrawn for Indian purposes, and a draught of an Executive order covering said description.

Very respectfully, your obedient servant,

EDWARD P. SMITH,
Commissioner.

Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, March 15, 1875.

SIR: Concurring in the recommendation of the Commissioner of Indian Affairs, contained in the accompanying report, dated the 13th instant, I have the honor to request the signature of the President to the inclosed draught of an Executive order for the enlargement of the Sioux reservation in Dakota, the same being deemed necessary for the suppression of the liquor traffic with the Indians at the Standing Rock agency.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The PRESIDENT.

And the President, on the 16th of March, makes the following order:

EXECUTIVE MANSION,
March 16, 1875.

It is hereby ordered that the tract of country in the Territory of Dakota, lying within the following-described boundaries, viz: Commencing at a point where the 102d degree of west longitude intersects the 46th parallel of north latitude, thence north on said 102d degree of longitude to the south bank of Cannon Ball River, thence down and with the south bank of said river to a point on the east side of the Missouri River, opposite the mouth of said Cannon Ball River; thence down and with the east bank of the Missouri River to the

mouth of Beaver River; thence up and with the south bank of Beaver River to the 100th degree of west longitude; thence south with said 100th degree of longitude to the 46th parallel of latitude; thence west with said parallel of latitude to the place of beginning, be, and the same hereby is, withdrawn from sale and set apart for the use of the several tribes of Sioux Indians, as an addition to their present reservation in said Territory.

U. S. GRANT.

It will thus be seen that the great Sioux reservation was extended at the request of the Commissioner of Indian Affairs, indorsed by the Secretary of the Interior, for the sole purpose of suppressing the traffic in liquor that had grown up on the opposite bank of the Missouri River—certainly a commendable object. There is no testimony whatever to show that the President had ever been requested by the traders at Standing Rock or Fort Peck to extend the reservation for any purpose whatever. The testimony taken by the committee clearly shows that the movement originated with other parties than the traders at these posts; but for the purpose of making a point against the President, the Committee on Expenditures in the War Department have not only traveled out of their way to investigate the matter of Indian traders, (a subject not within the proper jurisdiction of the committee,) but have distorted the evidence taken, for the purpose of claiming to the country that the President had interfered in behalf of these trading-posts, in which his brother was interested, against the interest of other citizens. We leave the country to judge, from the testimony adduced, as to the motives of the Commissioner of Indian Affairs, the Secretary of the Interior, and the President in extending this reservation. The whole matter of the connection of the President's brother with these traderships is of but little consequence to the country at large; the general public has in no wise suffered thereby. And the attempt of a partisan committee to make political capital for the presidential campaign out of an affair so small as this is surely evidence that the great party of reform is hard pressed for campaign literature. It will be noticed likewise that the committee goes out of its way to condemn the President in this matter and to arraign him before the country as having violated the law has passed with a light hand over the matter of the Kentucky Central Railroad claim; and while it is in evidence that a leading democratic politician of the United States, by reason of his "personal and social position," was enabled to resurrect an old discarded claim against the Government and put it through the War Department, receiving therefor a fee amounting to more than 50 per cent. of the entire sum recovered, the committee find no reason to condemn the action of Mr. Pendleton in this matter. While they are free with their condemnation of the President in the matter referred to, I do not propose to set down ought in malice against Mr. Pendleton. It is not proven that he used one dollar of the large fee he received from the Kentucky Central Railroad Company for corrupting either the Secretary of War or any one else connected with the Department, and I have only referred to this matter for the purpose of contrasting the action and finding of the committee in the case of the President and of the democratic politician.

As to the conduct of General Ingalls, Acting Quartermaster-General, in allowing the claim of Cowles & Co. for the sum of $39,040.07 for the use or application of their process for preserving Army clothing from moth, mildew, &c., the committee report that his action is "irrefutable proof of laxity of administration and disregard of the limitations of law, meriting the severest censure of all right-thinking men."

I am not prepared to concur with the committee in their sweeping

condemnation of General Ingalls in this matter. However, I am of the opinion that in the payment of the above sum to Messrs. Cowles & Brega there was an evasion of the law as it then existed. General Ingalls in his action in the matter was backed by the then Attorney-General of the United States. The money, $39,040.07, was an appropriation made at a former session of Congress for the purpose to which it was finally applied, but it was evidently the intention of the law referred to by the committee to prevent any further payment of money to Cowles & Brega, or any other parties similarly situated. I fully concur with what the majority say in relation to the charges against Simon Wolf, the late Secretary Bristow, and Speaker Kerr, fully exonerating them. And now, in conclusion, I desire to call the attention of the House and the country to the fact that the Committee on Expenditures in the War Department, for a period of near six months, were vigilant in hunting up and examining witnesses in relation to the conduct and administration of the War Department in the last seven years. Witnesses were brought to the city of Washington from the frontier and military posts where the greater portion of the money appropriated for the War Department is expended. Witnesses were examined from all parts of the country in relation to the conduct of the Department under the late Secretary, and while I have no desire or purpose to enter upon a defense of him, yet it is a noticeable fact that, save the solitary case of the Fort Sill tradership, not one farthing of money has been traced to his hands out of any, or growing out of any, favor that he had it in his power to bestow. And further, out of the many millions of dollars expended by him and his subordinates during his term of office, not one dollar has been shown to have been misapplied either by him, or by any subordinate of the War Department, unless the $39,040.07 paid to Cowles & Brega may be called a misapplication of appropriations.

In the sale of post-traderships by Hedrick and Rice, while, as I have already remarked, it brings shame and disgrace, and is a great scandal, yet the Treasury of the United States was not robbed by these parties; and it was the duty, under the law, of the officers at the various posts to fix the prices of goods sold. When we remember the declarations made in the House, in the early part of the session, that the War Department was "honey-combed with fraud," we are constrained to call attention to the fact that there is, perhaps, not an instance in the history of the country, within the last fifty years, where an administration of seven years of any of the Departments of the Government has shown, upon investigation, a misapplication of a less amount of money appropriated for its use than the administration of the War Department in the last seven years. The investigation has been thorough. The committee did not scruple to call to their aid discharged detectives of the Government, disappointed contractors, disaffected citizens from the Territories; and along our borders all classes of people were examined. Inquiries were made of the most general character, and wherever there was the hope of proving anything to the disadvantage of the Department the inquiry was pushed to its fullest extent; and while the head of that Department has been impeached and brought to shame, yet it is a matter of congratulation to the country that, in the main, the War Department has been so managed as that the money appropriated for its use has been properly applied.

L. DANFORD.

TESTIMONY AND STATEMENTS

RELATING TO THE

SALE OF POST TRADERSHIPS.

TESTIMONY AND STATEMENTS RELATING TO THE SALE OF POST-TRADERSHIPS.

EXTRACTS FROM THE PROCEEDINGS OF THE COMMITTEE.

TUESDAY MORNING, *February* 29, 1876.

The committee met. Present: Messrs. Clymer, Blackburn, and Robbins. Mr. Marsh, a witness, being present, was duly sworn by the chairman, and was examined by the committee. (See evidence.)

Messrs. Blackburn, Clymer, and Robbins submitted statements regarding an interview had by Mr. Blackburn with the wife of the Secretary of War, which were marked "C," "D," "E," respectively, and ordered to be made part of the evidence. Adjourned to meet to-morrow morning at 11 o'clock.

WEDNESDAY MORNING, *March* 1, 1876.

Committee met pursuant to adjournment. Present: Messrs. Clymer, Blackburn, Robbins, Bass, and Danford.

The Secretary of War, having been notified of the meeting, appeared; whereupon the testimony of the witness, Caleb P. Marsh, taken yesterday, with the several exhibits therein referred to, were read by the chairman. The witness, C. P. Marsh, being also present, the Secretary of War, desiring to cross-examine him, and wishing time to employ counsel, the committee agreed that when it would adjourn it would be until 3 p. m. to-day. The chairman was directed to ask leave of the House for the committee to sit during the sessions thereof. Adjourned.

WEDNESDAY, *March* 1, 1876—3 p. m.

Committee met. All the members present. General Belknap appeared, accompanied by his counsel, Judge Blair.

The testimony, exhibits, and statements taken before the committee were fully read by the chairman for the information of Judge Blair, the Secretary having withdrawn; after which Judge Blair made a verbal proposition to the committee regarding the report which might be made to the House. Whereupon the committee adjourned to meet this evening, at 8, at the rooms of Mr. Bass, at 1129 Fourteenth street.

WEDNESDAY EVENING, *March* 1.

Committee met at the house of Mr. Bass at 8 p. m., pursuant to adjournment.

The proposition of the Secretary, made at the afternoon session, through Judge Blair, was fully discussed, and after mature deliberation was unanimously rejected.

The committee adjourned to meet to-morrow morning at 10.30 a. m.

THURSDAY, *March* 2, 1876.

Committee met at 10.30 a. m., pursuant to adjournment.

Judge Blair appeared at 11 o'clock, and presented a letter dated March 2, 1876, signed by U. S. Grant, President of the United States, accepting the resignation of the Secretary of War. (Marked "G.")

Dr. Tomlinson appeared, and presented a letter addressed to the chairman, to the contents of which he was duly sworn. (Marked "H.")

The witness, Mr. Marsh, being present, was recalled by Mr. Blair, counsel for General Belknap, and was cross-examined. (See testimony.)

The committee authorized the chairman to draught a report in the case to the House, to be submitted to the committee. The committee, on motion, took a recess until 12.30 p. m.

The committee met pursuant to adjournment, 12.30. There were present the chairman and Messrs. Robbins and Blackburn.

The committee ordered the chairman to address a letter to the President forthwith, asking him for a copy of the letter of resignation of the late Secretary of War, and informing them at what time this day it was received. Whereupon Mr. Clymer prepared the letter, which was submitted to and approved of by the committee, and sent to the President by a messenger of the House, with orders to wait for a reply.

At 1 o'clock Messrs. Bass and Danford, members, appeared.

The committee having taken a recess for the purpose of considering the request of William W. Belknap, made by his counsel, Judge Blair, to be permitted to appear before the committee to make a sworn statement, it was determined that he should be

heard. Whereupon Judge Blair was informed of the decision and requested to have General Belknap appear before the committee at 3 p. m. this afternoon, if he still desired to do so.

Committee met at 3 o'clock. Present, all the members.

W. W. Belknap having failed to appear, the chairman submitted the report to the committee, and it having been unanimously approved, the chairman was ordered to make his report to the House forthwith.

TESTIMONY.

Mr. CALEB P. MARSH, one of the witnesses ordered to be subpœnaed by the committee, being present, was duly sworn according to law.

By the CHAIRMAN:

Question. Where do you reside?—Answer. I reside at No. 30 West Fifty-seventh street, New York; have resided in New York about eight years.

Q. Were you or not appointed or tendered an appointment as a post-trader, at Fort Sill, Indian Territory, in the fall of 1870, by the Secretary of War? If so, under what circumstances was said appointment secured to you? State also if you were commissioned by the Secretary as such post-trader, or, if not, who was so commissioned, and if any other person than yourself was so commissioned, give his name, the reasons why he was commissioned; if any agreement was made between you and the appointee, state it, or produce it, if in writing; and was such agreement made with the knowledge of the Secretary of War? and state the circumstances connected with the making of that agreement and all the transactions in detail thereunder, fully and particularly as if you were specially interrogated in regard to the several transactions and so fully as to save the necessity of repeated interrogatories.

The WITNESS. In reply to your questions, I would state that in the summer of 1870 myself and wife spent some weeks at Long Branch, and, on our return to New York, Mrs. Belknap and Mrs. Bower, by our invitation, came for a visit to our house. Mrs. Belknap was ill during this visit some three or four weeks, and I suppose in consequence of our kindness to her she felt under some obligations, for she asked me one day in the course of a conversation why I did not apply for a post-tradership on the frontier. I asked what they were, and was told that they were, many of them, very lucrative offices or posts in the gift of the Secretary of War, and that if I wanted one she would ask the Secretary for one for me. Upon my replying that I thought such offices belonged to disabled soldiers, and, besides that, I was without political influence, she answered that politicians got such places, &c. I do not remember saying that if I had a valuable post of that kind I would remember her, but I do remember her saying something like this: "If I can prevail upon the Secretary of War to award you a post you must be careful to say nothing to him about presents, for a man once offered him $10,000 for a tradership of this kind, and he told him that if he did not leave the office he would kick him down stairs." Remembering as I do this story, I presume the antecedent statement to be correct. Mrs. Belknap and Mrs. Bower returned to Washington, and a few weeks thereafter Mrs. Belknap sent me word to come over. I did so. She then told me that the post-tradership at Fort Sill was vacant; that it was a valuable post, as she understood, and that she had either asked for it for me or had prevailed upon the Secretary of War to agree to give it to me. At all events, I called upon the Secretary of War, and, as near as I can remember, made application for this post in a regular printed form. The Secretary said he would appoint me if I could bring proper recommendatory letters, and this I said I could do. Either Mrs. Belknap or the Secretary told me that the present trader at the post, John S. Evans, was an applicant for re-appointment, and that I had better see him, he being in the city, as it would not be fair to run him out of office without some notice, as he would lose largely on his buildings, merchandise, &c., if the office was taken from him, and that it would be proper and just for me to make some arrangement with him for their purchase, if I wished to run the post myself. I saw Evans, and found him alarmed at the prospect of losing the place. I remember that he said that a firm of western post-traders who claimed a good deal of influence with the Secretary of War had promised to have him appointed, but he found on coming to Washington this firm to be entirely without influence. Mr. Evans first proposed a partnership, which I declined, and then a bonus of a certain portion of the profits if I would allow him to hold the position and continue the business. We finally agreed upon $15,000 per year. Mr. Evans and myself went on to New York together, where the contract was made and executed, which is herewith submitted. [Paper marked "A."] During our trip over, however, Mr. Evans saw something in the Army and Navy Journal which led him to think that some of the troops were to be removed from the fort, and that he had offered too large a sum, and before the contract was drawn it was reduced by agreement to $12,000, the same being

payable quarterly in advance. When the first remittance came to me, say probably in November, 1870, I sent one-half thereof to Mrs. Belknap, either, I presume, certificates of deposit or bank-notes by express. Being in Washington at a funeral some weeks after this, I had a conversation with Mrs. Bower to the following purport, as far as I can now remember, but must say that just here my memory is exceedingly indistinct, and I judge in part perhaps from what followed as to the details of the conversation. I went up-stairs in the nursery with Mrs. Bower to see the baby. I said to her: "This child will have money coming to it before a great while." She said, "Yes." The mother gave the child to me and told me that the money coming from me she must take and keep for it. I said, "All right," and it seems to me I said that perhaps the father ought to be consulted. I say it seems so, and yet I can give no reason for it, for, as far as I know, the father knew nothing of any money transactions between the mother and myself. I have a faint recollection of a remark of Mrs. Bower that if I sent the money to the father that it belonged to her and that she would get it anyway. I certainly had some understanding, then or subsequently, with her or him, for when the next payment came due and was paid, I sent the one-half thereof to the Secretary of War, and have continued substantially from that day forward to the present time to do the same. About, I should say, one and a half to two years after the commencement of these payments I reduced the amount to $6,000 per annum. The reason of this reduction was partly because of the continued complaints on the part of Mr. Evans and his partner, and partly, so far as I now remember, in consequence of an article in the newspapers about that time reflecting on the injustice done to soldiers at this fort caused by exorbitant charges made necessary on the part of the trader by reason of the payment of this bonus.

To the best of my knowledge and belief the above is a true statement of all the facts in the case and as complete as I can remember occurrences of so many years ago.

Q. State how the payments were made to the Secretary of War subsequent to the funeral of his then wife, which you attended in Washington in December, 1870; whether in cash, by check, draft, certificate of deposit, bonds, or by express, or otherwise?—A. The money was sent according to the instructions of the Secretary of War; sometimes in bank-notes by Adams' Express. I think on one or more occasions by certificate of deposit on the National Bank of America in New York. Sometimes I have paid him in New York in person. Except the first payment in the fall of 1870, and the last in December 1875, all were made to the Secretary in the modes I have stated, unless, perhaps, upon one or two occasions at his instance I bought a Government bond with the moneys in my hand arising from the contract with Evans, which I either sent or handed to him.

By Mr. BLACKBURN:

Q. Can you state the sum in the aggregate received by you under the contract with Evans; and what portion thereof have you paid to the Secretary of War, including the first and last payments, which you have stated were not paid to him?—A. I have no memorandum whatever on which to make answer. It is a very simple calculation. The first payment to me by Evans was made in the fall of 1870, at the rate of $12,000 a year. He paid at that rate about a year and a half or two years, and since then at the rate of $6,000 a year. It would aggregate about $40,000, the one-half of which I have disposed of as above stated.

By the CHAIRMAN:

Q. Did you receive letters from the Secretary of War acknowledging the receipts of the sums forwarded to him in the manner you have stated; or did he acknowledge the receipt of the same in any way?—A. Usually, when I sent money by express I would send him the receipt of the company, which he would either return marked "O K," or otherwise acknowledge the receipt of the same. Sometimes I paid it to him in person in New York, when his receipt was necessary. I have not preserved any receipts or letters. When sent by express I always deposited the money personally and took a receipt from them.

Q. Have you at any time had any conversation with the Secretary of War regarding the post-tradership at Fort Sill; or have you corresponded with him regarding the same?—A. O, frequently. I have forwarded requests to the Secretary made to me by Mr. Evans, wishing privileges about the fort, such as to sell liquor, &c. I don't remember what action was taken upon them; they were not returned to me. As far as I know, Evans corresponded regarding affairs at Fort Sill through me with the Secretary of War. I never heard of any other way.

Q. Was the contract between you and Evans ever the subject of conversation between you and the Secretary of War?—A. It never was, as I remember, save in one instance; I am not positive, yet it seems to me when the article appeared in the newspapers regarding affairs at Fort Sill, probably in 1872, about the time the reduction was made in the payments from $12,000 to $6,000, the next time I saw the Secretary of War he asked me if I had a contract with Evans. I told him I had. I never showed it to him or any one else until I produced it here.

Q. After receiving the telegraphic subpœna from the Sergeant-at-Arms to appear

before this committee, which was on Monday, the 21st of this month, did you come to Washington; and, if so, had you an interview with the Secretary of War, and when and where?—A. I came to Washington on Wednesday, the 23d of this month; I went to the house of the Secretary of War, staid Wednesday night, and returned on Thursday evening. I showed him the telegraphic subpœna and asked him what it meant. He said he supposed it was to state before the committee what I knew about our transactions together. I said I did not like to appear, because I thought my testimony would be damaging to or would implicate him or give him trouble. He said he thought not, and advised me to stay and meet the committee. During that evening my conversation was chiefly with his wife, he being present part of the time and understanding the general tenor of our conversation. She suggested that I could make a statement which would satisfy the committee and exculpate the Secretary. She wanted me to go before the committee and represent that she and I had business transactions together for many years, and that all this money I had sent the Secretary was money that she had from time to time deposited with me as a kind of banker, and that she had instructed me to send it to the Secretary for her. I dined there and spent the evening, and staid all night, retiring about twelve o'clock. The evening was devoted to discussing this matter. I told her that the statement would not hold water before the committee, and even if it would I could not make it. At the same time I was so wrought up and had such anxiety—she pressing and pressing me about it—and having slept little since the receipt of the subpœna, and sympathizing with their condition, I did not give them a positive answer that night. I went to bed at twelve o'clock, and I do not suppose I slept a wink. They said they would breakfast about nine o'clock. I came down about eight and met the Secretary alone. I told him I thought I had better leave and get out of the country, for I would not perjure myself for any one; that I could afford to have my throat cut, but not to perjure myself. He replied he did not wish me to do that, that we could fix it up some other way. I said, "I think I had better leave the country." The Secretary said I would ruin him if I left. I said, "If I go before the committee I will surely ruin you, for I will tell the truth." He was greatly excited. When I came down-stairs to leave, he followed me and asked me into the parlor, and said, "I want to make a last appeal to you to stay longer." He said if I went he would be ruined. I said I would ruin him if I went before the committee, and I left and took the limited express to New York. On reaching home I consulted my attorney, asking him if the committee could reach me by subpœna if I left the country. I stated the case to him, (Mr. Bartlett, 120 Broadway, Equitable Building.) He asked if I was subpœnaed. I told him I had a telegraphic dispatch calling me to Washington. He said that if a subpœna had been duly served they could give me considerable trouble, but that on a telegraphic message they could not reach me if I was out of the country. I asked him how long I would have to stay. He said if the committee had leave to sit during the recess I could not come back until the present Congress expired. I then went home and found there a dispatch from Dr. William Tomlinson, the brother-in-law of the Secretary. Its purport was not to leave; that he had good news; that he was coming over. I determined not to be governed by it; that I was going; that they only wished to fix up some new story, but that I would not be a party to it. My trunk was being packed to leave. At about midnight, Thursday, February 24, Dr. Tomlinson arrived at my house. He said he had seen Ive Blackburn. He is a cousin of mine, who said he thought if I would write a letter something like the one which he [Tomlinson] would suggest, that there would be no further investigation; and if there was they would ask no questions it would be difficult for me to answer, and that Mr. Blackburn said he thought that if the committee still wanted to examine me they would appoint a subcommittee and come over to New York to do so.

He came to my bedroom, and I told him to go into the sitting-room and draw the sketch of the proposed letter, and that when dressed I would join him, and I would write such a letter as he wanted, if I could. I wrote the letter from the sketch of Tomlinson; the endeavor was to exculpate the Secretary; there was nothing in it untrue to the best of my recollection, but it did not state the whole truth; it was a very short letter. He took it with the contract inclosed. He said he would take the letter and contract to Mr. Blackburn, who would show it to the committee, and that would be the end of it. He left my house at two o'clock Friday morning. At midnight Friday night I was roused up, and had the subpœna of the committee served on me. Saturday morning about eight o'clock Dr. Tomlinson again appeared. He said he had been to Washington. He wanted to know the first thing if I had been subpœnaed. I told him I had. He began talking the whole thing over again, still wanting me to say before the committee what was suggested at the Secretary's. (At the interview on Thursday night he wanted me to telegraph to the committee, before which I had been subpœnaed by telegraph to appear the next morning—Friday—that my wife was sick and that I could not attend. My wife being sick, I consented and did so telegraph.) Recurring to the interview again on Saturday morning, I said I could not make the statement he desired. He said he had seen Mr. Blackburn in the interval, and had shown him the

letter of Thursday night. He then returned it and the contract to me. I said, "Dr. Tomlinson, I have thought of this thing so much it has nearly made me crazy. I am not going to talk about it any more. We will go down to my lawyer and consult him about it." My object being to have a lawyer to tell him how ridiculous the story he wanted me to tell would appear before the committee. We went down and called on Mr. Bartlett, and I told him the whole truth in the presence of Dr. Tomlinson. Bartlett said I could not manufacture any story if I wanted, and must not if I could. Dr. Tomlinson still insisted that if I could swear that General Belknap knew nothing of the arrangement with his sister, Mrs. Belknap, deceased, and if I could swear that at the time I was at her funeral I made an arrangement with Mrs. Bower, the present Mrs. Belknap, by which I was to send her all this money through the Secretary; that the whole thing could still be settled. I replied, "I cannot state it, for it is not true;" my impression then being that at that funeral I had said something about the matter to General Belknap. Tomlinson said, "If you cannot swear to that you had better leave the country." Mr. Bartlett said, "This is a bad business; it is not a legal question you have submitted to us, and in the position of affairs the Secretary of War should decide if you should go to Washington or leave the country." Dr. Tomlinson said he would return to Washington; he prepared two formulas of telegrams which I would understand.

One was, "I hope your wife is well," was to be interpreted to leave the country.

The other was, "I hope your wife is better," which meant "Come to Washington."

We then parted. On going home in the street-cars, thinking the whole thing over, about the conversation at the time of the funeral, I made up my mind that although I had stated to Mr. Bartlett that I thought I had had some conversation at the time of the funeral with the Secretary of War about sending this money, yet I was so undecided about it that I was certainly willing to give the Secretary the benefit of the doubt. I thought I would see Tomlinson and tell him. We parted at one o'clock. He was to leave for Washington at three o'clock. I went to the depot and met him, and told him that on thinking over the matter I was so undecided about the conversation with the Secretary at the time of the funeral that I would give him the benefit of the doubt. He said, "I am very glad to hear this, because my sister, Mrs. Belknap, said this was the fact."

That Saturday evening I got a telegraphic dispatch from Mrs. Belknap which said, "Come to Washington to-night; it is necessary." I received it in the evening. Next morning (last Sunday) I received a dispatch from Dr. Tomlinson: "I hope your wife is better;" which according to our agreement meant "Come to Washington." In the afternoon I got a second dispatch from Dr. Tomlinson, as follows: "Come without fail. Answer." I answered: "I shall come to-night, without fail." I was very glad not to have to leave the country, the conviction having grown on my mind that it would do no good. I reached Washington yesterday morning at 6.30, and stopped at the Arlington, my wife being with me. Was shown to a temporary room at about 7 o'clock. I laid down, being greatly fatigued, and at about 8 o'clock Dr. Tomlinson called me to the door of the room. He said he had seen Blackburn, and that he still thought this matter could be fixed up without any trouble. He asked me if I had the letter I had written to the committee on Thursday night. I said, "I had not." He said, "Blackburn says you had better write another of the same purport and send it up to the committee, with a note, explaining why it did not come sooner." I did so. [The note and letter are marked "B" and "C."]

Shortly before 2 o'clock p. m. yesterday I came to the Capitol to meet the committee, and Dr. Tomlinson found me in the corridor near the committee-room door. He said, "You are going before the committee, and I want you to remember that there was no arrangement with you and the Secretary of War at the time of the funeral, and that the money you have always paid to General Belknap was for Mrs. Belknap, and by her directions." I told him I was going before the committee to tell the whole story, as far as I could recollect it. I said I had thought of leaving the country, but was overruled; and that now I shall tell the truth, and the whole truth, and nothing but the truth. He said, "I don't want you to tell any lies; I only want you to tell the truth, and that is the truth." I said, "The truth I shall certainly tell, and if it does not hurt General Belknap, no one will be more rejoiced than myself." I entered the committee-room at about 2 o'clock yesterday, and without being sworn I made a statement to certain members of the committee of the facts in the case—more briefly, but substantially as I have now answered in reply to your chief interrogatory. When I returned to the hotel yesterday afternoon, Dr. Tomlinson was waiting at my room at the Arlington to see me. He asked how I got along before the committee. I told him I had told the story from beginning to end, and that at the request of the gentlemen present I was going to reduce it to writing, and appear before the committee to-day at 10.30 with it. He wanted to know how I had stated the fact that all these payments to the Secretary had been made in consequence of the original agreement made with Mrs. Belknap. I said I had stated the facts as they were, according to my best recollection and belief. I told him I would furnish him a copy of the statement I would make before the committee. I prepared the statement last night,

and gave him a copy of it about 8 o'clock this morning—being substantially a copy of that I submitted as an answer to your chief interrogatory, save that I have filled up the blanks. Dr. Tomlinson came back to my room at about 7.30 last evening, and I asked him whether he had seen Mr. Blackburn since I had made my statement in the afternoon, and what impression it had made upon the gentlemen who heard it. He said he did not like to say he had seen Mr. Blackburn, but he said he had seen one of the committee, who expressed the opinion that my statement would involve the Secretary. He then made a stronger appeal to me than ever before, saying that I was the friend of the Secretary; that if this thing came out it would ruin him; that his wife was in great distress about it, and he himself, as her brother and friend of the family, was in great trouble, and that if I could state—. I said, "Stop, Dr. Tomlinson, I have about finished my written statement, and I will read it to you." I then read it to him. He said he did not see but that it was all right; that things could be explained yet, if they could prove that this money was originally sent to General Belknap by Mrs. Belknap's order. General Belknap would be subpœnaed and would prove to the committee that Mrs. Belknap's estate is entirely separate from his, and that this money received through me he had always kept distinct from his and for her.

Q. Did you ever have any business relations of any kind or nature whatever with the late Mrs. Belknap, or the present Mrs. Belknap, or either of them, other than those arising from this Fort Sill tradership? Have you now, or have you ever had, any sum or sums of money, or any evidences of indebtedness or securities of any sort or description whatever, belonging to either of them; or have you at any time been indebted to either of them in any way, manner, form, or description?—A. Never. The present Mrs. Belknap, years ago, may have consulted me on business matters; but there was no monetary transaction whatever between us other than I have heretofore stated.

Q. When was the baby of the late Mrs. Belknap born, and when did it die?—A. The baby of the late Mrs. Belknap was born in the autumn of 1870; died during the summer of 1871.

By Mr. ROBBINS:

Q. In the conversation had with the present Mrs. Belknap, at the funeral of her sister, in December, 1870, or in any other conversation had with her or any other person at any time, was it the understanding that the money you were to pay, and were paying, was to be the money of Mrs. Belknap, the present wife of the Secretary of War?—A. It was not.

The foregoing deposition and statement, made under oath, having been carefully read over in full to Mr. Caleb P. Marsh, the witness, in the presence of the committee, and he having made such alterations and corrections therein as he deemed just, he assents to it as a correct record of his testimony, and attests the same by his signature hereto attached.

CALEB P. MARSH.

WASHINGTON, *February* 29, 1876.

Mr. Blackburn submitted a statement regarding his interview with the wife of the Secretary of War in the presence of Dr. Tomlinson, marked "D." Mr. Clymer and Mr. Robbins also submitted statements relative thereto, marked respectively "E" and "F."

THURSDAY MORNING, *March* 2, 1876.

The witness C. P. Marsh, being recalled, was cross-examined by Judge Blair.

By Judge BLAIR:

Question. In your examination-in-chief you say that Secretary Belknap remonstrated against your going away without appearing before the committee; did the Secretary, in desiring you to go before the committee to testify, ask you to testify to any untruth?—Answer. I certainly don't think he did.

C. P. MARSH.

A.

Articles of agreement between John S. Evans and Caleb P. Marsh.

Articles of agreement made and entered into this 8th day of October, in the year of our Lord 1870, by and between John S. Evans, of Fort Sill, Indian Territory, United States of America, of the first part, and Caleb P. Marsh, of No. 51 West Thirty-fifth street, of the city, county, and State of New York, of the second part, witnesseth, namely:

Whereas the said Caleb P. Marsh has received from General William W. Belknap, Secretary of War of the United States, the appointment of post-trader at Fort Sill

aforesaid; and whereas the name of said John S. Evans is to be filled into the commission of appointment of said post-trader at Fort Sill aforesaid by permission, and at the instance and request, of said Caleb P. Marsh, and for the purpose of carrying out the terms of this agreement; and whereas said John S. Evans is to hold said position of post-trader as aforesaid solely as the appointee of said Caleb P. Marsh, and for the purposes hereinafter stated:

Now, therefore, said John S. Evans, in consideration of said appointment and the sum of $1 to him in hand paid by said Caleb P. Marsh, the receipt of which is hereby acknowledged, hereby covenants and agrees to pay to said Caleb P. Marsh the sum of $12,000 annually, payable quarterly, in advance, in the city of New York aforesaid Said sum to be so payable during the first year of this agreement absolutely, and under all circumstances, anything hereinafter contained to the contrary notwithstanding. And thereafter said sum shall be so payable, unless increased or reduced in amount in accordance with the subsequent provisions of this agreement.

In consideration of the premises, it is mutually agreed between the parties aforesaid. as follows, namely:

First. This agreement is made on the basis of seven cavalry companies of the United States Army, which are now stationed at Fort Sill aforesaid.

Second. If at the end of the first year of this agreement the forces of the United States Army stationed at Fort Sill aforesaid shall be increased or diminished not to exceed one hundred (100) men, then this agreement shall remain in full force and unchanged for the next year. If, however, the said forces shall be increased or diminished beyond the number of one hundred (100) men, then the amount to be paid under this agreement by said John S. Evans to said Caleb P. Marsh shall be increased or reduced in accordance therewith and in proper proportion thereto.

The above rule laid down for the construction of this agreement at the close of the first year thereof shall be applied at the close of each succeeding year so long as said agreement shall remain in force and effect.

Third. This agreement shall remain in force and effect so long as said Caleb P. Marsh shall hold or control, directly or indirectly, the appointment and position of post-trader at Fort Sill aforesaid.

Fourth. This agreement shall take effect from the date and day the Secretary of War aforesaid shall sign the commission of post-trader at Fort Sill aforesaid; said commission to be issued to said John S. Evans at the instance and request of said Caleb P. Marsh, and solely for the purpose of carrying out the provisions of this agreement.

Fifth. Exception is hereby made in regard to the first quarterly payment under this agreement, it being agreed and understood that the same may be paid at any time within the next thirty days after the said Secretary of War shall sign the aforesaid commission of post-trader at Fort Sill.

Sixth. Said Caleb P. Marsh is at all times, at the request of said John S. Evans, to use any proper influence he may have with said Secretary of War for the protection of said John S. Evans while in the discharge of his legitimate duties in the conduct of the business as post-trader at Fort Sill aforesaid.

Seventh. Said John S. Evans is to conduct the said business of post-trader at Fort Sill aforesaid solely on his own responsibility and in his own name; it being expressly agreed and understood that said Caleb P. Marsh shall assume no liability in the premises whatever.

Eighth. And it is expressly understood and agreed that the stipulations and covenants aforesaid are to apply to and to bind the heirs, executors, and administrators of the respective parties.

In witness whereof the parties to these presents have hereunto set their hands and seals the day and year first above written.

J. S. EVANS. [SEAL.]
C. P. MARSH. [SEAL.]

Signed, sealed, and delivered in presence of—
E. T. BARTLETT.

B.

NEW YORK, *February* 25, 1876.

To the honorable the Committee on Expenditures in the War Department:

DEAR SIRS: I duly received your telegram of March 21, summoning me to appear before you, and answered that I would do so; but my wife has since become so ill as to make it almost impossible for me to leave her for any time, and I to-day send you a telegram to this effect, and will also give a statement of my connection with the post-tradership at Fort Sill, which will, I trust, avoid the necessity of my leaving home. I will, however, come as soon as I can, or will be happy to see any one or all of the committee at my house in this city.

At the time I applied for the position of post-trader at Fort Sill I presumed that I could furnish recommendations that would secure me the appointment which was afterward promised me. After this I saw Mr. Evans in Washington, and made an arrangement with him, in consequence of which I withdrew in his favor, and he received the appointment.

This arrangement was made without the advice or consent of the Secretary of War, neither did he have any knowledge of such an arrangement from me, or any one else so far as I know, nor was he interested in any such arrangement or the fruits of any arrangement between us.

There never has been, nor is there now, any contract, agreement, or arrangement between the Secretary of War and myself in regard to these matters.

I am, very sincerely, your obedient servant,

C. P. MARSH.

C.

ARLINGTON HOTEL,
Washington, February 28, 1876.

DEAR SIRS: I herewith inclose copy of letter which I wrote you from New York; but not having mailed it when I received your subpœna, concluded not to send it. This morning, however, I have thought best to send it to you, in the hope that it may tend to shorten the time of my examination.

Very respectfully, your obedient servant,

C. P. MARSH.

P. S.—I will bring the contract you inquire for.

To the COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT, *Capitol.*

D.

Statement of Mr. Blackburn.

After the foregoing deposition was taken, Mr. Blackburn said, without desiring to express any opinion as to the accuracy of the conversations detailed by Mr. Marsh as having occurred between Dr. Tomlinson and himself, relative to any remarks made by me, I think it best to submit to the committee the following statement of facts, of which my democratic colleagues of the committee were promptly advised:

On the morning of the 24th of February, 1876, (Thursday,) about ten o'clock, Dr. William Tomlinson called at my rooms and asked me to go with him to attend to some business, without stating what it was, to which I assented. He proceeded to the residence of General Belknap, and upon arriving there he said that his sister, Mrs. Belknap, desired to see me. I requested his presence at the interview, to which he assented, and he was present during the whole time. In this interview Mrs. Belknap said that the testimony of one Caleb P. Marsh, before the Committee on Expenditures in the War Department, would tend to implicate herself in matters that would occasion criticism, but would utterly fail to show any complicity upon the part of General Belknap in the matter of the Fort Sill tradership, and she asked that she might not be made the subject of investigation. Where the testimony did not tend to involve the Secretary of War, I said to Mrs. Belknap that I felt assured no member of the committee would desire to prosecute the inquiry further than to ascertain that neither the Secretary of War nor any subordinate of that Department was involved. I said to her further that I would communicate the facts as stated by her to Messrs. Clymer and Robbins of the committee, and would state to them the assurance I had given her. This I did immediately do, within an hour after the interview referred to occurred, stating fully to those gentlemen all that had taken place, whereupon both these gentlemen approved what I had said and done, and thoroughly concurred with me in the purpose of prosecuting no investigation that did not promise or tend to implicate or involve the Secretary of War or his subordinate officials. This is the only assurance ever given or conversation had by me upon this subject either with Mrs. Belknap, Dr. Tomlinson, or with any other person whatever at any time, nor am I related or connected, either by blood or by marriage, in any degree, either to General Belknap, or his wife, or Dr. Tomlinson.

E.

Statement of Mr. Clymer regarding Mr. Blackburn.

Mr. Clymer stated that on Thursday morning, the 24th day of February instant, before the House met, Mr. Blackburn requested him to accompany him to the room of

the committee, when and where he stated that he had just had an interview with the wife of the Secretary of War, at her instance, in the presence of Dr. Tomlinson, her brother; and that he narrated to him the conversation between them at the interview, which was in substance as he has stated it. Later in the day, immediately after the House adjourned, Mr. Robbins and myself, at his request, came to the committee-room, where Mr. Blackburn again repeated the substance of the interview; whereupon he was assured by Mr. Robbins and myself that we concurred with him as to the objects of the pending investigation, and that he was justified in giving the assurance that no investigation would be made which did not tend to reach the Secretary of War or some of his subordinates.

F.

Statement of Mr. Robbins.

Mr. Robbins deems it sufficient for him to say simply that on Thursday, the 24th instant, Mr. Blackburn communicated to Mr. Clymer and himself the fact that on that morning the wife of the Secretary of War had very unexpectedly sought an interview with him, and that such interview had taken place. He recounted to us what had passed at that interview, and he has embodied the same in a statement which accompanies the report, which statement accurately recites the matter as he communicated it to us.

The statement made by Mr. Clymer, chairman of the committee, in reference to Mr. Blackburn's communication to us concerning that interview and our opinions and decisions thereupon is in all respects accurate. We all concurred in the idea that it would be our duty to push every investigation which tended to throw light upon the official conduct of the Secretary of War and his subordinates of that Department, however painful might be the performance of such duty; but if we at any time discovered evidence which involved only unofficial persons, and especially ladies, we should not feel bound to prosecute any inquiry which we knew could have no other result than that, for our investigations had nothing to do with private individuals, but only with officials.

G.

Acceptance of resignation.

EXECUTIVE MANSION,
Washington, March 2.

DEAR SIR: Your tender of resignation as Secretary of War, with the request to have it accepted immediately, is received, and the same is hereby accepted with great regret.

Yours, &c.,

U. S. GRANT.

H.

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 2, 1876.

SIR: I have been informed that my name has been mentioned in connection with the recent charges against the Secretary of War; first, that I attempted to induce the witness, C. P. Marsh, to swear falsely; and that the Hon. J. C. S. Blackburn, a member of your committee, was a relative and would suppress the whole matter. What I desire to state is that each of the above statements is *utterly* and *entirely* false.

Very respectfully,

WM. M. TOMLINSON.

I demand, in justice to myself as well as to Hon. J. C. S. Blackburn, a personal explanation.

W. M. T.

Hon. HIESTER CLYMER,
Chairman of Committee of Expenditures of War Department.

William M. Tomlinson deposes and says that the foregoing statement is just and true to the best of his knowledge and belief.

WM. M. TOMLINSON.

Sworn and subscribed before me this 2d March, 1876.

HIESTER CLYMER, *Chairman.*

I.

WASHINGTON, D. C., *March* 2, 1876.

Mr. PRESIDENT: I hereby tender my resignation as Secretary of War, and request its immediate acceptance.

Thanking you for your constant and continued kindness, I am, respectfully and truly yours,

WM. W. BELKNAP.

A true copy:
F. D. GRANT.

K.

EXECUTIVE MANSION,
Washington, March 2, 1876.

SIR: In reply to your note of inquiry of to-day's date the President directs me to say that the hour of the acceptance of the resignation of Hon. W. W. Belknap as Secretary of War was about 10.20 o'clock this morning. A copy of the letter of resignation is herewith inclosed.

I am, sir, your obedient servant,

C. C. SNIFFEN,
Secretary.

Hon. HIESTER CLYMER,
Chairman Committee on Expenditures in the War Department, House of Representatives, present.

WASHINGTON, *March* 8, 1876.

SIMON WOLF sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In this city.

Q. You are recorder of the District of Columbia?—A. Yes; sir; recorder of deeds.

Q. How long have you resided here?—A. Since 1862.

Q. Have you ever been appointed to a post-tradership yourself?—A. I have not, sir.

Q. Do you know anything with reference to the appointment of others to any post-tradership?—A. Only in one case.

Q. State what you know about it.—A. The case of Mr. William C. Friedlander, who came here, I don't remember the time; he had at the time he came a post from which he was to be ousted. I did not know the gentleman at the time. He had letters of introduction to me from intimate friends of mine asking me to aid him to retain his post. I went with him to the Secretary of War, who told me that he could not retain his place unless the member of Congress from Texas, Mr. Degener at that time, was satisfied. A telegram was sent to him asking whether he would be willing that Mr. Friedlander should be appointed. My recollection is that a favorable answer was received, which was placed on file, and Mr. Friedlander was re-appointed to the position he then held.

Q. Do you recollect the name of the post?—A. I do not. I made no memorandum of it, and have no recollection. It was a mere matter of friendship on my part, aiding him. I have not seen Mr. Friedlander since except at the depot some four months ago, when he was going to New York, and I met him incidentally.

Q. Do you know Joseph Friedlander?—A. I do not.

Q. Do you know Joseph Loeb, of this city?—A. I do not. I never saw him.

Q. Did you ever assist or recommend William C. Friedlander for more than one post?—A. I did not. I may state that I don't believe that the post he now holds is the post which I aided him in the first place to retain. I do not think it is; I am not certain.

Q. Were you, or any person for you, paid any consideration for your services in the case?—A. None whatever, sir. It was a case like hundreds of others recommended to me from all parts of the country.

Q. Is this the only appointment to a post-tradership of which you have any knowledge?—A. The only one. I have received letters time and again from persons asking me to aid them, but I have paid no attention to them, because I did not know anything about the persons, nor had I the influence. I do not suppose this party would have retained his position but for the telegram received from Mr. Degener; in fact, the Secretary made that a condition of his retaining the place.

By Mr. ROBBINS:

Q. Do you know anything bearing upon the official conduct of the Secretary of War or anybody in his Department?—A. Nothing whatever, sir.

Q. In any matter, whether this or others?—A. Nothing whatever. I hold an official position here, and to a certain extent an influential one, and I have had time and again official favors and courtesies, as every member of Congress can well appreciate and understand, but there has been nothing whatever in connection with any money transactions there, pro or con, to call in question the official integrity of the Secretary or myslef.

Q. I do not know what you mean by official favors—not money favors?—A. Well, I will state, for instance, a letter would be received from a party, say in Pittsburgh—I was reading a letter over last night from an aged mother, whose son, her only stay and hope, was in the Army, and she was anxious to have him discharged—I would in that case go to the Secretary of War, and bring the papers before him, with strong recommendations from prominent citizens of Pittsburgh, and he might or might not grant the favor asked. I believe there were one or two such instances where he discharged the parties. That is what I mean by official favors and courtesies, and nothing else.

WASHINGTON, *March* 8, 1876.

W. T. CLARK sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. Washington.

Q. How long have you resided here?—A. Since the 1st of May, 1874.

Q. Did you ever have any persons appointed to post-traderships?—A. I cannot say that I have. I have made recommendations when I was in Congress. I cannot recall any person I recommended who was appointed except in one instance. I think that was at Fort Concho; a man by the name of Trainor was turned out. I used every effort I could with the Secretary to have him retained, but he was removed and somebody was put in his place. Afterward the Secretary sent me a note asking me to recommend somebody to that post, and of course I recommended the former trader, Mr. Trainor. That is the only transaction of the kind I can recall to mind. I think, however, I have recommended a great many gentlemen down there for appointments.

Q. Did you ever receive the appointment of James Owings for Fort Concho, Texas, as post-trader?—A. I don't think I did. I am not quite clear about that. If I did, I know I sent it back.

Q. I only want to know whether you ever received it?—A. I am not sure that I did.

Q. You did receive that of James Trainor?—A. I never received his appointment. He was appointed afterward—after Owings. I don't think Owings ever was a trader there. I never saw James H. Owings to my knowledge.

Q. And yet you recommended him?—A. On recommendations sent to me from my district when I was in Congress. I was in Congress at that time.

Q. The papers of Trainor were sent to you?—A. I think they may have been. If they were, I probably forwarded them right to him at the fort.

Q. You don't recollect about James H. Owings?—A. I do not, indeed. I don't know anything about the case at all.

Q. Were those the only cases in which you ever recommended or had papers?—A. I would not be surprised if I recommended somebody at a number of posts there when I was in Congress. I presume it would be discovered by the files of the War Department that I recommended them, possibly, at El Paso, Fort Bliss, Fort Clark, or Fort Duncan. There were so many coming to me constantly that I simply put my name to their papers and forwarded them.

Q. Do you recollect the appointment of Chauncey S. Cook to any position?—A. I never heard his name before, that I know of.

Q. I see he was appointed at Fort McIntosh on the 14th of October, 1870, and resigned the 13th of December, 1870, and that his papers were sent to you.—A. I don't recollect him.

Q. The record also shows that M. M. Stein was appointed the 13th December, 1870, two days after Cook resigned, and that his papers were also sent to you. Have you any recollection of that?—A. I have not the slightest.

Q. Do you know either of these two parties?—A. I never saw them in my life that I know of—Stein or Cook. My colleagues in Congress would frequently come to me, knowing my then intimate personal relations with the Secretary of War, to get me to indorse applications, which I would do cheerfully upon the recommendations which were presented, and at their request; but as to ever having an interview with the parties themselves, or seeing them, I have no recollection whatever. I know James Trainor well, the Concho man; he was a very warm personal friend of mine, and is to-day, I believe. He was very much worried at the idea of being turned out, and so was I.

Q. Was there any consideration at all for any of these appointments, given by those persons to you?—A. By no means, sir; certainly not. I could not be insulted that way. No, sir; nor any transaction in any way.

Q. Do you know anything in relation to post-traderships in the Army?—A. Not a thing, sir; only what I see in the papers.

Mr. BLACKBURN. Does it appear, Mr. Chairman, what dates were covered by these appointments sent through General Clark?

The CHAIRMAN. I read from the official statement that James Owings was appointed March 4, 1872, and resigned March 11, 1872. His papers were sent to the care of William T. Clark, House of Representatives. James Trainor was appointed March 9, 1872, and resigned December 8, 1873. The papers were sent to the address of General Clark. October 14, 1870, Chauncey S. Cook was appointed post-trader at Fort McIntosh, Tex. He resigned December 3, 1870. His papers were sent to the care of the Hon. William T. Clark. M. M. Stein was appointed December 13, 1870, and resigned the 11th of December, 1872, and his papers were also sent to General W. T. Clark.

By the CHAIRMAN:

Q. Do you know whether Trainor sublet that post at Fort Concho, Tex.?—A. I don't know anything about it. I don't believe he did. I never was at the post, but I don't think he ever did. My information is that he broke up there and ran away without paying his debts. I have not seen him for three or four years.

Mr. BLACKBURN. Mr. Chairman, I believe the earliest date at which any of these papers of appointment were sent to Mr. Clark was in 1870?

The CHAIRMAN. Yes, sir.

By Mr. BLACKBURN:

Q. Were you ever postmaster at Galveston?—A. Certainly I was.

Q. Will you state the time?—A. From the 1st of October, 1872, to the 7th of June, 1874.

Q. Was there any difficulty about your accounts as postmaster at Galveston?—A. There was difficulty about my accounts. There never has been any at the Department, though.

Q. Were you a defaulter?—A. No, sir; never to the Government, one cent. The Government paid me back over $4,000 of the money that they owed me when they branded me as a defaulter.

Q. Did you serve out your term in the Forty-second Congress?—A. No, sir. Mr. Giddings got my seat.

Q. What is your occupation now?—A. I am a lawyer—attorney at law.

Q. Have you any connection, either officially or otherwise, with the Quartermaster-General's Department?—A. Yes, sir.

Q. How long have you been here?—A. Since the 20th of January last.

Q. In what capacity?—A. I am one of the officers to examine into claims against the Government.

By Mr. ROBBINS:

Q. It is true that charges were made against you for defaulting?—A. O, yes; and I had to meet them too, and I met them manfully and successfully. I can bring documents from the Sixth Auditor's Office to show that. I thought I was very badly treated, and I think so yet.

WASHINGTON, *March* 8, 1876

B. F. GRAFTON sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. I am a citizen of the State of Texas, temporarily living in the District of Columbia, engaged in the practice of law.

Q. How long have you been residing temporarily in Washington?—A. Since May 3, 1873.

Q. Were you ever a post-trader?—A. I believe that I was appointed post-trader some time in 1870 or 1871, I am not certain, at the post of Ringgold Barracks, Texas.

Q. Did you procure the appointment personally from the Secretary of War?—A. Yes, sir. The circumstances attending that appointment are these: About that time I had resigned from the regular Army, and I was a little uncertain as to what I should do. I thought some of engaging in the business of Army transportation in Texas, and in connection with that, of securing some appointment at some of these military posts. The appointments were then being made by the Secretary of War, and I applied, I think, for the post at Fort Concho, knowing that to be a good post. I was recommended by the Texas delegation for the appointment. Col. John W. Forney, who was then in this city, an old friend of mine, was just selling out his Chronicle at that time, and he sent for me one night and told me that he had sold it out, and wanted me to prepare the papers and to look to the security for the payments to be made. I did so, and I took the matter entirely in hand. He wanted to let the whole transaction go along without exacting, as I thought, proper security for deferred payments, amounting to $40,000. It ran along through a period of several

weeks. I was temporarily in the city at that time, and I objected to all this, and finally made the parties give a chattel-mortgage, and, as it turned out, I secured to the colonel about $25,000 by that course that he would not have got otherwise. I explain this to the committee to show my connection with Mr. Forney. For these services I charged him nothing. I told him of this application that I had made for the Fort Concho post-tradership, and he said he would interest himself in it and try to help me. I was appointed. I accepted the appointment.

By Mr. BLACKBURN:

Q. You were not appointed to the post that you applied for?—A. No, sir; I was not. That appointment had been made, I believe, or there was some reason given for not appointing me to that post.

By the CHAIRMAN;

Q. You were appointed at Ringgold Barracks?—A. Yes, sir.

Q. Do you remember the time of your appointment?—A. I do not.

Q. The record has it the 10th of October, 1870?—A. That is probably correct. I do not remember.

Q. State how long you held it.—A. I never went there; never took any interest in the matter. I resigned it.

Q. Do you know who was appointed in your place?—A. I do not remember.

Q. Did any consideration whatever pass between you and Colonel Forney for the procuring of that appointment?—A. None at all, sir; neither directly nor indirectly.

Q. Did you receive the commission of appointment yourself?—A. Well, I am not certain as to that. A good deal of my mail was sent to the Chronicle Office then, in care of Colonel Forney, but I received the appointment.

Q. You were in the city when you received it?—A. Yes, sir; I was in the city, and received and accepted it here, but I afterward learned about the post, that there was nothing in it at all, and I resigned it.

Q. You do not know who were your successors?—A. I think a man of the name of Tucker was appointed, but I am not certain about that.

Q. Do you know the person who succeeded you personally?—A. There was a man named Tucker came to me after I had resigned the post, while I was still here in the city, and stated that he understood that I was a Texan, and so forth; that he had applied for several posts, but had not been able to obtain them; that he understood that this was a vacancy; he had been, I think, sutler to General Thomas, in the Army of the Cumberland, and I had served in the Army during the war; and I read over his papers, and I may have indorsed them; I do not know whether I did or not; there were a good many applications made at that time; I don't remember about them, but I think there was a man of that name.

Q. You think he was appointed?—A. Well, I do not know whether he was appointed or not. I think he was.

Q. Have you any knowledge with reference to the appointment to other post-tradership than this?—A. Yes, I have.

Q. Please state what you know.—A. Last fall there was a man named Davis who applied for an appointment at Fort Davis, in Texas, and he wrote our firm a letter, (we were doing some business for him,) and stated that the post-trader there had resigned, and that he was an applicant for the appointment, and he sent on some papers here to our firm. I knew the man, and I indorsed his application put the papers in the mails, and sent them to the Secretary of War, and about three weeks thereafter I received an appointment for this man as post-trader, and I put it in the mail and sent it to him. I received no compensation whatever for that and paid none to anybody, of course, either directly or indirectly, or in any other way. It was merely a gratuitous matter.

Q. A matter of friendship?—A. Yes, sir I am a citizen of Texas, and that is the reason that he applied to me. He was recommended by judges and Army officers out there, and people of that kind, and I don't think he had any improper connection with the business in any way. If I had thought he had I would not have indorsed his papers.

Q. Is that the only other case you know of?—A. No, sir. I know of another case. Somebody, I do not know who it was now, sent me up some papers and wanted to know about Fort Brown in Texas. I do not know what year that was in, but it was after I was living here in Washington, and I indorsed his papers and sent them up to the War Department. (I cannot remember the name because we have a great many correspondents in Texas—we do a great deal of business down there—but if it were mentioned I would know it)—I indorsed the man's papers, sent them to the War Department in the mail, and received a letter some time after that stating that this man was shown to have been in the rebel army, and therefore he could not be appointed, and I put that letter in the mail and sent it to him. That is all the connection I had with it.

By Mr. ROBBINS:

Q. Was that man appointed?—A. He was not appointed; and the reason assigned in the letter of the Secretary of War to me was that he had been in the rebel army. That was the language of the letter, as near as I can remember.

WASHINGTON, *March* 8, 1876.

D. C. FORNEY sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In Washington.

Q. Have you ever received an appointment as post-trader?—A. I think I did. It was tendered to me by the Secretary of War, but I never accepted it.

Q. Do you remember when?—A. Five or six years ago, I think; I am not accurate about the date.

Q. Do you remember what fort it was at?—A. No, I do not. I never saw the commission. It was offered to me, and on reflection I made up my mind to have nothing to do with it.

Q. Do you know what part of the country it was in?—A. No, I really do not. All I know is, that the Secretary of War offered me one of the posts.

Q. Please state the circumstances under which he offered it to you.—A. I don't know, except that he was anxious to do something for me, and he said, if I wished, he would give me one of those post-traderships. Of course, I felt grateful to him at the time for it; but on reflection and consideration, I determined to have nothing at all to do with it; and but for this subpœna I would not have known that I had been appointed, or anything except that he offered it to me, or said I could have it.

Q. You did not accept it?—A. No, sir.

By Mr. ROBBINS:

Q. Did he make his offer to you verbally?—A. Yes, sir.

Q. What was the cause of his saying that he wished to do something for you?—A. I don't know anything special, excepting that he thought I was entitled to some recognition by the party, for some reason,

Q. What did you understand by that remark, was the moving influence that caused him to desire to do something for you, simply because you were zealous?—A. Simply because I was zealous in the cause of the republican party.

By the CHAIRMAN:

Q. You are set down by the War Department as having received the papers of appointment of B. F. Grafton to Ringgold Barracks. Have you any recollection of having received them?—A. Not the slightest.

Q. Do you know any other appointment to post-traderships or other appointments made by the Secretary of War?—A. No, sir; I have not the slightest knowledge.

Q. Do you know anything of the affairs of the War Department, of your own knowledge, which should receive the attention of this committee?—A. Not in the slightest degree.

By Mr. ROBBINS:

Q. Do you remember the Secretary of War telling you in that personal interview, when he offered you this post, of the value of those posts?—A. No, sir; he did not.

Q. You don't remember his saying anything about that?—A. No, sir.

Q. He proposed to do something for you?—A. Yes, sir,

Q. You understood the proposition then was to give you a valuable place?—A. I presume so; a place out of which I could have made some money. The law then as now prevented the Department from giving me any advertising for my paper, and I suppose (it is a mere presumption on my part) that he thought he could do something for me in this way; but, as I have said, I concluded, on reflection, to have nothing to do with it.

Q. What paper was that?—A. The Sunday Chronicle.

WASHINGTON, *March* 8, 1876.

GEORGE L. COOK sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. I reside at present in Washington. I formerly resided in Chicago, but came here about the 1st of October to make this my residence.

Q. Have you ever held a post-tradership?—A. Yes, sir; I held a post-tradership at Fort Wingate, in New Mexico. I was appointed October 6, 1870, and resigned on the 27th of June, 1872.

Q. I wish you would state the circumstances under which you obtained that appointment?—A. About the 4th of July, or along in July, 1870—that is, the July previous to my appointment—I understood that the law was to be changed or had been changed, and it was suggested to me, by some of my friends out in the West, that I might get such an appointment. I proceeded upon that suggestion to get such recommendations as I could; they were from various parties, some of them members of Congress and some of them

business friends; and among others was General E. W. Rice. I made my application for the appointment in the manner suggested, and I rather expected to hear from it in some way or other in a short time. It was delayed from time to time; and about that time, I think it was, Congress adjourned, and I had thought of going to Mr. William B. Allison (Senator Allison now) and asking him to look after it for me; but it so happened that, before I could see him, he had left the city. I didn't know, then, whom to see in regard to it, and I thought I would not make further personal application myself; so I took occasion to go to see General Rice, knowing that he was from Iowa, and that he was formerly in the Army with the Secretary of War. I went to see him, and he said that he would look after the matter. There was a little more delay, and as I had other propositions of business I told him that I would like to have the matter settled one way or the other, and he then said to me that he thought that he could get the appointment for me very shortly, but that he must have some consideration out of the income from the appointment. Well, I said that I had been seeking the appointment on my merits and on the strength of my own friends, as I had political friends, and that I did not think I could do anything of that kind. I don't know whether that conversation went any farther. At any rate I left him at that time, and waited a short time longer, supposing that I would probably hear from it, but I did not; I am stating this as not the verbatim words, but the substance as I recollect it now. Finally, he said to me, "See here, if you will make an arrangement to pay me for this or make a division, I will fix you; I will fix your appointment," or words to that effect. At that time I had been delayed so long that my other business arrangements had been interfered with so that I could not accomplish what I wanted in that line, and I assented to that arrangement.

Q. What arrangement did you assent to?—A. The arrangement that he should have a certain amount of the profits of the post.

Q. State what that amount was.—A. Well, I suppose it would amount to about one-half of the net receipts of the post, of anything that should be made. Under that arrangement, shortly after that, I received the appointment, accepted it, and went to the post; that is, I went to Fort Lyon. At that time I had a business arrangement with a party who was then quartermaster there, and who was to resign and furnish the money for us to go into business there, but before he had made his arrangements to resign he was tried by court-martial and dishonorably dismissed the service. He had represented to me that he had money in some western bank, I don't know where it was, but I found that he did not keep his agreement; and in the mean time I had gone down to the post from Fort Lyon and found that he did not forward any money, and I happened to hear afterward that he was in this difficulty, so I could not have anything more to do with him. The result was that I went on and, in expectation of this money, bought the stocks of goods on hand. When I found that he did not get the money, I could not meet my obligations, and I was compelled to make the best arrangement I could with the previous owners of the stocks of goods, and to allow them to run it for me, until I could come north and see whether I could make different arrangements. Under those circumstances occurring in that way, I was at considerable expense both coming and going, and my goods were put at low prices. In the mean time the number of troops at the post had been reduced by the detailing them off to different parts of the country, and also the pay of the Army had been reduced, and it finally made it so that I could not make anything out of it. My expenses amounted to more than anything that I made, and in 1872, when I finally resigned, I came back and left the post in the hands of the men who were interested with me down there. I left the post and resigned at that time.

Q. You were appointed on the 6th of October, 1870; how long before that in 1870 had you made application for the post; can you remember how long your appointment was delayed in the Department?—A. My application was made, it seem to me about—I lost all my papers in the Chicago fire, but I think it must have been from the 1st to the 15th of August.

Q. Did you ever see the Secretary of War about the matter yourself?—A. I only saw him on one occasion.

Q. What occurred then?—A. I just went into his office and was introduced to him. I was not personally acquainted with him, and he simply asked if I was an applicant for the post-tradership at Fort Wingate.

Q. Was there any other applicant that you know of for the same post?—A. He turned to a pile of papers on his desk and said he, "I have got, I suppose, forty applications for that."

Q. Did you have any other of your friends call to see him in your behalf?—A. I asked Mr. Allison to call, and, as I understood, he went, and he gave me a letter of recommendation, too; and also Judge D. M. Cooley, former Commissioner of Indian Affairs, gave me a letter.

Q. How long did you remain here in Washington in prosecuting your application?—A. Until about the time that I received the appointment.

Q. You say that at your first conversation with General Rice he made a proposition and you did not accede to it then?—A. Yes, sir.

Q. Was it the same proposition that you afterward acceded to?—A. The same proposition.

Q. Did he say that he had power to have you appointed?—A. He said that he thought he could get me appointed.

Q. Was it spoken of between you what would be the probable amount of profit coming to you?—A. Yes, sir; we had supposed that the post would net about $15,000.

Q. He was to have half?—A. He was to have half.

Q. Did you make a written contract on the subject with him?—A. The best of my recollection is that I did, but I have no papers. All my papers were destroyed in the Chicago fire.

Q. Did you have duplicates—did he keep one and you the other?—A. I am not sure whether there were duplicates or not.

Q. Who drew the agreement?—A. I think he did.

Q. How were the payments to be made?—A. The account was to be made at the end of the year, and then I was to notify him how much the whole amount of the business was.

Q. Do you recollect whether there was a stipulation in that agreement that you were to hold that appointment under him—that he was to have the control of the appointment?—A. Do you mean that I was to go out at any time that he said so?

Q. Yes.—A. My impression is that there was not anything of that kind, but that I was to have the benefit of his influence here.

Q. Was any security asked to secure him for his share?—A. No, sir.

Q. How much did you ever pay him under it?—A. I never paid him a cent.

Q. The reason was that you could not raise the money to go into the business?—A. Yes, sir. This quartermaster got turned out, and the consequence was that in the bank in which he supposed he had some money they found he was a defaulter.

Q. Did General Rice ever propose to put any money in the enterprise?—A. No, sir.

Q. He was to furnish nothing but procuring you the appointment, and he was to get half the profits?—A. Yes, sir.

Q. Did you consult with any person here about making this agreement before you entered into it?—A. No, sir.

Q. Have you ever had any conversation with General Rice on this subject since you made the agreement?—A. In 1872 I came back here, and then said to him, "I am going to throw up this appointment. I am not making any money, and I cannot go on at all."

Q. Did you ever see him in the interval—between the time you received the appointment and the time you resigned?—A. Yes, sir; I saw him about the time I received the appointment.

Q. But between that time and the time you resigned, on the 27th June, 1872, did you ever see him?—A. I think I saw him here in the winter of 1871, or late in the fall of 1871.

Q. Did he ever write to you with reference to the business there?—A. Yes, sir. He wanted to know how I was getting along.

Q. Have you copies of any of his letters?—A. No, sir; all those letters and papers that I had were burned up in the Chicago fire, and by that I can fix the date when I saw him in 1871, because the great fire occurred October 9, 1871, and I arrived at home in Chicago three days before that.

Q. And about that time it was that you saw General Rice?—A. Then, in December following, I came on here to Washington and saw him here at that time.

Q. Can you state from recollection what was the tenor of your conversation with him at the time?—A. It was principally that he was dissatisfied because the thing was not making any money, and he inquired as to what projects or means of raising money for carrying on the business of the post I had; and I made explanation to him that I had been talking with parties—that was the purpose for which I returned—parties both in Chicago and Saint Louis who should take an interest with me and furnish some money. I explained all that to him, as to what I proposed to do to raise money to carry on the business as it should be carried on to make money, and he said of course he had put confidence in what I had said in regard to my means for carrying on the post.

Q. The suggestion being, I suppose, that if he had not thought you had means you would not have received your appointment?—A. I cannot say that he said that, but that was probably the inference.

Q. Do you recollect the tenor of his letters to you on this subject?—A. They were general letters; they were not specific; they were letters inquiring as to how I was doing ing and wishing that I would make him a sort of specific report.

Q. Did he ever intimate to you that if you did not make the thing pay you would be turned out?—A. No, sir; he never said that to me.

Q. He did not intimate it in his letters?—A. No, sir.

Q. Who were the sutlers at Fort Wingate before you were appointed post-trader there?—A. Right here I want to mention one reason why I think that he never said anything of that kind to me, and that was, that I had these strong friends in Iowa, and that he knew that they were pretty strong friends, and he wanted probably, to conciliate them.

Q. At the time you made this agreement with him, just before that appointment, was there any conversation with you about paying so much cash down for it?—A. No, sir.

Q. A division of the profits was the consideration?—A. Yes, sir; because he knew, or I supposed he knew, that I could not pay him the cash down.

Q. Who was your successor at Fort Wingate?—A. That I do not know; I might recollect if he was mentioned.

Q. Henry Reed?—A. I think that was his name; I do not know the man.

Q. Do you know through whose influence he was appointed?—A. No, sir; I do not know anything about it.

Q. You do not know whether he had any contract with anybody about it?—A. No, sir; I don't know anything about that.

Q. Do you know of any arrangements made with regard to any other post-traderships between any parties whatsoever?—A. No, sir.

Q. This is the only one of which you have any knowledge?—A. The only one at all of which I have any knowledge whatever.

Q. Have you had any other transactions with the War Department, or its late chief, other than this?—A. None whatever.

By Mr. ROBBINS:

Q. You understood that by paying the amount which you specify, you would be able to secure the appointment?—A. That I should have his influence to secure me the appointment.

Q. I understood you to say that he said he would fix you up or that he would have you fixed if you would agree to pay the half of what you made?—A. That might have been my language; that was a little loose, perhaps. I do not know, because I have not seen the papers at all.

Q. I was not going to cavil about words. Your understanding was that you would secure it by that; he assured you that you would—that he would have it fixed?—A. Yes, sir.

Q. You did understand, then, from what he said that you could secure and keep the appointment by paying him the half?—A. I understood that I could have his influence to secure it and keep it.

Q. What did he tell you about his influence with the Secretary of War?—A. He said that he thought he could control the post.

Q. Did he tell you how he could influence the Secretary of War so that he could control the post himself?—A. No, sir,

Q. Did he say nothing to you about any inducements that he would hold out to the Secretary of War to give him control of the post?—A. No, sir.

Q. You say you had a written contract?—A. Yes, sir; there was a written contract.

Q. Was that written contract made and duly executed before you received the appointment?—A. No, sir; afterward.

Q. It was understood beforehand that it should be fixed so?—A. That was a verbal agreement.

Q. And it was to be put in writing; was it so understood before you got the appointment?—A. No; I don't recollect that anything of that kind was said.

Q. After you got the appointment, however, it was, at his request, put in writing?—A. Yes, sir.

Q. Did you ever have any conversation with the Secretary of War?—A. Nothing more than I have referred to. I don't suppose I have ever had half a dozen words with him.

Q. Have you any means of knowing whether the Secretary of War was interested in that contract through General Rice in any way?—A. No, sir.

Q. Do you know anything for or against that view?—A. I don't know anything either way.

By Mr. BLACKBURN:

Q. Was it the case that at any time in your conversation with General Rice he ever referred to the disposition that he would make, or had to make, of his part of the profits which the post was to produce?—A. No reference is made to that to my recollection.

Q. The Secretary of War was never mentioned nor involved in the conversation?—A. Not in any of these conversations.

Q. Did General Rice ever tell you in any of these conversations about the influence he had ever wielded in the matter of post-traderships before, to illustrate his power with the War Department?—A. No, sir.

Q. How came you to go to General Rice; who suggested him to you?—A. I was acquainted with him previously. I don't recollect how long, but I understood that General Rice was from Iowa and that he had been a general in the Army and a friend of the Secretary of War, and I think a school-mate, or something of that kind, in close personal relations with him, and I don't recollect now how it came about, but I think that I must have met him upon the street, and must have suggested to him that I was an applicant for an appointment, but that my friend Allison had gone away; or he might have made the suggestion to me, but I don't think he did. I think I was regretting that Mr. Allison had gone away, and wishing that he would help me.

Q. Had you ever heard from anybody that General Rice's influence was valuable in such matters?—A. I don't recollect that I had.

By the CHAIRMAN:

Q. Did you ever pay him any money at all?—A. I never paid General Rice a cent.

Q. Did you ever pay anybody else in the business?—A. No, sir; I never paid anybody a cent.

WASHINGTON, D. C., *March* 9, 1876.

JOHN LAWRENCE sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In Yankton, Dakota Territory.

Q. You are temporarily on a visit to Washington?—A. Yes, sir.

Q. How long have you resided at Yankton?—A. About fourteen years and a half.

Q. Have you been a contractor in any way at Standing Rock or any other posts in that country?—A. Yes, sir; I was a contractor at Fort Randall for the last two years. In the summer of 1874, I had a wood-contract, and this last summer some time, a beef-contract, and also a hay-contract at Standing Rock this summer.

Q. With whom were those contracts for wood and beef at Fort Randall, and hay at Standing Rock?—A. The contract for wood at Fort Randall, 1874, was made by General Card at Saint Paul, and for the beef, it was made by Major Du Barry, commissary at Saint Paul, and also for the commissary at Standing Rock.

Q. Who was the post-trader at Standing Rock?—A. I don't think I can give the name. It seems to me that the name of the man that had charge was Hawkins or Harkins. I had no business with him, however, at all.

Q. Who was the post-trader at Fort Randall?—A. Pratt and Ferris.

Q. Have you any knowledge of any agreement by the post-traders at those posts with any persons with reference to the conditions under which they held them?—A. No, sir; I have no knowledge. There were some charges preferred against the post at Fort Randall last summer, and while in Washington last winter I called upon the Secretary of War and asked him if there was going to be any change in the tradership; if so, I would probably be an applicant for the position. He said there were some complaints there. Mr. Pratt is from Hillsdale, Mich., and I think Mr. Waldron was the man who secured the appointment for him, and the Secretary of War said that the matter had been compromised and referred to Colonel Otis.

Q. Have you ever had any conversation with any one about the trading-post at Fort Sully; and, if so, with whom?—A. No, sir; I think not. I know Mr. Athey, the trader there.

Q. Have you not had a conversation with Mr. Orvil Grant in regard to the trading-post at Fort Sully lately?—A. No, sir; not lately.

Q. At any time?—A. No, sir. I asked him once if he could not give me a position up there, or something of that kind.

Q. You asked him whether he could not give you a position at Fort Sully?—A Anywhere.

Q. You had no conversation with him about Fort Sully?—A. No, sir.

Q. You have not said that you have had such conversation since you have been in Washington?—A. I merely spoke to him once in the National Hotel.

Q. Haven't you said so to any person that you had conversation with Orvil Grant in which he admitted that he was partner in the concern at Fort Sully?—A. No, sir.

Q. Have you never said so to any person elsewhere than in Washington?—A. No, sir.

Q. What was your conversation with him about wanting a place?—A. I met him in the hotel, and said I to him, "You had better give me a position at some of those posts." I understood that he had an interest at Fort Sully, but I never understood that his interest came below Standing Rock.

Q. Did he say anything about having any interest at any other place but Fort Sully?—A. No, sir. He said that he had all the employés that he wished at that time; that was about his reply.

Q. Did he state to you that he had control?—A. No, sir. I asked him if his business extended below Standing Rock, and I think he said not.

Q. Did he say that it extended above?—A. No; but I understood it did.

Q. Did you never say to Dr. Burleigh, since you have been in Washington, that you had had a conversation with Mr. Orvil Grant in regard to business at Fort Sully or some other fort, and in which he admitted that he was still a partner there?—A. No, sir; not at Fort Sully.

Q. I do not say Fort Sully alone; at any other fort?—A. No, sir; all I said to Mr. Grant was what I have stated. I asked him if he could not give me a position at some of those posts up and down the river.

Q. As post-trader?—A. No, not as post-trader, but in charge of some of those posts as an agent for him or something of that kind, being well acquainted up and down the river for years. In a friendly way I mentioned it. I did not press it at all.

Q. Did he state any conditions upon which you could get a position?—A. No, sir.

Q. Do you hold any position under the Government in that Territory now?—A. No, sir. I have been a member of the legislature there for a number of years, but I have no position under the Government.

Q. Have your beef, and wood, and hay contracts expired?—A. All completed except the beef contract, which runs until the 1st of July next. I deliver it as it is wanted.

Q. Who is Mr. Lawrence who has just been appointed and confirmed by the Senate as agent for a tribe of Indians in Dakota Territory?—A. He is a brother of mine. It is for the Poncha tribe, a small tribe.

Q. On whose suggestion was he appointed?—A. Bishop Hare's.

Q. What is the general reputation as to who controls the upper river above Standing Rock?—A. It is generally supposed that Mr. Orvil Grant does.

Q. The brother of the President?—A. Yes, sir.

Q. And so far as you know he is the person to whom all persons must apply for contracts and posts there?—A. I think that is generally understood.

By Mr. ROBBINS:

Q. Do you know anybody that ever did apply to him directly?—A. I do not.

Q. You know of no other person than yourself that ever made any application to him?—A. I do not. He generally went over the North Pacific Road to Bismarck, and I am at Yanckton.

Q. Did he frequently go out to that country and visit those posts?—A. I think not—only once a year. One season he might have made two trips.

Q. He was in the habit of going through from time to time to inspect them and look around?—A. Yes, sir; I never met him but once, but I would hear by the papers that he was there.

Q. You did meet him on one occasion on that kind of a tour?—A. Yes, sir; I made application for an Indian tradership at one time, and I presume I received it and gave bonds, but I could do nothing with Durfee & Peck who had it at the same time. I could not compete with them at all; so I never started business. I tried to purchase the stores from them at Fort Sully, but could not do it; so dropped the matter.

Q. How were they then?—A. They were there with a regular license I suppose from the Department.

Q. Is the Department in the habit of licensing more than one man at a post?—A. Yes, sir; I believe they do.

Q At the time you got that was it the custom to license more than one?—A. Yes, sir; that was the rule.

Q. What sort of an understanding did you have with the Department when you made your application and got it allowed?—A. None whatever. I made it in writing and it was granted.

Q. Did you make it directly to the Secretary of War?—A. To the Indian Commissioner, Mr. Smith.

Q. The gentleman that is now in?—A. No, sir; the other.

By Mr. DANFORD:

Q. Do you know any fact in connection with Mr. Orvil Grant's control of the post-traderships of the Upper Missouri?—A. No, sir.

Q. No fact?—A. No, sir.

Q. All you have testified to is mere rumor?—A. Yes, sir; so far as that is concerned, except that I saw him once at——

By Mr. ROBBINS:

Q, Was there any intimation made to you by anybody on behalf of the War Department when you made application that you would make terms with somebody who would get the appointment?—A. No, sir; nothing of the kind.

WASHINGTON, *March* 9, 1876.

ORVIL L. GRANT sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In Elizabeth, N. J.

Q. What is your profession?—A. I have no profession. I learned the tanning business, originally.

Q. You are a brother of the President of the United States?—A. Yes, sir.

Q. Have you at any time had either a verbal or a written authority from the late Secretary of War in relation to post-traderships in the Army?—A. No, sir.

Q. Have you, either directly or through others, exercised any control over any of the post-traderships in the Army?—A. No, sir. Perhaps I had better modify that a little bit. I presume I was instrumental in getting one man appointed as post-sutler at Fort Stevenson.

Q. Have you had any authority from the Secretary of War in relation to sutlerships, prior to this time?—A. No, sir; none whatever.

Q. Were you interested directly or indirectly in any parties who had such authority from the Secretary of War?—A. No, sir.

Q. Were you ever interested with A. L. Bonnafon of Philadelphia, in any way, with reference to post-traderships?—A. No, sir; that is the post that I referred to, that his son had, but I had no interest in it.

Q. Had you ever any interest with Durfee & Peck in any post-tradership?—A. No, sir; none whatever.

Q. Did you ever have any conversation with Durfee & Peck, or either of them, with reference to the same?—A. No, sir.

Q. Did Mr. Peck ever apply to you for a post-tradership?—A. No, sir; I never spoke to him in my life, never was introduced to him.

Q. Do you know where Durfee & Peck were post-traders?—A. Nothing, only as I have heard. I do not know positively. I have heard that they were interested in certain posts. I do not know enough about it to swear to it; but I have heard persons say they were interested in certain posts.

Q. Did you know that they were post-traders at Fort Rice?—A. I have understood that they were.

Q. And at Fort Sully?—A. I have understood so.

Q. At Fort Buford?—A. I have understood that they were traders there; perhaps there may have been some other persons connected with them, but I have always understood that they had some interest in it.

Q. There is a Fort Peck, is there not?—A. That is an Indian trading post.

Q Have you had any interest, direct or indirect, in the profits made from any post-tradership?—A. No, sir.

Q. Have you ever had any interest, direct of indirect, in any sutlership in the Army?—A. No, sir.

Q. Have you ever had any interest, direct or indirect, in any Indian tradership?—A. Are you investigating the Indian Department? Does that come under this committee?

Q. That is a question that this committee propose to ask.—A. I have been interested in an Indian license.

Q. Be kind enough to state when you became so interested, at what post, and where.—A. I think it was early in January, 1874, at Fort Peck and Standing Rock.

Q. Whom were you interested with at Standing Rock?—A. Originally Mr. Casselberry and myself ran the establishment.

Q. Whom do you own it with now?—A. Mr. Bonnafon has an interest, too.

Q. So that it is Bonnafon, Grant & Casselberry?—A. No; that is not the name of the firm. The license is in the name of Casselberry.

Q. And you are a partner in the firm?—A. Yes, sir; I am a partner.

Q. What amount of money, if any, have you contributed toward this business at Standing Rock?—A. I put in $2,000.

Q. How much, if you know, did the others put in?—A. No, sir; I cannot answer that question.

Q. You have a one third interest, have you?—A. A one-third interest.

Q. Is the whole amount of capital stock greater than $6,000?—A. Yes, sir.

Q. Please state what your idea of the value of the capital stock invested is.—A. I should think it was about $13,000.

Q. You divided a full third of the profits?—A. After paying all expenses and the interest-account.

Q. For what reason is it that, having put in but one-sixth of the capital, you were to divide one-third of the profits?—A. At first we borrowed all the money at 7 per cent., and I was responsible for half of it.

Q. When was this partnership between you and Bonnafon and Casselberry entered into?—A. I think it must have been in the month of January, 1876—this last January.

Q. Is your agreement in writing, or is it verbal?—A. I have no article of agreement at all.

Q. Is there a written article of agreement?—A. There is one.

Q. In whose possession?—A. I think it is in the possession of Casselberry or Bonnafon.

Q. Where does Mr. Casselberry reside?—A. Jacob R. Casselberry, 420 Library street, Philadelphia.

Q. Where does Bonnafon reside?—A. In Philadelphia. His name is A. L. Bonnafon. I think his name is Albert, but I am not sure.

Q. His son, A. L. Bonnafon, jr., is post-trader at Fort Stevenson?—A. Yes, sir.

Q. Mr. Casselberry has that agreement?—A. One of them has it. I haven't it.

Q. About what time was it executed?—A. I think it was in January, 1876.

Q. Prior to January, 1876, had you any business or other relations with Messrs. Casselberry and Bonnafon, or either of them?—A. Previous to that, Mr. Bonnafon furnished us the money at 7 per cent.—loaned it to Casselberry and myself.

Q. Then I am to understand you that previous to January, 1876, Bonnafon was not in the partnership?—A. No, sir.

Q. He entered it in January, 1876?—A. Yes, sir.

Q. Prior to that you and Casselberry were partners?—A. Yes, sir.

Q. Were you the only partners?—A. Yes, sir.

Q. When was that agreement between you and Casselberry entered into?—A. We had no article of agreement. I think it was in the fall or winter of 1874, perhaps November.

Q. Where are you trading at?—A. Standing Rock.

Q. Under what firm-name did you trade there from 1874 to 1876?—A. I think it was under the name of J. R. Casselberry.

Q. You were a half-partner then?—A. Yes, sir.

Q. And had received the money from Mr. Bonnafon to continue your business at 7 per cent.?—A. Yes, sir.

Q. Did he advance any money?—A. Yes, sir.

Q. Did Mr. Casselberry put in none?—A. I do not think Mr. Casselberry at first put in any; I think he afterward did.

Q. Did you ever put in any?—A. As I say, I put in $2,000 recently.

Q. Do you know the amount that Mr. Casselberry put in first?—A. I do not know exactly, but I think the amount he put in and assumed was about $13,000.

Q. For his half?—A. No, no. When we originally had it, Mr. Bonnafon furnished the money, and we were to pay him interest, but he had no interest in the profits. I think $13,000 was about the amount.

Q. The amount he loaned you two gentlemen together?—A. Yes, sir.

Q. For one-half of which you were responsible, and Mr. Casselberry for one-half?—A. Yes, sir.

Q. And you think that Mr. Casselberry put about $2,000 into the firm?—A. Yes; I think he put in something between $2,000 and $3 000.

Q. That lessened his indebtedness to Bonnafon down to, say, $4,500?—A. I should think it would bring it somewhere in that neighborhood; but then there was other money paid to Mr. Bonnafon several times.

Q. You paid him $2.000?—A. I state that sum in round numbers; it might vary $10 or $15 from that.

Q. When did you pay that into the firm?—A. I think I paid it in this last month of February.

Q. From the time that you and Casselberry entered into partnership in 1874, up to the time you created the new partnership in January, 1876, can you state what were the profits of the post?—A. No, sir.

Q. Did you take any account of stock, or of the condition of your business there?—A. I presume there has been a statement. I do not know that there has ever been an inventory or estimate of the profits.

Q. During that period, how much, if any, money did you draw out, as representing your profits in the concern?—A. We have not drawn out any profits—I have drawn out—I am not really clear on that matter, but I think in the neighborhood of $1,100.

Q. During the two years?—A. Yes, sir; it is not two years yet; it is less time than that.

Q. What do you consider the value of your stock on hand now? You stated that the amount put in was $13,000; what do you consider the value of your investment?—A. Really, I am not able to answer that question.

Q. When you went in with Bonnafon in January, was there no statement as to what the property he invested in was worth?—A. He knew how much was still due him.

Q. But did he have no statement of the business, giving its assets?—A. I presume he had.

Q. Did you ever see it?—A. I have seen one, but I have never examined it.

Q. Do you know the figures that were in it?—A. No, sir.

Q. Did you pay any especial attention to it at all?—A. No, sir; I did not.

Q. To whom did you pay your $2,000 in February?—A. I paid $586 of a bill to Wright, Gillies & Co., of New York; I paid $400 and odd to Dunham, Buckley & Co.; and I paid Mr. Casselberry $1,000.

Q. Then you consider your capital stock to-day invested at Standing Rock, $13,000?—A. I should think it was about that.

Q. And you have equal interests in it?—A. Yes, sir.

Q. Fort Peck was the other Indian trading-post you spoke of being interested in?—A. Yes, sir.

Q. How long have you been interested in that post?—A. Some length of time; since 1874.

Q. Who are your partners in that?—A. Mr. Joseph Leighton.

Q. What is the amount of the investment there?—A. I don't know. I cannot answer the question.

Q. How much money did you put into that firm?—A. I never put in anything.

Q. Were you a full partner?—A. I was a half partner, an equal partner.

Q. Can you state about the amount of capital the firm invested there?—A. I should judge about $25,000.

Q. Was the agreement between you and Leighton in writing?—A. We originally had one in writing, but we never lived up to that.

Q. Who has possession of that agreement?—A. That agreement is in New York.

Q. In whose possession?—A. My impression is that I left it there with M. Armstrong & Sons, on Ferry street. I don't know their number.

Q. That partnership was formed in January, 1874, you think?—A. No; I think it was in November, 1874.

Q. It still continues?—A. No, sir.

Q. When was it ended?—A. That partnership never really went into effect. I don't feel that I really have any articles of agreement with Mr. Leighton.

Q. What consideration was the moving cause that induced Leighton to make you an equal partner, without your putting in any money?—A. I procured the post for myself, and was going up there to stay and live, and he proposed to me to furnish the capital. and that we should be equal partners.

Q. From whom did you procure the post?—A. From Commissioner Smith.

Q. On whose recommendation?—A. I don't know whether there was any recommendation or not. I went to him and got it.

Q. On your own application?—A. Yes, sir.

Q. When did you make application for it?—A. I think I made application about September, 1874.

Q. Then the consideration was that you had procured the post?—A. I had the post.

Q. And Mr. Leighton was to furnish all the capital, and you were to be an equal with him?—A. Yes, sir.

Q. Where does Mr. Leighton reside?—A. At Fort Peck.

Q. Have you any interest, direct or indirect, at Fort Rice?—A. No, sir.

Q. At Fort Stevenson?—A. No, sir.

Q. At Fort Berthold?—A. No, sir.

Q. At Fort Buford?—A. No. sir.

Q. At Fort Lincoln?—A. No, sir.

Q. Nor at Fort Belknap?—A. No, sir.

Q. Have you, at any other fort in any part of the United States, any interest whatever, save at Standing Rock and at Fort Peck?—A. No, sir.

Q. Not at any trading-post?—A. No, sir.

Q. Do you know why the tradership at Fort Sully was taken from Durfee & Peck and given to John T. Athey?—A. No, sir; I did not know who was there; I did not know the name of their successor.

Q. Did you have any general verbal or written authority from the Interior Department to control the trading-posts on the Upper Missouri River?—A. No, sir.

Q. Did any persons ever come to you to obtain those posts, or to get positions there in any capacity whatever?—A. Really, I don't know how to answer that question. I may have had persons make applications to me; I don't remember. I know one man in New York who accosted me and wanted me to sell out Fort Peck, and I would not do it. He asked me my reason, and I gave it to him. I told him I didn't think it was a proper thing to do.

Q. Have you ever made any application to the President of the United States for trading-posts, one or more?—A. No; I don't know that I ever have.

Q. Did you ever write him a letter on that subject?—A. I don't know whether I have or not; I don't remember. My impression is that I have not, but I am not clear about that.

Q. Have you had any letter from the President of the United States directed to you in regard to trading-posts?—A. I think not.

Q. Did you ever show such a letter to any one residing in Orange, N. J.?—A. I don't know; I don't remember such a thing.

Q. Are you quite certain you did not?—A. No, sir; I don't think I ever did, though I may have done so.

Q. Is it possible that you may have had such a letter?—A. I don't think it is possible that I ever showed such a letter to a man in Orange.

Q. Did you ever show such a letter to a man named Bowen?—A. I don't remember whether I did or not.

Q. Did you ever show to Mr. Bowen, in Orange, a letter purporting to be from the President of the United States, in reply to one addressed by you to him applying for the trading-post at Fort Peck, the substance of which was that he had given orders for no more trading-posts to be given out until he should so order, and that he did not know what that post at Fort Peck was worth?—A. I don't think I ever showed that to Bowen.

Q. Had you ever a letter of that kind in your possession?—A. I think I had.

Q. Have you got it still?—A. No, sir.

Q. What have you done with that letter?—A. I presume I have destroyed it; I never save my letters.

Q. Can you state about the date of that letter?—A. No, sir.

Q. Have you any idea of its date?—A. I suppose that it must have been—I don't remember—it must have been in 1874, I think.

Q. What time in 1874?—A. I think it must have been in the summer of 1874.

Q. You were then residing at Elizabeth?—A. Yes.

Q. About that time, did not this Mr. Bowen, accompanied by a friend, drive from Orange to see you on this business?—A. I think there was a man came there.

Q. Did you ever go to Orange to see Mr. Bowen on that business?—A. I think not. I don't think anything about it—I know I didn't.

Q. Did you ever demand of any one to put up a certain amount of money in consideration of his being appointed to that post?—A. No, sir.

Q. Was this the only letter you had from the President of the United States relating to post-traderships?—A. I think so.

Q. Are you positive on that subject?—A. I think he wrote me once that there were going to be some vacancies created—some persons to be removed.

Q. Why did he write you that letter?—A. Because I had told him that I would like to get a trading-post.

Q. At the time he wrote you that there were vacancies in trading-posts, did you make application to him for one?—A. I spoke to him about it previous to that.

Q. But after he wrote you that there were vacancies did you obtain one?—A. Yes, sir; I obtained Fort Peck.

Q. Is that the only one?—A. Standing Rock, also.

Q. They were both given after the President had informed you that there were to be vacancies?—A. Yes, sir.

Q. Did you ever make application to him for any other posts than these two—Fort Peck and Standing Rock?—A. I don't remember that I ever did.

Q. You are quite positive on that subject?—A. Yes; I am positive on that.

Q. Did he in that letter state anything other than the substance of which I recited in my previous question?—A. I think not.

Q. Then it was after the receipt of this letter from the President that you went into partnership with Casselberry in 1874, was it?—A. Yes, sir.

Q. Under the partnership with Leighton, what amount have you drawn out as your share of the profits of the concern?—A. I drew some money. I don't remember what amount: but he notified me that they were losing money, and I stopped drawing.

Q. When did you draw the amount, and was it upon more than one occasion?—A. Upon several occasions—small a ounts.

Q. Have you an idea of the aggregate amount of the sums drawn by you?—A. I should think they would aggregate in the neighborhood of $2,000.

Q. You have stated that you put in no capital at all?—A. I have already answered that question.

Q. Have you in any way, directly or indirectly, received any money from any post-traderships or from any Indian traderships other than those you have mentioned?—A. No, sir.

Q. Never at any time?—A. Well, I forget; I drew a little money from Mr. Raymond.

Q. Where was he a post-trader?—A. He is a trader at Fort Berthold.

Q. When did you draw that money from Mr. Raymond?—A Several different times.

Q. What was the aggregate amount of the money?—A. I think the aggregate amount would be about $1,000.

Q. Were you a partner in Fort Berthold?—A. I never claimed to be any partner there; I never had any arrangement with him.

Q. What had you done, then, that you should draw money from him?—A. I will explain the whole matter to you. I had the promise of a tradership there. The agent told me that he would give me one, and Mr. Raymond also got one, and he asked me what we had better do about it—that it would not pay for two to stay there—and I told him, "We will do whatever you wish." He said he was there, and would like to remain, and he would make satisfactory arrangements with me; but he never made any arrangements.

Q. But you did draw about $1,000 from Mr. Raymond for permitting him to remain there?—A. No, sir; not for permitting him to remain there, but for getting away myself.

Q. You never put any money into the business of Raymond?—A. No, sir.

Q. Is he the only person from whom you have received money?—A. Yes, sir; I have never received a cent outside of what I have told you.

By Mr. ROBBINS:

Q. I think I understood you to say in the beginning of your testimony that you never made any application to the President for any traderships?—A. Did I say that I never made any application to him? I think I said that I had seen him and told him I would like to have one.

Q. Did Peck ever apply to you to be allowed to retain his post that he had at that time?—A. No, sir; I never spoke to Peck in my life.

Q. Did he ever write to you about it?—A. No, sir.

Q. Nor Durfee either?—A. No, sir.

Q. Did Leighton offer to sell out his interest there to Durfee & Peck?—A. I don't know whether he did or not.

Q. Did not you refuse to permit him to sell it to Durfee & Peck?—A. I think I advised him not; I told him that they had been removed, and it was not a proper thing to do.

Q. You say you advised him not to sell to Durfee & Peck. Please state all about that as fully as you can.—A. That is all I know in regard to it. I told him that they had been removed and that it was not proper to sell to them.

Q. What place had they been removed from?—A. Fort Peck.

Q. When were they removed?—A. I think it was in 1874.

Q. How came they to be removed?—A. There were reasons for it. I don't know.

Q. By whose order were they removed?—A. I don't know whether it was by the order of the President or of the Secretary. I never asked the particular reasons why.

Q. That is the place that you were soon after appointed to?—A. Yes, sir; but the removal was not made in order to give me a place. They had been made to vacate all of their posts; I don't know why. I never inquired the reasons why.

Q Is that the place which the President notified you of as being vacant?—A. That is the post.

Q. He notified you that it was vacant?—A. Yes, sir; that it would be.

Q. Were Durfee & Peck removed when you were notified that it was going to be vacant, or were they removed after you were notified that there would be a vacancy?—A. I cannot answer that question, simply because I don't know.

Q. Do you know when Durfee & Peck were removed? You said a while ago in 1874; can you tell the time exactly?—A. No; I cannot tell exactly.

Q. Did the President notify you before or after they were removed?—A. I think he notified me that they were going to be removed.

Q. So that you could make application before anybody else did?—A. I don't know that that was what it was done for.

Q. You did make application, however?—A. Yes, sir.

Q. You did it in consequence of the President's notification?—A. If I had not known there was going to be a vacancy of course I should not have made an application; because I would never try to get any one removed.

Q. You made application, then, in pursuance of the information communicated to you by the President?—A. Yes, sir.

Q. And you got the appointment?—A. Yes, sir.

Q. And you then shared it with Mr. Leighton?—A. Yes, sir.

Q. You furnished no money, but you got a half interest?—A. Yes, sir; it never has made any money, however. There has been no profit made of it.

Q. You say you have never made any money there?—A. It has not shown any profits; it has been behind. I may possibly be called on to make good my portion of the loss; I don't know; should hope not.

Q. How many soldiers are at the post?—A. Not one.

Q. It is an Indian trading-post?—A. Yes, sir.

Q. How much capital do you say was invested?—A. I said I supposed there was about $25,000.

Q. Did you make application for any other appointment but that?—A. I made an application for Fort Belknap.

Q. When?—A. About the same time I did for Fort Peck.

Q. Did you get it?—A. No, sir; well, I might say we got it, but we never did any business there.

Q. Why not?—A. Because the Indian agents opposed Leighton and made it unpleasant for him, and he retired from there and never did any business there.

Q. You and Leighton were going to take that also?—A. Yes, sir.

Q. Did you begin there?—A. Leighton sent some goods there and commenced erecting a building, but he never completed the building and never opened the store; that was my understanding in regard to it.

Q. Was the understanding that you were to have a half interest there, and he to furnish the stock?—A. He was to furnish the stock for all those places.

Q. And you were to have a half interest also?—A. Yes, sir.

Q. Who was that Indian agent?—A. Fanton.

Q. What was his full name?—A. I haven't any idea.

Q. Did the President never notify you of vacancies, never particularly tell you which vacancies, or where there would be specified posts?—A. So far as I recollect, he did.

Q. Did he specify Fort Peck?—A. I think so.

Q. Did he specify Fort Belknap?—A. I am not sure whether he did or not; my impression is that he did.

Q. Did he specify others?—A. I think he specified Standing Rock.

Q. Any others?—A. I don't know; I don't remember any others; I don't know but Cheyenne agency was specified, but I didn't get that.

Q. You got Standing Rock?—A. Yes, sir.

Q. You applied for Standing Rock, and Forts Belknap and Peck, all in pursuance of the information that the President gave you about the vacancies?—A. It was done in pursuance of the fact that I knew they were vacated, or to be vacated.

Q. Are you in the habit of going out there on the Missouri River?—A. I never was there but once in my life.

Q. Those men run the business, then, as well as furnish the capital?—A. They do at Fort Peck. At Standing Rock we employ a man.

Q. You were not only not required to furnish any capital, but you are not even required to go out there and help to attend to it?—A. No, sir.

Q. Are those three traderships at Standing Rock and Forts Belknap and Peck the only ones you have ever had?—A. Yes, sir.

Q. Or had any interest in?—A. Yes, sir.

Q. Have you had anything to do with getting men appointed to other traderships than those?—A. I assisted Mr. George W. Felt a little in getting a trading license at White Earth, I think; I am not sure of the name of the post.

Q. What consideration didy ou receive for rendering that assistance?—A. I never received any.

Q. Nor the promise of any?—A. He told me that he would give me an interest, but I don't want it. I am in no way interested with him, and don't expect it.

Q. Have you assisted in getting anybody else a position of that sort at any time?—A. I have not

Q. You have made no application to the President, or Secretary of War, or the Indian agent, for any of those places?—A. No, sir.

Q. Are you sure of that?—A. Yes, sir. There is one I have forgotten. I assisted a man by the name of Conrad in getting a license at Fort Belknap. I don't know in what name he got the license; I have forgotten whether in his own name or Mr. Baker's. He is one of the firm of Baker & Co.

Q. Did you say to the reporter of the Philadelphia Times that you got men appointed to posts through your influence with the President?—A. I did not state as much to the Philadelphia Times man as I have stated here.

Q. That is not directly answering the question—you can answer my question?—A. I suppose I feel grateful to my brother, and indebted to him for getting that post at Standing Rock. The man questioned me about it.

Q. But the question is, whether you said that you had obtained the appointment of yourself, and other men, perhaps, through your influence with your brother, the President?—A. I think I said that to him.

Q, You consider, then, that you do have influence with the President to manage these matters to some extent?—A. To some extent I have; though I am sorry to say that they are of very little profit to me.

By Mr. BLACKBURN:

Q. Do you know one Henry Reed, who lives, or did live, at Elizabeth, New Jersey?—A. I think not,

Q. And who was appointed to a post-tradership at Fort Wingate, in 1872?—A. No, sir; I have no recollection of ever meeting that gentleman.

Q. Meeting him or having any correspondence with him?—A. I have no recollection of ever meeting him, or hearing of him.

Q. Do you know one J. M. Hedrick, of Iowa?—A I do not know him.

Q. "General" Hedrick, I believe?—A. I don't know him.

Q. You have never met him?—A. I may have met him. I meet so many persons that I cannot remember them. I haven't the slightest recollection of that man.

Q. Do you know anything about a man named Charles, who used to be the post-trader at Sioux City?—A. I know Mr. Charles.

Q. Do you know anything about his removal from that post-tradership?—A. I did not know that he ever had a post-tradership.

Q. You never knew that he was a trader at Sioux City?—A. No, sir.

Q. He lives at Sioux City?—A. Yes, sir.

Q. You didn't know that he ever was a trader on the frontier at any post?—A. No, sir; I knew that he represented the interests of Durfee & Peck. I didn't know that he ever had any trading license anywhere.

Q. Do you know about his ever coming to Washington and making any threats as to statements or exposures he would make?—A. I don't know. I have known of his being in Washington.

Q. Did you ever meet him here?—A. Yes, sir.

Q. Did you ever have any conversation with him on the subject of that sort?—A. Well, he tried to sell us goods at Fort Peck and at Standing Rock.

Q. Tried to sell you his goods?—A. Yes, sir.

Q. He was then representing the interests of Durfee & Peck?—A. Yes, sir; that is what I understood.

Q. Did you make any compromise with him here?—A. No, sir.

Q. Either for himself or those whom he represented?—A. No, sir: we bought a stock of goods at Standing Rock and took the whole thing, good, bad, and indifferent, at good round prices.

Q. You did buy from this man?—A. I did not buy from Charles. We afterward bought them from Harman, who represented their interests at Standing Rock.

Q. What was the substance of that interview you had with him in Washington?—A. I do not think I could state it.

Q. Did he or did he not say to you in substance that he was going to make a report to the authorities here or any exposures?—A. I don't remember.

Q. An exposure of the proceedings by which he had suffered, unless there were some terms agreed upon between you and himself?—A. I don't think he did; not to me.

Q. Are you positive that no conversation of that sort passed between you and him?—A. I am very positive he never stated anything like that to me.

Q. And you did not know, and do not now know that he ever held the position of trader on the frontier at all?—A. I never knew that he had a position as trader.

Q. And there was no trouble between you and him here in Washington growing out of this?—A. He tried to sell me the goods out there, that was all.

Q. That was not an issue between you at all?—A. No, sir.

Q. Then there was no trouble or controversy between you and himself?—A. I do not know of any trouble or controversy.

Q. You never had any communication with General Hedrick?—A. No, sir; I certainly never had or I should have remembered it. If I have had it is beyond my recollection, for I do not remember the name.

Q. I may not pronounce it properly; it is either Hedrick or Heddrick?—A. I do not know either.

Q. Probably he can be identified by reminding you that he is the brother-in-law of General Belknap?—A. I do not know him at all. I have no recollection of such a man.

Q. Did you state, in connection with the first question I asked you about Reed, that you did not know him, and never heard of him?—A. I have never heard of him. I have not the slightest recollection of him.

By Mr. DANFORD:

Q. In relation to the first tradership of which you speak, you say that Mr. Bonnafon advanced the money, $13,000?—A. About that.

Q. And that you and Mr. Casselberry had the business and paid him seven per cent. interest upon that money?—A. Yes, sir.

Q. Since you have reduced your indebtedness $2,000, do you still continue to pay Mr. Bonnafon interest upon the money?—A. It is decided now that Mr. Bonnafon shall be a partner.

Q. In dividing your profits, is there anything allowed to Mr. Bonnafon as interest upon this advance?—A. We have not had a settlement with him.

Q. Is there any account taken of the fact that he has a larger amount of money invested there than you or Mr. Casselberry?—A. Certainly he has. The accounts will show it.

Q. Is it the arrangement that you pay Mr. Bonnafon any interest upon the amount of money that he has in that tradership in excess of what you and Casselberry have?—A. No, sir; originally there was that arrangement, but he has recently become a partner with a third interest.

Q. I understand that; but you have put only $2,000 into the business?—A. When we first started there Mr. Bonnafon was to take a third interest, but he did not like to take the risk, but, said he, "I will loan you the money at seven per cent.;" that was all there was of it.

Q. Do you still have that arrangement in relation to the interest upon his money?—A. I have told you we have recently made an arrangement that he is to be a one-third partner.

Q. He has, then, in this partnership, some $9,000?—A. I think just about that.

Q. You have $2,000?—A. I see the point you are trying to get at. You want to know whether he will charge us interest on the money.

Q. Yes?—A. I presume he will.

Q. I want to know whether you expect him to charge interest upon the excess?—A. Certainly.

Q. This post-tradership at Fort Peck, you received late in 1874?—A. Yes, sir.

Q. How long had you been at the President for a post-tradership before you received this?—A. I cannot answer that, because I do not remember.

Q. How often had you spoken to him about a post-tradership?—A. I do not know whether I had spoken to him once or twice.

Q. Had you pressed the matter upon the President for some time?—A. No, sir; I do not know that there was any special pressing in the matter.

Q. You received a letter at some time notifying you that there would be certain tradership vacant?—A. Yes, sir; I have explained that thoroughly.

Q. Did you come to Washington after that to see about it?—A. I do not remember whether I did or not; I presume I came to Washington.

Q. Whom did you get the Indian-traderships from?—A. We got them from the Commissioner of Indian Affairs, Mr. Smith.

Q. Did you go to the Secretary of the Interior in relation to them?—A. I visited both of them.

Q. What indorsements did you have?—A. I do not know that I had any special indorsements.

Q. Did you put any papers on file with the Commissioner?—A. I think not.

Q. Have you any knowledge as to whether either the President or the Secretary interceded

with the Commissioner of Indian Affairs in relation to these traderships?—A. Really, I do not know.

Q. In saying what you did to the reporter of the Philadelphia Times in regard to your influence with your brother, did you refer to the facts that you have already stated to the committee. or to any other facts?—A. To the facts that I have already stated to the committee.

Q. Have you stated to the committee all the facts that were in your mind in relation to that statement when you made the statement to the reporter of the Philadelphia Times?—A. Yes, sir.

Q. You spoke of having received in the aggregate about $1,000 from the tradership at Fort Berthold. Had the Secretary or the President of the United States any knowledge of the fact that you were receiving anything from that trader?—A. I do not think they had the slightest knowledge of it.

By Mr. CLYMER:

Q. Did you go to see the President anywhere else than at Washington on that subject of these traderships?—A. I think not.

Q. Did you ever go to see him at Long Branch on the subject?—A. No, sir.

Q. Are you acquainted with the firm of Basshor & Co. of Baltimore?—A. Yes, sir.

Q. Are you in their employ?—A. Yes, sir.

Q. In what capacity?

The WITNESS. Is it proper for me to ask you a question, Mr. Chairman? I have just been before the naval committee and given full testimony in regard to that whole matter.

The CHAIRMAN. We shall not examine you as to what you testified before the naval committee.

The WITNESS. But that is not the question I want to ask you. It is, whether you propose to investigate the Navy, or does that come under another committee?

The CHAIRMAN. We certainly don't want your testimony if it relates merely to the Navy; but that is what we wish to determine.

The WITNESS. I beg your pardon, then.

The CHAIRMAN. I shall carefully avoid asking you any question with reference to the Navy.

The WITNESS. Well, I want to say that they have no connection with me in these posts, in any way, shape, or form, neither directly nor indirectly, in any way, shape, or manner.

The CHAIRMAN. I shall be careful to confine my questions to matters relating to the investigation before us, but it is necessary, in order to lay the basis for my examination, that I should show the nature of your connection with Basshor & Co., and therefore I must repeat the question—in what capacity are you employed by them?—A. I am employed in the capacity of solicitor of business for them.

Q. What salary do you receive?—A. I am getting $200 a month.

Q. When did you enter into their employ?—A. I have been with them, perhaps, a year and a half.

Q. What was the nature of the business you were to transact for them?—A. Getting business for them in steam-heating, or any contracts that I could procure.

Q. What character of contracts were they—Government contracts?—A. Not confined to the Government alone.

Q. Have you ever got any other than Government contracts?—A. I say I am not confined to Government contracts.

Q. But have you ever got any others?—A. I have. I have got some for the Government, and some that are not for the Government.

Q. Have you ever procured for them any contracts under the War Department?—A. Not any at all.

By Mr. ROBBINS:

Q. Have you ever solicited any?—A. No, sir; not any.

Q. Did your connection with them have reference exclusively to the Navy Department?—A. O, no.

Q. So far as the Departments of the Government are concerned, is that the only Department in connection with which you are employed by them?—A. O, I am employed in the general business. If I can get any orders outside of the Government I shall be very glad.

Q. What is their business?—A. Steam-heaters, engines, boilers, &c.

Q. They are not engaged in any line of business having special relation to the War Department?—A. No, sir; we have never done a dollar's worth of business for the War Department. Let me see—I beg pardon; I think they did get a small order amounting to a few hundred dollars from the Quartermaster's Department. I forgot that.

Q. Tell about that.—A. I think that came from General Myers's department. My recollection about it is that it amounted to a few hundred dollars; it was to put in some steam-heating apparatus in one of the buildings here.

Q. You solicited it for them?—A. No; I did not solicit it. Well, I may say I solicited it, too. The order came to me and I forwarded it to them.

Q. Did the quartermaster let it out to bidders, or did he make a private contract?—A. I don't think there was any bid on that. It amounted to only a few hundred dollars.

Q. He made the contract without letting it?—A. I think so. I really know very little about it. They gave me a little order, and I forwarded it. It was in General Myers's department. The order was given by Colonel Curtis. He gave me the order and I mailed it to them. That is all I know about it.

Q. The assistant quartermaster recognized you as their agent and solicitor?—A. I presume so.

Q. How did he become acquainted with the fact that you held that relation to them?—A. I presume that I told him so.

Q. Do you recollect how it came about that you told him so?—A. No, sir.

Q. When was that?—A. I don't remember the date. It was in October last, I think.

Q. Do you know how much the amount was exactly?—A. I do not. My impression is that it was only four or five hundred dollars, but I would not state positively, because I never made any inquiries about it.

Q. Did no other branch of the War Department ever give you any order for them?—A. No, sir.

Q. Or an order for any other person or persons?—A. No, sir.

Q. Do you occupy this relation of solicitor to any other firms or traders in the country?—A. To none others.

At this point the examination of the witness was suspended, but he was not discharged.

WASHINGTON, D. C., *March* 13, 1876.

ALFRED F. TERRY sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. My home is in Clyde, N. Y.

Q. What is your business?—A. Steamboating on the Missouri River.

Q. In whose employment are you?—A. I am connected with a steamboat, in company with Durfee & Peck.

Q. Are you a partner?—A. I am in the steamboat business; in nothing else.

Q. How long have you been so engaged?—A. I have been there three years, and am there now.

Q. Are Durfee & Peck engaged in any other business besides steamboating on the Missouri River?—A. Not any that I know of, at present.

Q. What were they engaged in during those three years?—A. They had an Indian trading-post.

Q. What Indian trading-post?—A. I think they had Fort Peck three years ago; I do not recollect the time that it was taken from them; also Standing Rock, Berthold, and Cheyenne.

Q. You were not a partner in those posts?—A. No, sir; in no shape or form.

Q. When Durfee & Peck were dispossessed, who became the traders there?—A. It is hard for me to tell. As far as I am personally concerned, I do not know. I know I have carried goods for Casselberry, for Standing Rock; I never carried any goods for any other parties there.

Q. Was there anybody else connected with him?—A. A man named Parkins seemed to be the manager there, and young Bonnafon. I know I met him there, but what his connection with it was I do not know.

Q. Was there a man named Leighton there?—A. Mr. Leighton seemed to have possession of Fort Peck, and had the management there.

Q. Did you carry goods for him?—A. No, sir; not any.

Q. Did you ever see Orvil Grant out there?—A. I saw him once at Sioux City; the only time I ever saw him.

Q. Do you know of any transactions between Orvil Grant and Durfee & Peck?—A. Not any.

Q. Did you ever hear of their having any transactions?—A. Not with Durfee & Peck.

Q. With Leighton?—A. I have heard of his having transactions with Leighton, but it is mere hearsay.

Q. Or with Casselberry?—A. His name has been used in that way, but I do not know anything more about it than that it is reported.

Q. You have never conversed with Leighton or Casselberry, in the presence of Orvil Grant about these things?—A. Never.

Q. Did you ever pay Orvil Grant any money for the privilege of carrying goods on the Upper Missouri?—A. No, sir.

Q. Did Durfee & Peck ever pay him anything?—A. Not to my knowledge. I never carried them directed to him to my knowledge.

Q. No; but for the posts?—A. No; I have carried to the Casselberrys; they were the only ones I ever carried to that he was supposed to be connected with. I brought some goods from Fort Lincoln for Casselberry, and I was so green about it that I did not know

who Casselberry was, when they were shipped on board the boat, and I had to ask the question.

Q. Do you know, of your own knowledge or otherwise, that Orvil Grant was interested with the late Secretary of War in disposing of trading-posts up there?—A. I do not know anything about it.

Q. Have you an interest there?—A. No, sir.

Q. There is an article here which, I think, first appeared in the Saint Louis Times, and was afterward copied, I believe, in the New York Herald, in which it is asserted that you had said that Mr. Orvil Grant, the brother of the President, had been interested with Mr. Belknap in disposing of trading-posts for money.—A. I saw that piece.

Q Have you any knowledge of that kind?—A. Nothing like that "interview" ever happened.

Q. Then, farther on, the article says that Orvil Grant possessed all the posts up there and canceled the licenses issued by Secretary Rawlins?—A. I never said that.

Q. Do you know it?—A. No, sir; and I never said it.

Q. Did you ever apply to Orvil Grant for authority to retain certain posts, where your firm had invested large sums of money in buildings and goods?—A. No, sir.

Q. Did he ever say in any way that he would agree to that on certain terms, so much cash down, and a certain share of the profits?—A. No, sir; there was never any such talk with me.

Q. Did you ever hear Orvil Grant say anything about Durfee & Peck, or about those traderships up there?—A. I never did.

Q. Did you ever have any conversation with him at all? A. I never did. I was introduced to him, but I never passed three words with him in my life. It was at Sioux City, and he had the ague very bad. That is the only time I ever met him in my life.

Q. Do you know anything of his visiting trading-posts for the purpose of collecting moneys due him as partner of the late Secretary of War?—A. Not of my own knowledge, I do not.

Q. What do you know about it?—A. I do not know anything about it really, except wha t I have read in the papers.

Q. Have you ever paid to any person, for Orvil Grant, any sum or sums of money, either you or your firm, Durfee & Peck?—A. Not to my knowledge, sir.

Q. Might such money have been paid by the firm without your knowing it?—A. O, I have nothing to do with the business except the steamboating, and no further knowledge of it.

Q. Do you know anything about the affairs of Fort Buford?—A. All I know about it is that Leighton seems to be the sutler there.

Q. Do you know of your own knowledge of any arrangement that he had with the late Secretary of War, or with any person for him, with reference to that post-tradership?—A. I do not.

Q. Then is there one word of truth in this whole article that appears in the New York Herald?—A. There is not in the questions you have asked me—not one word.

Q. It first appeared in the Saint Louis Times, I believe?—A. Yes; that is the first I ever saw of it.

Q. And it purported to be an interview with you?—A. Yes.

Q. Do you recollect the name of the person who interviewed you?—A. No, sir; I never knew it.

Q. Were you ever, in fact, interviewed?—A. A man came and wanted to know something about these matters.

Q. What did you tell him?—A. That is pretty hard to tell. I did not tell him anything. I told him I had nothing to tell. It was made up, nineteen-twentieths of it, out of his own head. I will say that much for him.

Q. Please state what there is in this article that is true.—A. I can tell you what I said to him. He wanted to know what I knew about the sutler business and the trading business, and I told him I knew nothing of any account. I told him I had nothing to say any more than I had seen printed, and that everybody knew; and finally I said to him, "There are some things that I would just as lief tell you, if they would be of any use, and that is, that Durfee & Peck held a sutlership at Fort Sill at the same time that Evans had one there, but Durfee & Peck did not get an even show, and they were losing money and had to quit Fort Sill."

Q. Did you tell him why they did not get an even show?—A. Well, they did not get orders from the officers. There were only one or two officers who would give them their orders.

Q. Did you know the reason why the officers did not give Durfee & Peck orders?—A. No, sir; I never knew.

Q. Was it ever understood why that was so?—A. No, sir; not that I know of.

Q. You never understood the reason why they got no trade at that fort?—A. Well, they got some trade; on pay-day a good deal of money would come in, but that did not last till the next pay-day.

Q. Then the habit of the officers there was to deal with John S. Evans & Co., who had the

contract with Marsh?—A. The soldiers would get orders from the officers to go and trade there.

Q. Do you know whether the officers had any orders from the Secretary of War on that subject?—A. I do not.

Q. Had Durfee & Peck any bargain with anybody about Fort Sill that you know of?—A. Not that I know of; I should judge they had not.

Q. Why—because they did not get any orders?—A. I don't know the reason.

Q. Well, they did not get any orders and they had to clear out?—A. Only one or two officers would give them orders. That is all I know about Fort Sill. Another thing he ventilated in that article is about Mr. Athey at Fort Sully. I told him that Mr. Athey was appointed a trader at Fort Sully, and that I thought he had no money and he had to make bargains with Durfee & Peck to furnish the capital to run the business for the next year, but how much they gave him I never knew. I know I heard Peck say that they gave him $1,500 a year salary for work there. That is all I know about it.

Q. Durfee & Peck were the post-traders at Fort Sully, and then Geo. H. Durfee succeeded them in June, 1872, and Athey succeeded him June 30, 1874; do you know why Geo. H. Durfee was replaced by John T. Athey?—A. He was not replaced.

Q. This Athey follows Geo. H. Durfee as post-trader there. Do you know why he succeeded him?—A. I do not.

Q. Did you ever hear Athey tell?—A. No.

Q. Durfee & Peck furnished the capital to Athey to run that post?—A. Yes; for one season.

Q. Who is furnishing the capital now?—A. A man named White, I believe. That is the way I understood it—that they bought out Durfee's interest.

Q. George Durfee, then, was superseded by John T. Athey at Fort Selby?—A. That is the way I understood it.

Q. They were the only traders at Fort Sully—there was no opposition?—A. I think not.

Q. Do you know about Fort Rice?—A. I understood that Mr. Pitts was in possession there, and that he bought out Durfee & Peck.

Q. Durfee & Peck had their post there from October 6, 1870, to June 22, 1872. Then Henry J. Miller came in and held it until June 26, 1873. William Harmon came in in May, 1873, and held it till July, 1874, when Thomas S. Pitts succeeded him?—A. Yes.

Q. Do you know anything about the trading at Fort Rice?—A. No; I cannot say that I know anything about it more than that I carried some freight up directed to Harman, and before the boat got there his transfer had been made, and Pitts refused to receive some of the freight and I took it on with me, and when I came back Pitts took it. It was Bass's ale.

Q. Do you know of Harmon or Pitts having any arrangement with anybody about that fort?—A. I do not.

Q. Why were Durfee and Peck turned out of that fort?—A. That is more than I can tell you; I never heard or knew of it.

Q. What is the next fort you know about?—A. Well, Durfee & Peck were interested in Fort Stevenson; Mr. Marsh, I think, was the sutler.

Q. Is that fort an abandoned one now?—A. No, sir.

Q. Is Mr. Marsh now the sutler?—A. No, sir; Mr. Bonnafon.

Q. How does it happen that Bonnafon got Durfee & Peck out of Fort Stevenson?—A. I don't know anything about it.

Q. Did Bonnafon ever tell you anything about it?—A. No, sir.

Q. Did you ever have any conversation with him at all about these things?—A. Not about the sutler-store; I never had.

Q. Did you have any conversation with Durfee & Peck about Bonnafon or that sutler-store?—A. Nothing particular, only I understood that they had quit there; they could not sell goods, and they had to take them away.

Q. Why could they not sell their goods?—A. Well, they would not buy them.

Q. Bonnafon would not buy?—A. No, sir.

Q. Who is in partnership with Bonnafon?—A. I do not know that he has partners.

Q. Is he not in partnership with Orvil Grant or Casselberry?—A. I don't know that.

Q. What was the general reputation as to that?—A. I supposed that Mr. Grant was a partner at Standing Rock.

Q. I am asking about Fort Stevenson now. I want to know what you know about Fort Stevenson, as to an arrangement by the post-trader there with any other persons?—A. I don't know anything about it at all.

Q. Why was it that Durfee & Peck were cleared out there?—A. That I do not know.

Q. Do you know who did clear them out?—A. No, sir. I suppose the Secretary of War canceled their license; that was understood.

Q. Where did this A. L. Bonnafon come from?—A. I don't know that.

Q. Was he a stranger in that country?—A. I should say he was; a stranger to me.

Q. Had he any interests there that you know of before he came there as a trader?—A. No, sir; not that I know of.

Q. Did you ever see him before he came there as trader?—A. I saw the young man, a strange man to me.

Q. You never saw him there before he came as post-trader?—A. No, sir.

Q. Not being a partner with Durfee & Peck in post-traderships, but only in the steamboating, you don't know anything of their business in traderships?—A. No, sir; I have nothing to do with their business of that kind more than you have.

Q. What other fort do you know about?—A. The next fort above is Fort Buford. I would not say that all the rest of that newspaper piece was a lie. There were some little points that I gave him besides that. We were speaking about Fort Peck, and, said I, "It seems that Durfee & Peck had a good deal of trouble at Fort Peck; they got their license canceled there, and they could not sell their goods or their building, and they moved them across the river and went to trading there. The man that had charge of that post finally made a proposition to Joe Leighton," (that was the way I understood it; I told this to the reporter; this not of my own knowledge)—I told him that Leighton said that he had lost $10,000 and wanted to get out, and Mr. Thorn went on to New York or Washington, or somewhere East, with Mr. Leighton, to sell out, and when he got here to Washington, or New York, or wherever it was, Mr. Orvil Grant refused to sanction anything of the kind. That is what I told the reporter; that is all of any account that I recollect. He got Fort Buford mixed up with it. I didn't say anything about Buford, or know anything about it. He made a very interesting story of it.

Q. What do you know about Fort Buford?—A. I don't know anything about it, any more than that Durfee & Peck used to run it, and they were dispossessed, and Leighton took charge, and they moved their goods away.

Q. Do you know the reasons why Durfee & Peck were run out?—A. I don't know. No reason was given that I know of.

Q. They have been closed out in all that Upper Missouri country, haven't they?—A. Yes, sir; they haven't a foot of ground there—they are wiped out thoroughly.

Q. And that has been done since the summer of 1874?—A. No; Buford was transferred before that, in 1870.

Q. But, of all the rest, except Buford, they have been dispossessed since 1874?—A. Yes, sir.

Q. You don't know the reason for it?—A. I do not.

Q. They have never told you?—A. They never have told me, only that it is supposed to be to make room for others.

Q. Do you know, of your own knowledge, of any money having been paid by any of those traders to anybody for their posts?—A. I don't know, in no shape nor form.

Q. You have never been the means of paying any money for anybody else, or anybody?—A. No, sir. I never had any agency of that kind.

By Mr. ROBBINS:

Q. Do you carry for anybody else except those traders at the post?—A. We are common carriers. We have always carried miscellaneous freight for everybody. We carried for them the same as any other parties.

Q. How did your freight-bills for them compare with the freight-bills for others?—A. The same thing. They always paid their freight when we delivered it. We carried for the same rates for them as for other people.

Q. Have you never made any difference?—A. If anything it was higher; we have never made any discount for them.

Q. Was it not a good deal higher?—A. No, sir; we carried it all alike; we would make it so as nearly as we could, according to the kind of freight. For some kinds of freight we would charge more than for others.

Q. What kind of goods did you carry to the posts for them?—A. General groceries, principally. That was the great bulk of our freight.

Q. Any whisky?—A. Lots of it.

Q. Was it straight or crooked?—A. I never inquired about that. I presume it was crooked.

By Mr. DANFORD:

Q. Where were you when you were subpœnaed?—A. Saint Louis.

Q. You were subpœnaed on the strength of this newspaper article?—A. I should say I was. I told this man that he had got me into trouble, and I contradicted him in an affidavit

Q. Don't you think that witnesses are sometimes more enterprising when talking to new paper men than when testifying under oath?—A. No, sir; I knew who I was talking to when I was talking to him.

Q. Was that contradiction published in the same city?—A. On the same day.

WASHINGTON *March* 14, 1876.

A. T. TERRY recalled and further examined.

By the CHAIRMAN:

Question. When were you subpœnaed to appear before this committee?—Answer. Thursday of last week.

Q. By whom?—A. Mr. Jackman.

Q. After you were subpœnaed did you write or telegraph to Mr. Peck, who was then at Keokuk?—A. I do not know whether he was there or not. I received a letter from him at Leavenworth saying, "I will go from here to Keokuk, then be in Washington in about a week, and meet you at Saint Louis before the 25th." I telegraphed him.

Q. After you were subpœnaed?—A. Yes, but not on that account. Says I, "Wait for a subpœna." The idea was to save the expense of coming down; that was the point. I do not know whether he got it or not; I have not heard from him.

Q. Do you know where he is now?—A. I think he is in New York. I was so informed this morning.

Q. Who told you?—A. It was last evening Mr. Davis told me that he agreed to meet him in New York.

Q. Where does he live; in town?—A. No, sir

Q. Where is he staying?—A. He is not in town, he went away last night.

Q. Did he go to meet Mr. Peck in New York?—A. Not particularly. He said that M. Peck agreed to meet him there.

Q. You have not heard from Mr. Peck since you wrote or telegraphed?—A. No, sir.

Q. Did Mr. Davis tell you that he had heard from him since?—A. No, sir; I think he saw him. I think it was in Chicago. He supposed he was coming on here.

Q. I asked this question because I got a letter from Mr. Jackman, through whom I sent a subpœna to you and others, Mr. Peck had gone, but he had left word that he was going to New York and would appear before the committee.—A. I told him to wait for a subpœna.

Q. Do you know where he stops in New York?—A. He stops at the Saint Nicholas and sometimes at the Metropolitan. He won't dodge anything, I am sure of that. But he has got his hands pretty full of business.

Q. Have you any idea where he will stop if he comes here?—A. He always stops at Willard's.

WASHINGTON, *March* 14, 1876.

D. CORCORAN sworn and examined.

By the CHAIRMAN:

Question. Some years ago you were in business at San Antonio?—Answer. I have been in business at San Antonio since the war, until last summer. I reside now in Fauquier, Virginia.

Q. If you were connected in any way with any post out there as a trader or as partner in a trading concern, will you state all about it?—A. I have been following the business of wholesale grocer in San Antonio since the war up to 1871. My connection with the sutler business happened in this way: We did a great deal of business with all the sutlers on the frontier, and furnished them mostly all their supplies in the grocery line. The sutler at Fort Griffin owed us a large amount of money and it hung fire, and the payments came due and we could not collect anything; we heard bad reports, and I sent my partner up there, Mr, George C. Bennet, to try and fix the matter so as to get our money. He went to Mr. Griffith, and the best he could do was to buy out the sutlership. The sutler at that time was Mr. Henry Warren. He bought out the sutler, and his idea was to sell the stock at what he could get for it, and the position if he could, and come home, but the officers at the post persuaded him to apply for the sutlership and run the business; saying that if he did not wish to stay there he could send a man to carry it on for him. This was said not to me but to Bennet, and he made application for the sutlership and he was refused. He was recommended, though, by all the Army officers there.

Q. Who was appointed sutler?—A. After he had been rejected, in a few days a man came along by the name of A. C. Leighton, of Iowa. He came direct to San Antonio to see me. He told me that he was appointed sutler at that post, and wanted to know what disposition I wanted to make and so on, and I asked him to go up and make terms with Mr. Bennet and buy the stock out and let Bennet come home. But he went up, took a different turn in the matter, and made terms with Bennet and agreed to let him go on and pay Leighton $37.50 a month for each company on duty at the post, and he (Bennet) ran it on in our name. It went on in that way until in about a year Mr. Bennet died, and I sent my book-keeper up to close it out, and when he got up there and went to close it up there was a man named Hick, an ex-Army officer, said he would come down and purchase it, that he had influence enough to get the sutlership. He came down and I sold it out to him and he came on here and suc

ceeded in getting the sutlership by paying, so he told me—I didn't know anything about it—he told me he paid $6,000 for it. At any rate, I sold out to him, and that was the last I had to do with it.

Q. Was there not a man there by the name of Adams—do you recollect anything about him?—A. There was a man named Adams that seemed to come between Hick and myself at one time, but I never got the run of that.

Q. I will state the facts. On October 6, 1870, John E. Gillespie was made post-trader and he went out February 8, 1871. That is the time his resignation was received here. On February 3, 1871, Alvin C. Leighton was appointed, and he went out March 14, 1872. Then, March 13, 1872, J. E. Adams came in, and held on until December 12, 1872, and then W. H. Hick came in on December 12, 1872, and appears to have been there ever since.—A. Mr. Adams never sold a dollar's worth of goods there.

Q. You people there sold all the goods from the time of Gillespie until Hick bought you out?—A. Yes, sir.

Q. And yet it was under the name of Gillespie & Adams?—A. I only knew Mr. Leighton.

Q. You agreed to pay $37.50 a month at Fort Griffin; what was the number of companies stationed there?—A. Four to seven.

Q. How did you pay him this money?—A. Sent him checks every month to Iowa.

Q. Whereabouts in Iowa?—A. I have forgotten the post-office.

Q. Did he tell you what right he had to demand this amount of money?—A. He only claimed that he had the position and he would not buy out, but he would rent it.

Q. He had the commission as post-trader, had he?—A. Yes, sir.

Q. And he required you to pay him this $37.50 on each company?—A. Yes, sir.

Q. It averaged about five companies, you say; that would be about $200 a month?—A. Yes, sir; about that.

Q. You paid about $2,400 a year for your privileges there?—A. Yes, sir.

Q. Did you hear Mr. Leighton say through whose influence he got that appointment?—A. No; I don't recollect that I did.

Q. Do you know anything yourself about how he got it?—A. No, sir; I know nothing at all about that.

Q. Did he tell you anything about what it cost him to get it?—A. No, sir.

Q. How long did you continue to pay him? Until you sold out to Hick, which was in December, 1872, I believe?—A. I believe the last two months, after I sold, I did not remit him. If I owed it to him, I owe it to him yet.

Q. Were there any other posts that you know anything about?—A. I am acquainted with all the sutlers at all the posts.

Q. Were there any other post-traders to whom you paid any money?—A. Well, I paid a good deal of money for a man named Alexander, at least our house did, at Fort Clark, at one time, but where he is now I don't know. We paid his money to a member of the legislature of Texas, a carpet-bagger; I have forgotten his name.

Q. At Fort Clark, from October, 1870, to April 26, 1872, W. A. Taylor was the post-trader, and from April 26, 1872, until this time, W. E. Friedlander.—A. Alexander went there with the troops when they took possession of the post.

Q. Which Alexander?—A. He was a sutler who came down with the army. He traded altogether with us, and when he had to pay his bonus, he always paid it through our house to a man whose name I cannot remember. It was not Clark.

Q. Taylor seems to have been post-trader at Fort Clark?—A. Yes, sir.

Q. How did Alexander happen to pay then?—A. Well, sir, he was there and he paid.

Q. Was Taylor the man you paid the money to?—A. No, sir; we paid it to a man in Austin, a member of the legislature; I cannot remember his name. It was not Taylor; I think it was Clark, but I am not certain.

Q. How much did he have to pay him a month?—A. I could not tell you the amount exactly.

Q. What was the usual amount paid?—A. The talk or understanding through the country was—nobody seemed to make any secret of it—some parties would buy the privilege for one administration of four years; some by the month, and some by the company.

Q. What was the usual price for the whole term of four years?—A. Well, the highest price that I heard of was what Hick said he paid—$6,000 at Fort Griffin.

Q. Where else did you hear of payments being made?—A. L. M. Gregory, at Jacksborough.

Q. What is the name of the fort?—A. He always called it Jack.

Q. What did Gregory pay at Fort Richardson?—A. I furnished him with stock to stock a place when he should get it, and he was to pay for the goods; and he was a long time paying, and he gave me as a reason for not paying more promptly that he had to pay so much money out. I don't recollect what he said he had to pay.

Q. Did you know anything about Fort Concho?—A. I furnished all the supplies there, pretty much.

Q. What did Mr. James Trainor tell you?—A. It broke him up.

Q. What did Joe Loeb tell you?—A. He never told me what he had to pay, although he was negotiating for it.

Q. Who was he negotiating with?—A. He said the authorities here; he had the privilege to give it.

Q. Who were the authorities?—A. He did not tell me.

Q. Did he mention Mr. Clark here, who was then a member of Congress from Texas?—A. If he did I don't remember it.

Q. Did he ever tell you what he paid here?—A. No, sir; he never told me.

Q. Did Mr. Gregory ever tell you what he had to pay?—A. No, sir; he never told me the amount.

Q. Did Mr. Trainor tell you what he had to pay at Fort Concho?—A. Mr. Trainor told me all his troubles, but I don't recollect them well enough to report them.

Q. He said it broke him up?—A. Yes, sir; I suppose that did not break him up entirely; there were some other causes.

Q. Did you know anything about Fort Stockton?—A. There were two sutlers there, Friedlander one, and Peter Gallagher.

Q. And Michael Corbett?—A. I don't know him.

Q. How much did Friedlander and Gallagher pay?—A I don't know anything about them; they were cash customers to us.

Q. They never asked credit by reason of payments they had to make here?—A. No, sir.

Q. Did you know anything about Fort Davis?—A. They traded from the other end of the road, toward Santa Fé.

Q. You did not know Cheney and Davis?—A. I know Cheney.

Q. Do you know whether they paid anything?—A. I don't know whether they did or not, because they traded on the other end of the road.

Q. Fort Clark you don't know anything about?—A. I did a great deal of business there with Friedlander. He never told me what he had to pay.

Q. To whom did these people say they had to pay this money?—A. They never told me what persons. I know that Mr. Trainor was negotiating with the same man that I negotiated with—Leighton. I think Wallack, at Fort McKavett, got his appointment through the influence of the paymaster there; I don't remember his name. I never heard whether he had to pay a bonus or not.

Q. When you and your partner tried to get the post-tradership at Fort Griffin, who had you to sign your recommendations?—A. I think General Whiting was in command at that time. I think he signed for us, and every officer at the post; that is my impression.

Q. You had all the goods there?—A. Yes, sir.

Q. You had bought them from the previous sutler?—A. Yes, sir.

Q. You did all the business there until Hick came, did you not?—A. Yes, sir.

Q. You owned everything there and furnished everything?—A. Yes, sir.

Q. And you were recommended by all the officers?—A. Yes, sir.

Q. Did you send your application to Washington?—A. Yes, sir.

Q. Who presented it here for you?—A. Mr. Bennet attended to that. I don't know whom he sent it to.

Q. Where is he now?—A. He is dead.

Q. Do you know whether you could have had that appointment if you had paid some money here?—A. I don't know.

Q. Was it ever written so to you?—A. I would not like to say that, because I did not try.

Q. I want to know whether it was not offered to you?—A. O, no, sir; nothing of tha kind.

Q. Mr. Leighton come down and said he had it?—A. Yes, sir.

Q. And he agreed that you might continue doing the business under his name at $37.50 a month?—A. Yes, sir.

Q. Did he ever stay in that country?—A. No, sir.

Q. He cleared right out?—A. Yes, sir; and I have never seen him since.

Q. Are there any other forts than those we have mentioned that you know anything about?—A. I believe there are no more of any importance.

Q. Do you know anything about Fort Brown?—A. No, sir; it trades at Corpus Christi.

Q. Do you know anything about Fort Lancaster?—A. Yes, sir; Friedlander and Gallagher were the sutlers there—there is no such post now. It has not been occupied for years. I was thinking of Stockton. There is no one at Fort Hudson nor Fort Belknap.

Q. Do you know anything about Ringgold Barracks?—A. No, sir.

Q. Do you know anything about Fort McIntosh?—A. No, sir.

Q. Fort Quitman?—A. No; they traded at the other end of the road too.

Q. Fort McKavett?—A. Mr. Wallack got his appointment there, I think, through the influence of a paymaster who is clerk for him; Colonel Terrell, I think, got it without paying anything. Colonel Terrell asked me to stock the place for him, and I did so, and I never heard of his paying anything.

Q. Did Mr. Gregory, at Fort Richardson, say whom he paid?—A. I don't recollect well enough to state.

Q. Was it E. W. Rice?—A. I think that was the man.

Q. How much did he say he paid him?—A. I never heard.

Q. He paid him so much that he gave it as an excuse for not paying you?—A. Yes, sir.

Q. How did he pay him—in monthly installments?—A. I don't know as to that.

Q. Did you ever send any payments for him to receipt?—A. No, sir; he made them all direct himself.

Q. How did he make them?—A. I don't know. I never asked him, nor do I know the amount.

Q. Do you know anything about Fort Concho?—A. Yes, sir.

Q. Mr. Trainor was broken up?—A. Yes, sir; and Loeb was here negotiating in person for it.

Q. Do you know with whom he was negotiating here?—A. No, sir; he told me he was negotiating with the powers that had authority to give it. I don't know what he paid for it.

Q. Did Trainor ever tell you to whom he paid the money for it?—A. No, sir.

Q. Fort Stockton—do you know anything about that?—A. Friedlander and Gallagher never told me what they had to pay there. They always paid cash for goods.

Q. Fort Duncan?—A. I did not trade with those people at all.

Q. Fort Davis?—A. No.

Q. Do you know about any other trading-post anywhere else in the United States save in Texas?—A. No, sir; not of my own knowledge.

Q. Did you pay any money to any person else than Leighton for your privileges?—A. No, sir.

Q. How long did Leighton stay down there?—A. He was in San Antonio four or five days, and about the same time at the post.

Q. Had you a written contract with him?—A. Yes, sir. That is filed in the books at San Antonio somewhere.

Q. Was it put on public record there?—A. No, sir.

Q. It is filed on the books of your former firm?—A. Yes, sir.

Q. And you sent it to him by draft?—A. Yes, sir; draft on New York. Northrop & Chick, on Wall street, were our bankers in New York at that time, I think.

By Mr. DANFORD:

Q. In the first place, you went up with your partner, Bennet, to Fort Griffin to close out some sutler?—A. Yes, sir; to fix a debt in shape.

Q. You desired to have the sutlership there, and made application, but did not get it?—A. No, sir.

Q Afterward a man named Alexander came there and had it?—A. No, sir; Leighton.

Q. And you arranged with Leighton to pay him $37.50 for each company stationed there?—A. Yes, sir.

Q. Leighton went away, and you did not pay him up until about the time that you left?—A. Yes, sir. Until after Mr. Bennet died.

Q. That is one thing you know. Another fact is, that you paid, for a sutler at Fort Clark, to a man who was a member of the legislature of Texas, sums of money that Alexander said was a bonus for his sutlership?—A. Yes, sir.

Q. Now, those two facts, that you paid to Leighton a stipulated sum, that you sent this sum, you know; the rest is all hearsay?—A. Yes, sir

Q. These post-sutlers are sometimes very hard cases to get money out of?—A. I never lost a dollar, only by Hick, through any of them.

Q. They sometimes make excuses for not being prompt by saying that they have money to pay?—A. Yes, sir.

Q. You were here in Washington at one time with the sutler Loeb, and he told you that he was then here negotiating for a sutlership?—A. Yes, sir; at Fort Concho, and he succeeded in getting it.

Q. Do you know whom he was in correspondence with here?—A. I do not.

Q. Did you see him with anybody connected with the War Department?—A. No, sir.

Q. Did he ever tell you that he paid anything to anybody connected with the War Department for that sutlership?—A. I would not be positive that he did tell me that, but I expect he did.

Q. There was a good deal of talk about those sales of sutlerships?—A. Yes, sir.

Q. Hick told you that he paid $6,000 to some one?—A. Yes, sir.

Q. Did he tell you to whom he paid it?—A. I don't recollect well enough to answer that he did tell me to whom he paid it.

WASHINGTON, *March* 15, 1876.

W. A. BURLEIGH sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In Yankton, Dakotah Territory.

Q. Are you interested in the transportation on the Missouri River?—A. I am, sir.

Q. How long have you been connected with it?—A. Since 1872.

Q. If you belong to a transportation-firm, please state your connection with it.—A. I have been connected, directly and indirectly, with the Northwest Transportation Company, the Coulson line of steamers. They ply usually from Yankton to the Upper Missouri, between Yankton and Fort Benton; sometimes between Saint Louis and Fort Benton.

Q. What trading-posts or other military stations are there between Yankton and their farthest point? Give them in their order from Yankton up.—A. Yankton is not a military post. The first is at the Santee agency; that is an Indian agency with an Indian trading-post or store. The next is Ponca, some ten or fifteen miles above, which is also an Indian agency. The next is Yankton agency, an Indian trading-post. The next is Fort Randall, a military trading-post, which is within the Great Sioux reservation. The next is the Lower Brulé; there are Indians there, but it is also a military station. Next, the Crow Creek agency or reservation; that is strictly an Indian post. The next is Fort Sully, a military post. The next is the Cheyenne River agency, where there are also troops stationed. The next is Standing Rock, where there are also Indians and military. The next is Fort Rice, a military post strictly. Next, Fort Abraham Lincoln, a military post situated at the crossing of the Missouri River by the Northern Pacific Railroad. Next is Fort Stevenson, a military post above the Great Sioux reservation. Fort Rice, also, is just above it. Fort Stevenson is about 30 miles from the Great Sioux reservation. The next is Fort Buford, at the mouth of the Yellowstone, which is exclusively a military post. Next above that is Fort Peck, an Indian agency, where there are Indian goods distributed. The next on the list is Fort Benton, a military post.

Q. Fort Randall is the next military post above Yankton?—A. Yes, sir.

Q. At Fort Randall J. H. Pratt was appointed trader October 6, 1870. The firm there now is what?—A. Pratt & Ferris.

Q. It is within the Great Sioux reservation?—A. Yes, sir; the fort was established, I think, by General Harney, in 1857. Since that time the reservation has been set apart for the Sioux Indians around it.

Q. The Lower Brulé is next; that is partly Indian?—A. It is on the reservation; but there are troops kept there for the purpose of maintaining order. The trader there is George W. Felt, of Sioux City.

Q. Is he a post-trader or is he an Indian agent?—A. My impression is that he is a sutler for both the military and the Indians. I think they have no other sutler there. He combines the two officers.

Q. Fort Sully is a purely military post?—A. Yes, sir.

Q. I see by the report that Durfee & Peck were appointed October 6, 1870, and their resignation was June 22, 1872. Then George H. Durfee followed, being appointed June 21, 1872, and his resignation was received at the War Department July 3, 1874, and John Athey was appointed June 30, 1874, and is the present trader.

Q. Cheyenne River is an Indian and military post, you say?—A. Yes, sir; there is a military garrison kept there.

Q. Do you know who the trader there is?—A. Geo. W. Felt.

Q. Is he sutler for both the Indians and the military?—A. That is my impression.

Q. At Standing Rock, which is an Indian and a military post both, who are the traders?—A. I cannot tell you; I do not know. There have been changes all up and down the river, and I am not apprised of them.

Q. Fort Rice is a purely military post. The record of the War Department shows that Durfee & Peck were appointed there October 6, 1870, and resigned June 22, 1872 Henry J. Miller was appointed June 21, 1872; resigned May 26, 1873. William Harman was appointed May 24, 1873, and resigned July 3, 1874 James P. Pitts was appointed June 30, 1874, and is the present occupant. Now, Fort Rice is adjoining or on this Great Sioux reservation.—A. On the border of it almost.

Q. Fort Abraham Lincoln is a purely military post?—A. Yes, sir; the largest post on the river and the most important.

Q. The post-trader there, according to the record of the War Department, was Samuel A. Dicky, appointed June 20, 1872. Date of revocation or resignation, May 24, 1874, Robert C. Seip was appointed July 1, 1874, and is the present trader.—A. I supposed a man named Leighton was the trader there.

Q. Seip appears by the record of the War Department to be the person appointed; do you know who does the business there?—A. He does.

Q. Fort Abraham Lincoln; is there a large body of troops kept there?—A. Yes, sir; the Seventh Cavalry. I do not know whether there is any infantry or not.

Q. By the records of the War Department it appears that Durfee & Peck were appointed traders at Fort Stevenson, October 6, 1870; resigned January 16, 1872. J. W. Wham was appointed January 13, 1872; revocation June 22, 1872. D. W. Marsh, appointed June 21, 1872, and resigned July 3, 1874; and A. L. Bonnafon, jr., was appointed July 3, 1874, and is the present occupant.—A. So I understand.

Q. This Fort Stevenson is near the Great Sioux reservation?—A. No, sir; it is above the reservation. It is near the Arickaree reservation—the Arickarees, Gros Ventres, and Mandans.

Q. Fort Buford is the next. The record shows that Alvin G. Leighton was appointed post-

trader at Fort Buford on the 6th of October, 1870, and that he is the present occupant. Is it near any Indian reservation?—A. It is almost surrounded by the Arickaree and the Blackfeet reservation.

Q. Fort Peck, you say, is a purely Indian reservation?—A. So I understand.

Q. And Fort Benton is a military reservation?—A. Yes, sir.

Q. At Fort Benton, A. E. Holden was appointed post-trader February 21, 1871, and he is recorded as having declined the appointment.—A. Wherever one of these posts is established upon a river, and the ground is open to settlement on the other side, the post-tradership is rendered almost worthless in consequence of small traders going in from the outside and underselling the post-trader. He sells at profits that would not enable him to live at a post; and that is the case at Fort Benton, I presume. There are several stores there.

Q. State the nature of the executive order on that subject.—A. In the first place, I will state that, under the treaty with the Yanktons, there were four hundred thousand acres of land set apart on the east bank of the Missouri River for their permanent occupation, extending about thirty miles up and down the river. The river was then open for more than one hundred miles, on that side of the river, and with the exception of a small portion of the Fort Randall reservation, which was vacated by the Government several years ago; the country was surveyed. There was no other reservation until you got up to Crow Creek, about 100 miles above, where there was a small reservation for the Sioux and Winnebagoes, but the Winnebagoes afterward moved down into Nebraska. The country from there to the 46th parallel, on the east bank of the Missouri River, was open to settlement, with the exception of the Fort Sully military reservation. A considerable portion of that was occupied by homesteaders and pre-emptors, who had gone on there, as they had a right to do by virtue of the homestead and pre-emption laws, and settled. For some unaccountable reason these parties were notified that, by an Executive order, this land had been set apart—this monstrous reservation on the other side of the river, almost one-third of our territory; and when we came to look into the thing we found an Executive order issued January 11, 1875, running down from a point here, [indicating on the map,] striking the Missouri River so as to leave an open space between the Yankton reservation and the Sioux reservation. That order did not cover the ground, and on the 16th July, 1875, it took in the country opposite the Standing Rock agency, and on May 20, 1875, there was another one, which closed up the entire country on the east of the Missouri for a distance ranging from ten to thirty miles, and shut everybody out, and the military were sent to clear the country.

Q. What was the effect of that order upon the trading-posts?—A. The effect of driving these people out, and closing up all those stores, was to give an entire monopoly to the trading-posts situated on the other side of the river.

Q. Would not the effect of the enforcement of these orders be to greatly enhance the value of the trading-posts?—A. Unquestionably.

Q. What posts were particularly affected by this order?—A. Forts Randall, Brulé, Crow-Creek not so much. Fort Sully would not have been so much, but it would have an effect upon it; and Cheyenne River and Standing-Rock. Those are about all that would be affected by that order. Fort Rice, I should think, would not be affected by the order.

Q. These orders were issued by the President of the United States?—A. Yes, sir.

Q. Are the dates of the several orders there?—A. Yes, sir; January, 1875, March, 1875, and May, 1875. The first order was the 11th of January, 1875, and the second the 16th of March, 1875, and the third, May 30, 1875. There is another very pernicious effect which we have suffered. It has taken all the timber from below the Yankton agency for the distance of six or seven hundred miles where we have to run our boats, and it gives the parties controlling these agencies—for we have never had any difficulty from the military; they have always been kind and courteous—it has had the tendency to make a monopoly of this wood trade. We have been compelled to pay as high as $10 a cord for wood that we ought to have bought for $2.50.

Q. To whom did the profits of the wood go?—A. I don't know. It is monopolized by the trader at the post.

Q. Does he contract for the delivery of the wood to the post?—A. I don't know that he does. That is advertised for, but I mean the wood that is put up by different parties who cut steamboat wood on the river. It is to a very considerable extent monopolized by those traders at those posts; not exclusively, but to a great extent.

Q. Then, as I understand it, no white man can open a store anywhere within the limits of this reservation?—A. Nowhere within the limits of the military and Indian reservations.

Q. After the issuing of these orders in the spring of 1875, do you know whether parties who had stores and were trading there were driven out?—A. I do.

Q. Will you state by whom?—A. They were ordered out by the Indian agents, and told if they did not go they would take the troops and force them off.

Q. Were the troops used in any case?—A. I don't know that they were.

Q. Would the Indians have a right to trade within the reservation?—A. Yes, sir.

Q. To your knowledge, at or near any of those Indian or military posts, did any Indian man or woman attempt to trade?—A. Yes; an Oncapapa woman, a widow, a Mrs. Galpin, settled down at Grand River. Her husband was for many years a trader, and when he died she continued to trade there. There was no post there. It is what is now the Standing Rock agency. She continued to keep the store there.

Q. Were any efforts made to drive her off?—A. I don't know except what I have been told. I understood that the traders there undertook to drive her off.

Q. Have you carried goods for all those trading and military posts?—A. I think we have for every one of them.

Q. Do you carry for those posts by contract?—A. We carry for the Army and for the Indian Department when we carry Indian goods. The Government supplies we carry by contract, but private supplies we do not. We have our regular tariff-rates.

Q. When was the last letting of the contract for the Upper Missouri made?—A. The last proposals were advertised for on the 16th of last January, in Chicago.

Q. Did you make a bid?—A. I did.

Q. Do you hold the contract?—A. The contract has not yet been awarded. That is what I am waiting for here.

Q. Do you know of any other bidders?—A. Capt. Sanford B. Coulson bid.

Q. Is he separate from you?—A. No, sir; he put in a bid for our company, and a man named Terry, and another by the name of Davis, and a Mr. Seaman bid for Kountz, of Pittsburgh, and there were several other bids.

Q. By whom were those bids to be determined?—A. By the Secretary of War. He has to approve the award.

Q. Had it been awarded to you by the officers?—A. That is something that they did not let us know.

Q. Do you know the amount of your bid?—A. I could not tell without a copy of the bid.

Q. Have you compared your prices with the bid of any other parties?—A. Yes, sir.

Q. Have you compared them with the prices made by Seaman for Kountz, of Pittsburgh?—A. Yes, sir.

Q. Are they lower than yours?—A. There are two contracts, one from Yankton to the Upper Missouri, and one from Bismarck to the Upper Missouri. My impression is, that Mr. Seaman's bid was lower than mine. Mr. Seaman's bid on the whole contract was a few dollars lower than mine. They were so close it is almost impossible to tell.

Q. Do you know any other bid?—A. Mr. Coulson's bid is very close.

Q. As I understood you, were with Mr. Coulson?—A. Well, we both bid. We never let any opportunity slip.

Q. Do you know in regard to those other bids?—A. There were three bids that were close together very low down; then there were three or four bids that were 25, 30, or 35 per cent. higher than ours. It came in this way: Last year Mr. Coulson put in a high bid, and got the contract. This year another man, by the name of Calcox, put in a very low bid, and three or four of those men took Mr. Coulson's bid of last year as the point of departure to figure from, but Coulson and myself and Seaman took this low bid as our point.

Q. About the bidding last year, how much higher was your bid than Mr. Kountz's?—A. I did not get the contract.

Q. Did the company get it?—A. Yes, sir; Coulson got it.

Q. Do you know how much higher it was?—A. Yes, sir; I think it was 15 or 20 per cent. higher than Mr. Kountz's bid.

Q. And Coulston was awarded the bid by Secretary of War?—A. Yes, sir.

Q. On the recommendation of whom?—A. On the recommendation, I think, of the quartermaster at Chicago, General Ruffin.

Q. Had General Sheridan anything to do with it?—A. I don't know whether he had or not.

Q. It was 15 or 20 per cent. higher than Mr. Kountz's bid last year?—A. Yes, sir.

Q. What would that make in the amount paid?—A. I cannot tell without figuring. I suppose the Government supplies that were carried under that contract amounted to $50,000 or $60,000.

Q. Then the difference would be 15 per cent. on that?—A. Fifteen or twenty per cent. But I will state why this award was made to Mr. Coulson. He had a first-class fleet of boats, five or six, built exclusively for that, and Mr. Kountz had five or six boats that had proved almost a total failure.

A. Dr. Terry represented Durfee & Peck last year, did he not?—A. Yes, sir.

Q. Do you know whether he had agreed with Mr. Kountz that in case he got the contract last year he would put the Durfee & Peck boats into Kountz's outfit?—A. They had but one boat. I know they told me, Dr. Terry did, and so did Mr. Peck, that he would have nothing to do with Kountz.

Q. Prior to the award of last year had not General Sheridan made a trip up the Yellowstone on one of the Coulson boats?—A. I think not.

Q. When did he make that trip?—A. I think he made a trip overland and came down on one of the boats from Carroll.

Q. Are you quite certain he never went up the river on one of their boats?—A. I never knew of his going up. I know one of the boats was sent on an expedition up the Yellowstone the year before, and also one last year to explore the Yellowstone, and General Sheridan may have gone up the Yellowstone River on a boat, but I am quite confident that he never left Yankton on a boat to go up.

Q. Who composed the expedition that you say went up last year?—A. General Forsyth but I don't know who he had with him. There were very few officers.

Q. Were their families with them?—A. No, sir; I think not.

Q. How long were they gone?—A. I should think about ten days; up the Yellowstone last season and the season before perhaps a little longer. They went up last year very near Clark's Forks; they went up the Big Horn about 10 miles, exploring the river. They went up 490 miles last year. The object was to explore the river to see how far it was navigable, and also to look up sites for two military posts, to see if they could not abandon some of their interior posts and thereby save transportation.

Q. Tell us the names of the officers who accompanied General Forsyth.—A. I think Col. Fred. Grant, George Forsyth, and I don't know who else.

Q. Do you know how many officers there were?—A. I think there were three or four.

Q. Did they start from Yankton?—A. I think they took the boat at Bismarck.

Q. The year before that General Sheridan went up?—A. He did not go from Yankton. He may have gone from Bismarck, but my impression is that he went over the Union Pacific Road and came in that way.

Q. Last year, when General Forsyth, Lieutenant Grant, and those other officers went up, they were gone you say about ten days?—A. Up the Yellowstone.

Q. How long?—A. I suppose it took two or three days to go from Bismarck up to the mouth of the Yellowstone—they were up there ten days.

Q. They were not gone more than two weeks?—A. I should think not.

Q. Do you know whether there was any charge made for that trip last year?—A. No, sir, there was not.

Q. They were carried free?—A. Yes, sir; we had a disposition to explore the river to see what chances there were of doing business.

Q. They paid nothing for their fare or lodgings?—A. I never knew of anything being paid.

Q. You would have known if there had been anything paid?—A. I think so. We took an escort from Buford, perhaps thirty or forty men

Q. Was there any charge made for them?—A. I think not.

Q. You know nothing, then, of General Sheridan having gone up the river the year before?—A. I heard that he was in the country. I did not see him.

Q. Did you hear that he had made a trip up there?—A. Yes, sir; my impression is that the Secretary of War was there with him. It may be last year that they were up there. I think they came in over the Central Pacific and we sent a boat to Carroll to meet them, and in consequence of an accident they started down in a Mackinaw boat, and our boat met them this side of Carroll.

Q. Was there any charge in any way for the transportation of the Secretary of War and those who were with him?—A. That I do not know. The boat was plying between Bismarck and Carroll and between Bismarck and Fort Benton. I did not go up during the season, and in fact had nothing to do with them that season, but Mr. Coulson told me that he made no charge whatever for going up the Yellowstone, and received no compensation.

Q. Have you ever had any consultation with any person as to getting the right to trade upon that river; if so, with whom? Have you had any interviews with the Secretary of War, or any one connected with him about getting such a right?—A. Do you mean for the transportation?

Q. Yes, sir.—A. Nothing more than our bid that we put in.

Q. Have you ever paid any one for procuring you that contract a year ago?—A. Not one dime.

Q. Never to any one, never to the Secretary of War?—A. Never one dime.

Q. I don't mean you alone, but any one in your interest?—A. I do not know of anything of the kind. We all had the habit when we came down here, and met officers we have known up there, of treating them to a bottle of wine or something of that kind.

Q. Do you know whether there was anything paid by Mr. Coulson's line for the privileges they obtained?—A. I never heard of any.

Q. Have you had any interviews with Orvil Grant in relation to this matter?—A. I never have.

Q. Have you ever said to anybody that you had?—A. No, sir. I never met him but two or three times in my life; I met him once at the hotel and asked him how he was getting on with his trading up there, and I don't know whether he made any reply or not; and another time, when I was summoned here before this committee, I asked him if he had been summoned here, and he said he had been. I asked him what the subject was, and he replied "something about those trading-posts."

Q. Can you state from your own knowledge, at which of these posts he was interested?—A. No, sir, I cannot; all I know is from hearsay.

Q. You have not heard from him?—A. No, sir.

Q. Have you heard from any one who was his partner?—A. No, sir.

Q. Have you heard from Bonnafon?—A. No, sir; I don't know him at all.

Q. Or Casselberry?—A. I don't know him.

Q. You have never heard from any one?—A. No, sir; I have heard Mr. Peck speak of

the harsh treatment which he received from Orvil Grant, and also John F. Charles, of Sioux City, speak of the harsh treatment he received from him in connection with these trading-posts.

Q. Peck of the firm of Durfee & Peck?—A. Yes, sir.

Q. Do you know of any money being paid by any parties on that river for their privileges to any one?—A. I do not. The only connection that we had with those posts at all, has been as a transporter of passengers and freight.

Q. Do you know a man by the name of Bosler, a beef-contractor?—A. Yes, sir; very well.

Q. At what agency is he a contractor?—A. I think the party with which he is connected contracts for the beef for all the Sioux and the Ponca Indians.

Q. Where does he live?—A. At Carlisle, Pa.

Q. Is he there now?—A. He was in town last week, and some one told me that he was in New York yesterday.

Q. Has he ever told you about paying any money for his privileges there?—A. He never has.

Q. Where did he stay when he was in this city?—A. He always stops at Willard's.

Q. Do you know whether he is kept here by any one?—A. No; he is able to keep himself.

Q. Do you know who pays his bills at Willard's?—A. I guess he does.

Q. Do you know of any other person paying them?—A. I do not.

Q. Do you know of Mr. Bosler sending any witness who would be material in this case to Europe?—A. I do not.

Q. Do you know of his attempt to run off a man named Walker?—A. I do not.

Q. Have you ever heard anything about a man named Walker?—A. I never have.

Q. You know nothing about that?—A. I do not.

Q. Bosler, you think, is in New York now?—A. I heard he was there yesterday. He left here last week. I spent an evening with him last week; I have been acquainted with him for about fifteen years, and had done a great deal of business with him.

Q. He said nothing to you about this man Walker?—A. Nothing whatever. I asked him if he was going to bid on the beef-contract; and he said he did not know, he thought not.

Q. Then of your own knowlege you know of no money having been paid for transportation-contracts, or by any of those post-traders for their privileges on that river?—A. Not one dollar, except the legitimate expenses of coming down here to attend to it; to no officer of the Government—not a dollar.

Q. And all that you heard in regard to that were the complaints of Peck and Charles?—A. Well, I have heard complaints made by several parties up on the Missouri River.

Q. Who did they complain of?—A. They complained of Mr. Orvil Grant, and I strongly suspect if they were here they would make the same complaints to you.

Q. Please state what Mr. Peck said to you about it.—A. O, he told me that he treated him as meanly as one man could treat another—dishonorably, and took advantage of him—and Mr. Charles told me the same thing.

Q. Did he mention specifically how he treated him so?—A. I don't think Mr. Peck did, but Mr. Charles told me substantially this: It seems that he had been supplying goods up there, and had come in possession of some of those Indian trading-posts. Mr. Grant came there with authority to control them, and Mr. Charles, after some conversation, said that if he had to leave he wished he would take his goods. Grant said that if he would put them at certain prices and wait a certain length of time for his pay, he would take them; otherwise he might take them away.

Q. Did he sell them to him?—A. I rather think he did.

Q. He has been a trader up there?—A. Yes, sir. He is a member of a firm at Sioux City.

Q. They are out of the business now?—A. Yes, sir. I think their store is closed now.

Q. Who is in the same line of business there?—A. H. D. Boog & Co. They are grocers, and have also a large pork-packing establishment.

Q. Have you any knowledge as to who suggested the extension of the limits of the Sioux reservation?—A. No, sir; I have not. If I had I would tell you very quickly. I have heard one class of men say that it was done to enlarge the privileges and profits of the trading-posts, and I have heard another say that it was done for the purpose of driving those fellows out, so that they could not sell whisky and corrupt the poor Indians.

Q. Has it accomplished the latter purpose?—A. I rather think not.

Q. Where do the Indians get their whisky now?—A. I don't think they drink much. The Sioux are much more temperate than members of Congress are here.

Q. You do not think there was any reason, then, to issue the order for the cause assigned?—A. No, sir; I do not. My impression is that it was done to drive small traders away from that side of the river, so as to increase the profits at the military posts and Indian agencies. I believe that was the motive that brought it about. I don't say that the party who issued the order was governed by any such design, but I believe that was the motive of those who procured it. That was the effect of it, at all events.

Q. And the other effect—of preserving the sobriety of the Indians—was not accomplished?—A. No; they were sober before.

WASHINGTON, *March* 15, 1876.

JOHN LAWRENCE sworn and examined.

By the CHAIRMAN:

Question. You are well acquainted with the Upper Missouri, and know all the posts spoken of by Dr. Burleigh here?—Answer. Yes, sir.

Q. You have lived there, you say, fifteen years?—A. Yes, sir.

Q. Do you know of these executive orders having been issued?—A. Yes, sir; two of them, one of the 11th of January, and one of May 20, 1875.

Q. From your knowledge of that country, what was the effect of those orders?—A. The effect of that was virtually to drive the citizens out of that country, with a few exceptions.

Q. Were there any citizens who had paid for their land in that agency who, nevertheless, had not received their warrants?—A. Yes, sir; quite a number.

Q. Had some of those citizens stores?—A. I think one, Mr. Day, had a store at Brulé City.

Q. The effect of the order was what?—A. Mr. Day told me that Mr. Livingston, the Indian agent at Crow Creek, was down and undertook to close him up. After that order the post-office was abolished, and the mail-route leading to Brulé City.

Q. Was the order rigidly enforced?—A. O, yes.

Q. Was there an attempt made to enforce it against this Indian woman trader, Mrs. Galpin, at Standing Rock?—A. I understood so. I do not know. She was trading when I was there last summer.

Q. Well, the effect was to close up all competing stores in that country as against the military traders?—A. I do not understand that at these agencies there is a military trader. He is an Indian trader, and he supplies the military as well as the Indians.

Q. In your judgment, did the order conduce to the sobriety and good of the Indians?—A. I do not know as it has. I know that last summer there were a good many of them drunk at Standing Rock, or some six miles this side of there. That was after the order went into effect.

Q. Where did they get their liquor?—A. I think it came from Bismarck, so some persons told me.

Q. Do you know anything of the price of wood on that river?—A. No, sir; I do not.

Q. You are not engaged in the transportation business?—A. No, sir: I had a wood-contract at Brulé agency, and I was compelled to pay the Indian agent fifty cents a cord. It was supposed to go to the Indians.

Q. Is there any law for that?—A. Well, I do not think so; I protested against it, but I paid it. Since then General Card told me that I could cut on the Indian reservation.

Q. What did you get a cord at Brulé City?—A. Four dollars and fifty cents.

Q. Was this same wood sold to the steamboat?—A. No; this was for the supply of the military post. I cut it on the military reservation, but to supply the military post. Last year I had it at Fort Randall, and I did not pay anything for that. I purchased a good deal from the Indians, but I made them deliver it in the winter and paid them directly for it.

Q. Is there any information that you think this committee ought to possess that I have not asked you about?—A. I know nothing of my own knowledge. There was a little circumstance there at Fort Randall in 1874. One of the employés was discharged by Pratt & Ferris. I met the former trader, Hamilton, there, and he told me that he had got an affidavit there that day from this same man that he hauled goods from the Indian warehouse to the warehouse of Pratt & Ferris, and that they were sold by them. It was Mr. Charles Hamilton who told me that. Pratt & Ferris had the contract, that same summer that I had the contract for wood, for transporting all the supplies to Spotted Tail and Red Cloud, and Mr. Ferris was sub-agent to take all the goods from the boat at Fort Randall to the Indian warehouse. There were some charges preferred and Mr. Ferris resigned, and afterward Mr. Howard was appointed, a brother to the agent, and he boards and sleeps there.

By Mr. DANFORD:

Q. Where is Mr. Charles Hamilton, who gave you the information?—A. I could not say. I bought his house at Fort Randall, and he went on to Sidney, I think. Afterward I understood he was at Missouri Valley Junction.

Q. You know nothing of that except what he told you?—A. No, sir.

WASHINGTON, *March* 15, 1876.

O. C. TREDWAY sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. Sioux City, Iowa.

Q. Are you in any way connected with post-trading?—A. No, sir.

Q. Do you know this Upper Missouri River?—A. Yes, sir.

Q. Have you had any business up there?—A. Not within the last few years. I used to be a trader and jobber on the Upper Missouri River from Yankton up.

Q. Do you know this great Sioux reservation?—A. Yes, sir. I know the country pretty well from Sioux City to the mouth of the Yellowstone.

Q. That is an official map, and you see that reservation, as it has been extended, marked upon it. Will you be kind enough to state to the committee what was the effect of that extension of the reservation to the east bank of the river on the trading-posts and military posts?—A. The effect, if it was enforced, would be to make them absolutely and unqualifiedly Indian and military rading-posts, without any opposition; to drive out everything to the edge of the reservation. That is what we used to do when I was a trader—choke off every man that was not within the scope of the law.

Q. When you were a trader would you have considered it a great advantage to have the limits extended so as to drive out all those people?—A. Yes, sir; there is no doubt about its being an advantage.

Q. How long were you a trader up there?—A. I was interested up there two or three years, away back in 1863 or 1864, or longer.

Q. When did you cease your trading there?—A. I ceased my connection with the trade on the Upper Missouri River in the fall of 1864 or 1865.

Q. At what posts were you interested?—A. I was interested at Fort Sully, Fort Rice, and Fort Union, before Fort Buford was built.

Q. Were you a sutler or an Indian trader?—A. An Indian trader; we were sutlers at Fort Sully for a while, and sutlers at Fort Rice.

Q. How long have you been in Washington?—A. I came here in the latter part of January.

Q. Are you here now representing parties on that Upper Missouri River, as counsel for them?—A. I am here on several jobs.

Q. Do you represent any of those people as counsel?—A. Yes, sir; I represent people on that Upper Missouri River as counsel here.

Q. Any of these post-traders?—A. No, sir.

Q. Any of those Indian post-traders?—A. No, sir.

Q. You are not here with reference to any matters which are before this committee?—A. Not that I know of; I am here with reference to a matter at Brulé City.

Q. With reference to that extension?—A. Yes, sir.

Q. What is the nature of that business?—A. Well, my claim is a memorial before the Indian Committee of this House asking compensation of $200,000 for property taken under this executive order.

Q. Under these executive orders of January, March, and April, 1875?—A. This particular property which I represent was taken under the order of January 11, 1875, and the order of Livingston which followed it.

Q. The claim made by those white people driven off under these orders amounts to $200,000?—A. That is the amount of the claim.

Q. What is the nature of the claim?—A. The nature of the claim is this: I present my memorial in behalf of only two parties. In 1873, if my memory serves me right now, two parties settled upon land opposite to the mouth of the White River, on the east side of the Missouri; they pre-empted and obtained patents for three hundred and twenty acres of land. They laid off their land into a town. They commenced the building of a city called Brulé City, at the mouth of the White Earth River, on the east bank of the Missouri, in anticipation of what seemed to them a great commercial point looking toward the Black Hills. They laid off their lots and commenced selling them, getting settlers in there and having improvements made. They continued this until the time that this executive order came closing them out and stopping everything, and they ask, as a result, the damages which they claim has accrued to them by the seizure, as we say, of our property. We call it a seizure because the property has been taken possession of, (whether rightfully or wrongfully is another question,) but it has been, we submit, seized, and the executive order and the Indian order of Livingston following it settles that question. If it was lawfully seized by the Government, we are entitled to our compensation, as it was our property.

Q. The parties you represent had received patents for these lands and paid for them?—A. Yes, sir.

Q. Do you know any other parties except those at Brulé City who had paid for their lands but had not received their patents?—A. Yes, sir; Judge Oliver, our Representative, conferred with me the other day in reference to an Iowa man who was trying to get his money back for lands he had purchased in this extension, and he could not succeed.

Q. Have you any idea of the amount of money that you would have to be paid back for those lands?—A. I have not examined that.

Q. The Lower Brulé agency is an Indian agency?—Yes, sir; and there are soldiers kept there also. Brulé City is below that.

Q. Has the effect of that order been to prevent the further growth of that place?—A. Yes, sir; it has stopped the growth. It is so represented to me by my clients that the agent prohibited their making any further improvements in that city, and went so far as even to forbid homesteaders from plowing, as it angered the Indians.

Q. Did he close up all the places of business in that city where they were selling goods?—A. That was what he threatened to do, and I was conferred with as counsel as to what course to pursue on that point. Whether he closed them up or not, I do not know. They came to me and made these representations, and I told them they had better acquiesce, for if they got into the clutches of the military or the Indian Department I did not think their property was worth five cents on a dollar. I told them they had better look out.

Q. Would the closing up of all business at Brulé City be advantageous to the Indian and post traders at Lower Brulé agency?—A. Yes, sir; the closing up of the trade on the east bank of the river would be beneficial to all those posts. As we used to travel it was about two days' march from where Brulé City is now to where the Brulé agency is located. Brulé City is about forty miles below the agency, I should judge.

Q. The next point below that is Fort Randall. How far is that from Brulé City?—A. Fort Randall is on the south side of the river; it is within the reservation. The change also enhanced the value of the post-tradership at Fort Randall; it improved the trade, of course, all along the Missouri River. The geography of the country is such that when you control the Missouri you control all the timber, and when you go out back there is no one inclined to go there. When you control the Missouri you control the country.

Q. Is there anything within your knowledge that you have not stated that would be of advantage to this committee to know?—A. I cannot tell what would do you good.

Q. We are looking for any abuses or frauds in the War Department in its administration here or there, or elsewhere, and if you have any knowledge upon that subject I ask you, as a witness under your oath, to state it.—A. I do not know that I know anything of the War Department transactions for a good many years now. I have not been a contractor since 1870. It was in 1864-'65 that I was connected with the post-tradership, not since.

Q. Do you know of any money being paid up there to secure post-traderships?—A. I do not.

Q. Do you know of any money being paid to secure privileges of navigation on that river?—A. No, sir.

Q. Do you know of any person levying contributions upon persons doing business on that river for permission to do business?—A. I do not know that I do.

Q. Are you quite certain of that?—A. O, I am a lawyer. I practice law at Sioux City; a great many things come to my knowledge, but they are like the tracks of a wild animal—I cannot tell you where the animal is, though I can see his tracks.

Q. Have you ever seen Mr. Orvil Grant?—A. Yes, sir; I suppose I have seen him. I have seen a gentleman who has been pointed out to me as Mr. Grant; I do not know him personally.

Q. Do you know of his connection with those post-traderships in any way?—A. Only by hearsay.

By Mr. ROBBINS:

Q. Do you know that the soldiers of the United States have been greatly extorted from in the prices charged by post-traders for articles that they had to purchase?—A. No, sir; I do not. When I traded, we were subject to a board of administration which regulated our prices. These post-traders appointed by the Secretary of War are not subject to those rules and regulations; but I had no connection with any post-tradership under that order of things.

Q. You say that the post-traders appointed by the Secretary of War are not subject to any restriction of prices?—A. I understand that to be the law.

Q. I ask you if you know that the prices for articles sold to the soldiers of the United States have been very exorbitant?—A. I do not. I do not know anything of them. I have had no connection with them for a long time.

Q. Was it understood up there that Mr. Orvil Grant controlled those posts on the Upper Missouri?—A. Dame rumor said that was the condition of things.

Q. That was the general understanding in that region of country?—A. That was the general rumor, that he had control of the Upper Missouri post-traderships.

WASHINGTON, *March* 15, 1876.

L. M. BLACK sworn and examined.

By Mr. ROBBINS:

Question. Do you know Mr. Orvil Grant?—Answer. I do.

Q. You reside in the same house with him?—A. I do; at 1014 E street.

Q. Have you a partnership with him in business?—A. No, sir.

Q. Have you any common interest with him in business?—A. No, sir.

Q. No partnership business of any kind?—A. No partnership business of any kind.

Q. Have you any interest in any of the post-traderships?—A. No, sir.

Q. Have you ever had?—A. I never had.

Q. Or Indian traderships either?—A. Yes, sir; I was an Indian trader in 1871, at the Crow agency in Montana.

Q. Did you have any partner in it?—A. Part of the time Charles Hoffman was my partner.

Q. Anybody else?—A. No; I think not.

Q. You know who your partners were?—A. Mr. Hoffman was the only one, I believe.

Q. Are you certain of that?—A. He is the only partner I ever had in the trader's store, I think.

Q. Where was that?—A. At the Crow agency in Montana.

Q. Where is Mr. Hoffman now?—A. He is at Bozeman, in Garden Valley, Montana.

Q. Did you have any interest in any other Indian tradership?—A. No, sir.

Q. Never?—A. Yes, sir; I am a little too fast. I had an interest with Mr. Clendenning down at what is called the Mussel Shell, on the Missouri River. I furnished goods and money, but never was there in my life.

Q. Did you have any partners there?—A. Mr. George Clendenning was my partner.

Q. Any one else?—A. No, sir.

Q. You spoke awhile ago about believing that Mr. Hoffman was your only partner; is there not somebody else?—A. No; there was nobody else. I was thinking about Mr. Clendenning; that bothered me a little. Mr. Hoffman was a partner of mine at the Crow agency, and Clendenning at the Mussel Shell tradership, trading with the Indians. That is not post-trader as we call it; it is licensed trader with the Indians.

Q. Did you have no interest in the post-traderships, as they are called, of the Army or sutlerships?—A. No, sir; I never had a sutlership.

Q. Did you ever try to get a sutlership?—A. No, sir.

Q. Did nobody ever make an application for you?—A. Not that I know of.

Q. Did Mr. Orvil Grant ever make an application for you?—A. No, sir; not that I know of.

Q. You have had no interest, directly or indirectly, in any sutlership at any time?—A. Well, I furnished some goods (I suppose you might call that an interest) to the sutler at Fort Ellis, which is three miles from Bozeman.

Q. To whom did you sell?—A. I sold to Ed. Daniels, with security and good indorsements.

Q. For what amount did you sell to him?—A. About $15,000, I think.

Q. Did he pay you in cash?—A. Yes; most all cash, and then I took some mining property.

Q. What do you mean by saying that you took indorsements?—A. That was on the notes, in the first place—security on the notes.

Q. You did not sell, then, for cash?—A. No; on time.

Q. What kind of goods did you sell him?—A. A general assortment of goods, such as they need at a post of that kind; dry goods and groceries.

Q. Where did you buy them?—A. In New York and Saint Louis.

Q. What percentage did you get on them?—A. I do not know that I could tell that now.

Q. About how much?—A. I don't recollect. It is a great while ago; ten or fifteen years ago.

Q. Do you know the prices at which Daniels sold the goods afterward?—A. No, sir.

Q. Do you know anything about the prices at which the sutlers generally sell their goods on the frontier?—A. No, sir.

Q. Do you know whether they extort large prices from the soldiers?—A. I do not. That is the only sutlership that I have ever been near. The soldiers buy a great many goods in town now, and the sutlership at Fort Ellis does not amount to much.

Q. Mr. Orvil Grant is interested in sutlerships and post-traderships out there, is he not?—A. I do not think he is at that post. I understood that he was at other places.

Q. What post-traderships is he interested in?—A. I do not know. I never was farther up the Missouri River than Sioux City.

Q. You live with Mr. Orvil Grant here in this city?—A. I have had rooms, or I have a room that I have had for a year, and he came in there, some time last summer, and took rooms.

Q. Is it not understood that Mr. Orvil Grant controls sutlerships and post-traderships on the Upper Missouri River?—A. I have heard that said, but I do not know.

Q. Does he visit them out there occasionally?—A. That I do not know. I am out generally in the summer-months, and I spend the winters here; the way I go is by Salt Lake, and stage from there up. I never went up the river on a boat.

By the CHAIRMAN:

Q. Your personal relations with Mr. Orvil Grant are intimate?—A. Yes, sir; you might call them intimate. I became acquainted with him a year ago last winter, I think it was.

Q. You were in the habit of talking that western country over with him?—A. O, yes; I would talk with him about the West some, but his business was in a different part of the country from mine.

Q. Have you ever had any conversation with him about his business on the Upper Missouri River?—A. I do not know that I ever did, to amount to anything.

Q. If you had any conversation, what was it; did he tell you he had business up there?—

A. I have heard it said that he had business up there. I am a man that don't inquire much about other people's business.

Q. What did he tell you about it?—A. I do not know that he ever told me anything about his business up the river only this: he told me at one time that Al. Leighton was a a partner of his up there.

Q. You know Al. Leighton, do you?—A. Yes, sir.

Q. How long have you known him?—A. I have known him since 1869, I think; perhaps longer.

Q. Have you seen him during this last year?—A. No, sir; not last year. I think I have not seen him for two years.

Q. Have you seen him since he and Mr. Grant have been partners?—A. I think not.

Q. Did Grant tell you where they were partners?—A. I do not know but he did, but I would not be positive. I think it was up the Missouri River somewhere.

Q. In what business did he say Mr. Leighton was his partner?—A. It seemed to me it was trading with the Indians, but I am not certain whether it was a sutlership or Indian trading.

Q. Did he say what kind of a business they were doing together; whether it was profitable or not?—A. No; he did not.

Q. Did he tell you whether they made any money out of it or not?—A. No, sir.

Q. How did he happen to talk with you about being in business with Al. Leighton?—A. Well, being together it was mentioned, and I saw Al. here just previous to meeting him—I could not say how he came to tell me, but he did say that the Leightons were in with him, probably more than one. There are two or three brothers, I think.

Q. Did he tell you anything more than that?—A. Nothing that I recollect that concerns his business.

Q. Is Mr. Leighton the only man that he ever talked with as being in business with him up in that country?—A. I think he is. I happened to know Mr. Leighton, but I never was in that country.

Q. Who appointed you to the sutlership that you had?—A. Mr. Parker, Commissioner of Indian Affairs.

Q. Do you know him personally?—A. I have known him for some time.

Q. Were you appointed on the recommendation of other people?—A. I think I was appointed by the recommendation of General Sully, who was acting as superintendent of Indian affairs at that time.

C. K. PECK sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. At Keokuk, Iowa.

Q. Were you a member of the firm of Durfee & Peck?—A. Yes, sir; and I am still.

Q. When was that partnership formed?—A. Some eight or nine years ago. I am not positive which.

Q. Who were the original partners in the concern?—A. E. H. Durfee and C. K. Peck.

Q. Who constitute the firm now?—A. Mr. Durfee's interest still remains in the firm. It is still Durfee & Peck.

Q. His estate holding the interest in the firm?—A. Yes sir.

Q. What was the business of the firm?—A. We were military and Indian traders. We have steamboats on the Missouri River; transportation business.

Q. From what point to what point?—A. Our boats run from Saint Louis to Fort Benton. During the winter they run on the Southern rivers when occasion permits.

Q. State at what points on the Missouri River you were the military post-traders?—A. At Fort Sully, Fort Rice, Fort Stevenson, and Fort Buford, in Dakota Territory.

Q. Can you state about the time at which you became post-traders at those different posts —at Fort Sully?—A. We were at Fort Sully under the old law; very soon after we went into business, a year or so; I cannot tell exactly.

Q. You went in as post-traders, or sutlers; that was the technical name prior to the passage of the law of 1870?—A. Yes, sir.

Q. And you were appointed by the councils of administration at those different posts?—A. Yes, sir.

Q. In 1870, during the summer, an act of Congress was passed changing the mode of appointment, and changing the name of the office, giving the appointment to the Secretary of War, and naming the office that of post-trader?—A. Yes, sir.

Q. At the passage of that law of 1870, were you the sutlers at Fort Sully, Fort Rice, Fort Stevenson, and Fort Buford?—A. Yes, sir; those were the four.

Q. There were other posts upon that river which were combined posts, or Indian and military posts, were there not?—A. Yes, sir.

Q. If you were sutlers at any such combined posts, state at which. I want those at which there were military companies stationed.—A. At Cheyenne and Grand River, now called Standing Rock. Those are the only ones where there were troops, I think.

Q. Were you ever the post-traders at Fort Benton?—A. No, sir; we are trading there now, but it is not a reservation.

Q. Are you at this time the post-traders at either of these forts or the Indian traders at the others?—A. We are not.

Q. State the circumstances under, and the reasons for, which you ceased to be post-traders at these different posts.—A. Very soon after the passage of the new law of 1870, Fort Buford was the first one that was taken from us, and given to Mr. A. C. Leighton.

Q. State all the circumstances connected with that as far as you can recollect them.—A There are no circumstances particularly that I know of, excepting that we were removed and Mr. Leighton was appointed.

Q. Did you sell your goods to Mr. Leighton?—A. We made an effort to, but we were compelled to move them away at a great sacrifice. Our buildings were sacrificed, also.

Q. You had to sacrifice your goods and abandon your building?—A. Yes, sir.

Q. Do you recollect when this was?—A. I think it was during the summer or fall; very soon after the passage of the new law; or during the year.

Q. I observe here, Leighton was appointed October 6, 1870, and styled post-trader. Now, had you any conversation with Mr. Leighton as to the means by which he became post-trader there and ousted you?—A. We have had several conversations on the subject in attempts to dispose of our stock to him and our building without too much of a sacrifice.

Q. What did he say about it?—A. I really cannot tell you. I don't know whether he specified the means that were brought to bear or not. I don't know that he did.

Q. Did he tell you through whom he got the appointment of post-trader at Fort Buford?—A. I think he told me that General Hedrick assisted in securing it for him.

Q. General Hedrick, of Iowa; where does he reside?—A. He resides at Ottumwa, Iowa.

Q. Did he tell you of his being obliged to pay any money to General Hedrick for this appointment?—A. He did not.

Q. Did he tell you that he was obliged to pay any person any money?—A. He did not. General Hedrick, I am advised, is a partner of his at the post.

Q. Did he ever in his conversation with you regarding your stock or building say that he could not afford to pay it by reason of the amount that he had to pay for the appointment?—A. He never did to my knowledge.

Q. Do you know in any way of his having to pay any person whatever, either the Secretary of War or any other person for that appointment?—A. I do not.

Q. You have never heard him say so?—A. No, sir; I never have.

Q. Have you ever heard General Hedrick say so?—A. Not to the best of my knowledge, I never have.

Q. Have you ever heard any one else say so?—A. I have not, to the best of my knowledge.

Q. I mean that appointment at Fort Buford?—A. I have not, sir.

Q. Do you know whether any other person than Mr. Leighton and General Hedrick was interested in Fort Buford?—A. Not to my knowledge.

Q. Did Mr. Orvil Grant ever say to you that he had any interest in Fort Buford?—A. I never spoke to Orvil Grant in my life.

Q. You don't know him, then?—A. I know him by sight but never spoke to him in my life.

Q. That was the first fort you were removed from, was it?—A. Yes, sir.

Q. Which was the next one?—A. There was an appointment made at Fort Stevenson, I think perhaps a couple of years afterward, to Major Wham.

Q. I will refresh your memory about that. Durfee & Peck got it October 6, 1870. They held it until January 16, 1872, as the records of the War Department show. On January 13, 1872, J. W. Wham was appointed and held until June 22, 1872, and on June 21, 1872, D. W. Marsh was appointed post-trader, and he held it until July 3, 1874, and on July 3, 1874, A. L. Bonnafon was appointed post-trader, and is still there. On the 22d of June, 1872, you were superseded as post-traders at Fort Stevenson by J. W. Wham?—A. We were apprised of the appointment of Major Wham as post-trader. He never took possession of the post. He saw me a number of times here in Washington and proposed, for a compensation, not to go to the post. I advised him that the post was only a post of two companies, and small ones at that, and we considered it comparatively worthless; it didn't pay interest on our investment; that we would be very glad to have him take possession if he would only agree to go and take the stock and buildings at a reasonable price.

Q. What compensation did he want?—A. My impression is that he wanted $1,000.

Q. You continued trading there during the time that he held the appointment?—A. Yes, sir, we continued trading. It was during the winter. In the spring I asked the Secretary of War whether Mr. Wham was to take possession of the post or whether we were to remain, saying that it was time to make purchases of the spring-stock, to send on the boats. He said Wham had not advised him that he had accepted the position, and for us to supply the post as usual, which we did,

Q. I see on the 21st of March, 1872, after Wham did not take possession, a man named D. W. Marsh received the appointment and held it until July 3, 1874.—A. I should say in regard to that, there was an amendment, I think, made to the law, or an order of the

Secretary of War, that post-traders should live at the posts. D. W. Marsh was interested in business with us, and he was appointed as trader, we furnishing the goods and supplies as usual.

Q. He held it until July 3, 1874. Then A. L. Bonnafon, jr., was appointed. You were then really in possession through Marsh?—A. Yes, sir.

Q. What were the circumstances attending the appointment of Bonnafon?—A. Nothing further than that he went up the river, as I understood. I wasn't there myself, but I understood from the men in charge of our business that he went up with his father, Mr. Bonnafon, and Orvil Grant, and after a time they took possession of the post, we removing all of our goods. We sold them the billiard-tables we had there, and, I think, the billiard-room. The rest of the goods we moved away. We attempted to sell other goods, but the young man proposed simply to give us his own paper, which we ascertained was worthless, and we refused to take it, and, of course, in consequence moved our goods away.

Q. Do you know why you were ousted there?—A. Well, through the influence of Orvil Grant, as I am told.

Q. He put you out there?—A. That is what I am told.

Q. Were you under the same impression about Mr. Orvil Grant regarding Fort Buford?—A. No, sir; he wasn't known on the river at that time.

Q. Have you ever had any conversation with Mr. Bonnafon on this subject?—A. I never met the young Mr. Bonnafon.

Q. I mean the father.—A. I have met him only once. If it was referred to it was only incidentally, and after we had taken our goods away and given up the post.

Q. Did you ever hear from them that they paid anything for this appointment?—A. I never did.

Q. Did you ever hear from them who were interested with them in the post?—A. I never did.

Q. You don't know whether a man named Casselberry of Philadelphia was interested in it?—A. I think I have heard that he was interested with them there. He went out at the time with the party—with Orvil Grant and the party, as I have been told by our employés on the river. Whether they ever told me that he was interested in the post or not, I don't know.

Q. Which was the next post that you lost?—A. Fort Rice was the next one.

Q. You were appointed there, according to the official record, October 6, 1870, and remained until June 22, 1872. Then Henry J. Miller was appointed, in June, 1872, and continued there until May 26, 1873. William Harmon was appointed May 24, 1873, and continued until July 3, 1874, and James P. Pitts was appointed June 30, 1874, and is the present post-trader. State the circumstances under which you were dispossessed at Fort Rice.—A. I will say that Henry J. Miller, under the same law requiring residence, was the party who, at our solicitation, was appointed to represent us at the post. Afterward, at the time specified I presume, although I do not remember myself, we desired to make a change in our employé at the post, and William Harmon was appointed to represent us, and was interested with us at the post.

Q. Then he was dispossessed, or you, through him, were dispossessed, and James P. Pitts was appointed June 30, 1874, and he is the present post-trader. Why was Pitts appointed there, if you know, and at whose influence?—A. I met Pitts at Saint Louis by appointment, some little time after he got it, before he took possession, late that fall. I had never met him before, although I had corresponded with him after his appointment, in regard to selling out our stock to him. He informed me that he was one of the proprietors of the Put-in-Bay House; that a brother of Mrs. Belknap, a Mr. Tomlinson, had been there in his care for some months very seriously ill indeed, and not expected to live but a short time. He had taken a great deal of care of him, he said, and attributed his appointment to Mr. Tomlinson's kindness.

Q. What number of troops were at Fort Rice?—A. There were three or four companies.

Q. Did Mr. Pitts make you any offer with reference to the continuance of business there?—A. We ran the business in connection with him until the following spring, he, of course, being on the ground representing himself as trader, and we giving him, my recollection is, a quarter interest of the net profits during the winter.

Q. You furnishing all the capital?—A. We already had the post stocked. We had taken up our supplies for the winter—had a large stock for the winter.

Q. You gave him one-fourth?—A. That is my recollection; that we gave him one-quarter of the net profits of the post.

Q. You say that he attributed his appointment as a return for the kindness that he had shown a brother-in-law of the late Secretary of War?—A. Yes, sir; that was the conversation and impression that he gave me.

Q. Did Mr. Pitts ever inform you whether any person else was interested with him in that?—A. He never did.

Q. You don't know of any person being interested with him then or now?—A. A man by the name of Smith is now interested with him, I think.

Q. Do you not know whether he ever paid any one for his appointment there?—A. I do not. This arrangement continued, I will say, until the following spring.

Q. He was appointed June 30, 1874?—A. Yes, sir.

Q. In the spring of 1875, what happened?—A. He hadn't sufficient capital himself, but a party of the name of Smith, I think, of Cincinnati, went in partnership with him, and we made a sale to them (finding the paper that they proffered was sufficient and good) of our stock and business.

Q. And that paper has been met and paid, has it?—A. Yes, sir; it has all been paid.

Q. The next was Fort Sully?—A. Yes, sir; that was the next military post below.

Q. I see by the record that Durfee & Peck were appointed post-traders, Fort Sully, October 6, 1870; they were dispossessed June 22, 1872. George H. Durfee was appointed June 21, 1872, and resigned July 3, 1874. John T. Athey was appointed June 30, 1874, and is the present occupant."—A. That is so, sir.

Q. I, of course, understand from your testimony that after the order of 1872 some one had to reside at the post, and, therefore, George H. Durfee was really your firm, representing it?—A. Yes, sir.

Q. Then they came in June 30, 1874. Do you know anything about the circumstances relating to his appointment and taking possession?—A. I was advised of his appointment after it had been made.

Q. Who were you advised by?—A. I think by inquiry at the War Department. I was here at the time, I think.

Q. If you made any efforts to be retained as traders at Fort Sully during the summer of 1874, while here in Washington, please detail them, stating the circumstances minutely.—A. No, sir; I made no especial effort in the matter.

Q. With whom had you conversations on the subject?—A. With the Secretary of War.

Q. Did he give you any reasons why he was going to appoint Athey?—A. He said that it was not voluntary on his part; that it was by the order of President Grant.

Q. That Mr. Athey was to be appointed?—A. That the change was made.

Q. That you were to be put out?—A. Yes, sir.

Q. The Secretary of War told you that that was the reason?—A. Yes, sir.

Q. Was Mr. Athey here in the city at the same time?—A. No, sir.

Q. Who was Mr. Athey?—A. Mr. Athey was or had been a clerk for General W. C. Babcock, surveyor-general of Kansas.

Q Who was General W. C Babcock; was he a brother of the late private secretary of the President of the United States?—A. He was.

The WITNESS. He said that the President of the United States said that another appointment should be made.

Q. Did you remonstrate against being removed?—A. Yes, sir; but it was unavailing, of course.

Q. How many companies are kept at that post?—A. Four, I think; that is my impression. It changes sometimes. There are sometimes less and sometimes more.

Q. Did you consider it a valuable post?—A. Yes, sir; it was one of the best that we had. None of them were very large.

Q. What would be the average profits of a four-company fort?—A. Well it is difficult to tell. Of late years it is not nearly as much as formerly; the Commissary Department is keeping large amounts of supplies and furnishing the soldiers and officers.

Q. Can you give us a relative idea of the value of such a post as that? What were the ordinary profits per year?—A. It depends entirely on the management of a post.

Q. I mean when prudently and skillfully managed.—A. Well, about $10,000 a year would, perhaps, be considered a fair estimate for a four-company post.

Q. The posts, then, might be rated on that basis, about $2,500 for a company?—A. I should judge so, with proper management.

Q. If you ever had any conversation with Mr. Athey on this subject, be kind enough to state what it was.—A. We entered into a contract with Mr. Athey. He was a man without any means. General W. C. Babcock came to see us in regard to it. We entered into a contract to employ Mr. Athey and give him at the rate of $1,500 a year until such time as he could furnish means or have some one come in with him that had the means, and should purchase our stock and supplies.

Q. Is that contract in writing?—A. That contract is in writing.

Q. Have you a copy of it?—A. I have not with me.

Q. Is it on record?—A. No, sir; it is not a matter of record.

Q. Who drew the contract?—A. It was drawn by General W. C. Babcock.

Q. Mr. Athey put no money into the concern?—A. He did not.

Q. Did he render any services there?—A. He was there as an employé. He was the appointee and nominally the trader.

Q. Did he receive any other compensation for his services save this $1,500?—A. Not from us.

Q. Did he from any one else?—A. Not to my knowledge.

Q. Did he subsequently get the means and purchase you out?—A. Yes, sir.

Q. Who furnished them?—A. I really cannot recall his name now. It was within a year that he made an arrangement with some party, and I cannot recall the name.

Q. Within the year he made an arrangement with some party to purchase you out?—A. Yes, sir.

Q. He did purchase you out, did he?—A. Yes, sir.

Q. Did he ever state to you any arrangement that he had with any other person in order to enable him to get this appointment?—A. He did not.

Q. Do you know from any other person than him of any arrangement under which he got the appointment?—A. I don't understand your question exactly.

Q. Do you know from any other source the means by which he was made post-trader there?—A. Well, I suppose through the influence of General Babcock. I know nothing about it. I presume it was so.

Q, Did he tell you so?—A. I don't know that he did in so many words.

Q. Was it understood between you and him that General Babcock had got him this appointment?—A. Yes, sir; it was.

Q. Did he ever tell you whether General Babcock had an interest with him in this thing?—A. No, sir.

Q. Do you know of General Babcock having an interest in it; I will call him the surveyor-general of Kansas, to distinguish him from the private secretary?—A. No, sir; I do not.

Q. When Miller was appointed to represent you, and William Harmon was appointed to represent you after the summer of 1872 and the order of the Secretary of War, did you have to pay a bonus to any person or persons?—A. No, sir; not one dollar.

Q. You paid no one?—A. We paid no one anything.

Q. What was the next fort you were dispossessed of?—A. Those were all the military forts.

Q. Then you were the Indian traders at Cheyenne and Standing Rock, that were joint military and Indian traderships?—A. Yes, sir.

Q. Were you the Indian and military traders at Cheyenne?—A. We were.

Q. By whom were you appointed there?—A. Our license came from the Indian Department.

Q. Do you recollect about the date of it?—A. I do not. We were licensed as soon as the post was established.

Q. How long did you continue to be the Indian and military traders at Cheyenne?—A. It was during this same year that those changes were made; during the year 1874.

Q. Who was appointed in your place at Cheyenne?—A. I have forgotten the name at this moment. I think it was George W. Felt. I am not certain whether it was George W. or not.

Q. There are troops there?—A. Yes, sir.

Q. How many companies?—A. I think two companies.

Q. Did you sell out your stock in trade at Cheyenne to Felt?—A. We did.

Q. Under what circumstances was that sale made? I mean the sale of your stock.—A. The sale was made under ordinary circumstances.

Q. Was there any attempt to beat you down in your prices?—A. No, sir; we made a very satisfactory sale to him.

Q. Do you know of any other persons being interested there, save Mr. Felt?—A. I do not.

Q. Have you ever heard that there was?—A. I have simply understood that his appointment was obtained through the influence of Orvil Grant.

Q. Do you know of Mr. Orvil Grant being interested in the agency?—A. No, sir; I do not.

Q. What was the value of that post to you and your firm?—A. Eight to ten thousand dollars a year, possibly, more or less. I am not prepared to tell you exactly.

Q. When you were post-traders there were you obliged to pay a bonus to any one for your privileges there?—A. We were not.

Q. At Standing Rock there is an Indian trading-station; you were the traders there?—A. Yes, sir; it was formerly at Grand River, and removed there.

Q. But I mean that is the Standing Rock agency?—A. Yes, sir.

Q. You were the agents there until the summer of 1874, also, were you not?—A. Yes, sir.

Q. Who was appointed there then?—A. It was Bonnafon or Casselberry—I really don't know the firm. Orvil Grant went there and inventoried the goods and made arrangements for the purchase.

Q. How did you settle with Casselberry or Bonnafon?—A. Mr. Harmon was in charge of the business there. He assisted in the inventorying, and we took paper.

Q. Whose paper?—A. I think it was paper indorsed by Bonnafon.

Q. What amount did they pay you, do you remember?—A. No, sir; I cannot tell you.

Q. They bought all your stock in trade and your buildings, &c.?—A. Yes, sir.

Q. Do you know what time you gave them on it?—A. I cannot remember. One of the notes has gone to protest, and suit has been commenced upon it, and property attached, &c.

Q. It is under protest now, is it?—A. Yes, sir; but what time was given I really cannot tell you.

Q. What was the value of Standing Rock, if you remember?—A. I would place it perhaps somewhere near Cheyenne.

Q. Worth about $10,000 a year?—A. I think possibly that; approximately, more or less.

Q. I believe you don't know Mr. Casselberry?—A. No, sir.

Q. You never have seen him?—A. No, sir.

Q. You have met young Mr. Bonnafon?—A. No, sir; I met the father once in Saint Paul.

Q. Do you know of any persons who were interested in that in addition to Mr. Bonnefon?—A. Nothing further than Orvil Grant was understood to be interested in it.

Q. These are the only military and Indian posts in which you were interested on that river?—A. Yes, sir.

Q. Have you any other knowledge as to the reasons you were dispossessed from all these posts, save through the influence of Mr. Orvil Grant?—A. I have not.

Q. You attributed your dispossession to his influence, did you?—A. Yes, sir. I was in the office of the Commissioner of Indian Affairs, and was informed that an order had been issued for the revocation of our licenses. I went in to see Secretary Delano in regard to it. He said that he knew nothing of the cause of it whatever; that it was the order of the President. I asked him if there were any charges against the firm of Durfee & Peck in his Department, and he said none whatever, that he ever heard of. I referred him to the law of Congress which specified that any person of good moral character giving bond of $5,000 shall have a license to trade, &c. He simply replied that he had no option in the matter; if he did not cut off heads when he was ordered to, his would be cut off.

Q. And that he had dispossessed you on the order of the President of the United States?—A. Yes, sir.

Q. That was the end of your connection, was it, on that river?—A. Yes, sir. I asked for an extension for a certain time of the order, that it might not be put into effect at once. The spring trade was all over, and the summer trade, of course, at these Indian posts, is comparatively light. It was only two or three months before our licenses would expire. He said he would see the President in regard to that point. I saw him again. It was allowed to go in that way until the licenses expired by limitation. I may as well explain, in connection with that, that I made a conditional sale after that, during the time that the licenses were to expire. I was aware that such an order was going to be issued, and before the expiration of the licenses I made a sale to John H. Charles, of Sioux City, of our interest, presuming possibly that he could obtain a license. It was a conditional sale. Charles made every effort to obtain a license. He entered into a contract, and had it in writing, I think, with Bonnafon & Co., or Bonnafon and Orvil Grant; and in fact Orvil Grant was in Sioux City to see him in regard to the sale, taking the stock, as I understood him, at cost, and the buildings at great depreciation. The sale, however, was never consummated in that form; Mr. Charles, of course, was not able to get his licenses, and the property reverted to us again, and we had to make the best disposition we could of it.

Q. Did you have to sacrifice largely on it?—A. Yes, sir; we had to sacrifice largely on it.

By Mr. BLACKBURN:

Q. Was Mr. Charles, at the time he was having that negotiation with Orvil Grant, acting as the agent of Durfee & Peck, or acting for himself?—A. It was a conditional sale. In fact, it was a sale that I made conditionally, hoping that we could save ourselves from absolute ruin through him.

Q. Did you state to the Secretary of the Interior what effect this would have upon your fortunes?—A. Most assuredly, sir.

Q. He said that he could not disobey orders from the President?—A. Yes, sir.

Q. That your head must come off?—A. Yes, sir.

Q. Did you own boats upon the river?—A. Yes, sir; and we do still.

Q. Your partner, Mr. Durfee, is dead?—A. Yes, sir.

Q. When and where did he die?—A. He died in Leavenworth, Kans., which was his home, in September, 1874.

Q. Had he a lingering illness?—A. Yes, sir.

Q. How long was he an invalid before his death?—A. He was ill with Bright's disease of the kidneys, and had been for two years and over.

Q. Did he pay much attention to the business during the time that he was ill?—A. Yes, sir; as much as a man in his health could. He was under treatment both the summers.

Q. Who attended to the financial affairs of the company chiefly?—A. Mr. Durfee.

Q. Did he have the books of the firm at Leavenworth, Kans.?—A. Yes, sir.

Q. Who has those books now?—A. We have them still.

Q. Do you know of any clergyman who was with him a great deal during the last months of his sickness?—A. Yes, sir; the Reverend Mr. Kalloch.

Q. Did he act as his amanuensis or clerk at times?—A. During the last two or three months, to a certain extent.

Q. He was in the habit of opening his letters and replying to them, at the request of Mr. Durfee, was he not?—A. He replied to some of them at Mr. Durfee's request.

Q. Do you know of your own knowledge of Mr. Durfee ever having received a letter from C. W. Babcock, surveyor-general of Kansas?—A. Yes, sir.

Q. What was the nature of that letter?—A. I may explain in connection with that, in advance, that Mr. Babcock was with us in Chicago when Mr. Durfee was on his way east for treatment. He was quite seriously ill at the time, and had quite a severe attack in Chicago, at the Palmer House. I should say that was possibly in June, 1874. We were anxious, of course, to protect our interest. We at that time had a very large investment at Fort Sully. As Mr. Athey, the appointee, was not able to buy us out, we desired General Babcock to assist him, of course, or any one else who was responsible, and proposed to sell on time if General Babcock would indorse his paper. The general declined doing that, but said that he would vouch for the boy's honesty and integrity in every respect; but we could not dispose of thirty or forty thousand dollars' worth of goods on honesty alone. No arrangements were made in Chicago. Mr. Durfee after a time recovered enough to go on to his father-in-law's, Mr. Higbee, at Fairport, N. Y. Mr. Babcock visited him there, and they drew up a contract. The contract was drawn by General Babcock, as I have stated. That contract was sent out to me to our house at Leavenworth, and General Babcock went east.

Q. What was the nature of that contract?—A. It was a general business contract. I might have brought a copy of it. I can furnish the copy.

Q. State in general terms what it was.—A. That in consideration of Mr. Athey being appointed as trader at Fort Sully, where Durfee & Peck owned stock and buildings, that Mr. Athey should go to the post and remain there, giving his time, and, as a consideration, receive $1,500 a year, we paying his expenses to get to the post. He having no investment in the business, should at no time claim any interest in the stock or business outside of his own salary; a general business contract—Durfee & Peck agreeing to supply the post with everything that was desired, or necessary or required to comply with the requirements of the War Department, &c. That contract was forwarded to us at Leavenworth. General Babcock, from some point in Vermont or New Hampshire—and I cannot say which—wrote to Mr. Durfee, after having left there and the contract having been completed, that when the contract was examined by Mr. Peck and Mr. Athey, and found satisfactory and signed, that they should make a remittance to him, he giving an address—and I don't remember where it was—or that his address after a certain date would be care of Gen. O. E. Babcock, Executive Mansion. Those were nearly the words.

Q. What amount of remittance did he demand?—A. Our agreement was to pay him $750 a quarter until such a time as we could make a sale of our goods and buildings.

Q. State whether you paid him that $750 a quarter.—A. We paid it, my impression is, for three quarters. At that time Mr. Athey found a party to buy us out, and everything was satisfactory.

Q. Did Surveyor-General Babcock state for whom this money was?—A. No, sir.

Q. He did not?—A. No, sir.

Q. Did you send the money to him, addressed to the care of his brother, at the Executive Mansion?—A. No, sir. The first remittance, my impression is, was made to him at the address in Vermont or New Hampshire, or wherever it was—I am not able to tell where. The other two payments were made to him, I think in Lawrence, Kans.

Q. Then you have paid him altogether $2,250?—A. My recollection is that there were only three payments made before Mr. Athey found a party to go in with him and make the purchase.

Q. The last letter that was received from Surveyor-General Babcock on this subject was received, was it not, at Leavenworth, and opened by the Reverend Mr. Kalloch?—A. No, sir; that letter was received at Fairport, N. Y., when Mr. Durfee was ill at his father-in-law's.

Q. Was Mr. Kalloch there?—A. Yes, sir; he had gone east with him to assist him. The letter was received there, and a copy of it only was sent to us. The original was never in our possession.

Q. Have you the original now?—A. No. sir.

Q. What have you done with it?—A. We never have had it. That original, of course, was in Mr. Durfee's possession, but Mr. Kalloch, instead of sending it to us, sent a copy and retained the original.

Q. Do you know whether this money was sent to Surveyor-General Babcock by draft or check?—A. By draft, I presume.

Q. On what bank?—A. I presume it was a draft on New York. It is natural to presume so. We do our business with the First National Bank of Leavenworth, Kans. I presume it was a draft of the bank upon their correspondents in New York.

Q. That was the first remittance, which was sent where?—A. It was sent to him in New England, but it was sent from Leavenworth, Kans.

Q. Sent to Surveyor-General Babcock at his home?—A. Yes, sir; that is, where he was stopping; I don't say it was his home.

Q. How were the other two payments made?—A. I am not able to say whether by check or in currency. I think in check on the First National Bank of Leavenworth, Kans., but I am not positive.

Q. Have you your checks of that bank among your business papers?—A. I presume so.

Q. Do you think you could procure them?—A. I do not know. I am not certain about there being a check. I think one was a check, but I am not certain that both were.

Q. What were the reasons which induced you to pay this amount of money, $750 quarterly, to Surveyor-General Babcock, the brother of General Babcock? What service did he render?—A. He procured the signing of the contract for us. He procured the making of the contract with Mr. Athey.

Q. Was Mr. Athey unwilling to make that contract with you?—A. I never saw Mr. Athey until after the contract was made.

Q. Mr. Athey, you say, was a clerk for Surveyor-General Babcock?—A. He had been a clerk in the office of the surveyor-general.

Q. Where is Mr. Athey now?—A. I am unable to tell you. He is trader at Fort Sully.

Q. Do you think he is out there now?—A. I have no knowledge of wher ehe is.

Q. Where is Surveyor-General Babcock?—A. I presume he is at his home in Lawrence. I d n' know that, however.

Q. This Mr. Athey is the person regarding whom the Secretary of War said that the President said he must be appointed?—A. No; I did not say that.

Q. Did the Secretary of the Interior?—A. I don't say the Secretary of War told me that the President said Athey must be appointed, but he said the change must be made.

Q. Do you know who recommended Athey to the Secretary of War?—A. I have been told. Senator Harvey, of Kansas, recommended him.

Q. Do you know of any other person who recommended him?—A. I do not.

Q Were you ever called upon to pay any other sum of money to any other person for your privileges as transporters on that river or as post or Indian traders?—A. No, sir.

Q. This aggregate of $2,250 was the only sum of money which you were obliged to pay?—A. Yes, sir; I am not certain whether there were only three payments made, but I think that was all—that $750 a quarter.

Q. Are you quite certain that Mr. Durfee did not, at one time, give Mr. Babcock $5,000?—A. I am very certain that he did not. I saw that newspaper statement, but think if it had been paid I should have been very apt to have known it.

Q. Have you been acquainted with the Secretary of War for a long time?—A. For some twenty years.

Q. Did you reside in the same town in Iowa prior to his appointment as Secretary of War?—A. Yes, sir.

Q. You were a personal friend of his?—A. Yes, sir; we have been acquainted for twenty years.

Q. Are you well acquainted with the President of the United States?—A. No, sir.

Q. At the time General Belknap was made Secretary of War had you any participation in the effort made to secure his appointment?—A. None whatever.

Q. Did the firm of Durfee & Peck understand that unless this money was paid by you to Babcock Mr. Athey would not do what was stipulated between you should be done?—A. This contract was made with Mr. Durfee.

Q. So that you have no personal knowledge of what induced the making of that contract?—A. Simply to protect our interest.

Q. You felt obliged to do that, in order to save your business at that post?—A. Mr. Athey, of course, had a right to go there with a wagon-load of goods, and we would be compelled to move away with $30,000 or $40,000 of property, and we therefore made some arrangement for our protection.

Q. Did Mr. Athey ever refer you to Surveyor-General Babcock, or was he a volunteer?—A. I never saw Mr. Athey uutil after the contract had been written.

Q. Had you ever known Mr. Babcock previously?—A. Yes, sir.

Q. How long had you known him?—A. I have known him for a few years; I can't tell how long. I don't mean a few years before that time. My acquaintance with him commenced, I think, shortly before this transaction. Mr. Durfee, having been a continuous resident of Kansas, had been acquainted with him.

Q. Did Mr. Durfee ever speak to you about this transaction?—A. Most assuredly. We were canvassing the matter in Chicago, when we were there together, as to what steps we could take.

Q. Who made the suggestion that you should pay this money? Did you offer to do it, or did Surveyor-General Babcock—that, if you paid him this amount of money, it would be all right?—A. That was a matter that laid with Mr. Durfee. I don't know about that.

Q. Do your books show these payments to Mr. Babcock?—A. They do.

Q. Mr. Henry C. Akin is your clerk, is he not?—A. He is our book-keeper.

Q. If there are any other matters touching your relation to transportation on that river, or these trading-posts and Indian posts, which you deem it important to state, or of service to the committee to know, be kind enough to state them.—A. I know of nothing.

Q. You have said fully all that you know of these matters?—A. Nothing else occurs to me that would be of any particular service to the committee, that I am aware of.

Q. Have you been up the river often, and do you know it well?—A. I have been up there very often.

Q. Do you know the Great Sioux reservation?—A. Yes, sir.

Q. Was Standing Rock near the Great Sioux reservation?—A. It was on it.

Q. What other posts were on the Great Sioux reservation?—A. Cheyenne.

Q. You know of at least two proclamations of the President of the United States, one issued last January and one in the spring of this last year, after Orvil Grant, Bonnafon, and Casselberry became the traders up there, or at least controlled the river?—A. Yes, sir.

Q. What was the effect of these proclamations of the President of the United States? Was it to extend the boundary of the Great Sioux reservation across the east bank of the Missouri River?—A. Yes, sir.

Q. What was the effect of that? Was it to drive off all white people from there?—A. Yes, sir; to stop the business and trade.

Q. Did it greatly enhance the value of these posts?—A. Most assuredly.

Q. Did it subserve any good purpose that you know of?—A. Not to my knowledge.

Q. It prevented all competition with the traders who were within the reservation?—A. It did; yes, sir.

Q. What increase in the price of wood for your boats did that make to you river men? What were the ordinary prices before that, when you had competition there, and since?—A. I don't know that I can state that.

Q. What average price did you pay for wood during the last season in trading on that river? I mean along in the Sioux reservation.—A. I should say three and a half to five dollars.

Q. That is during this last year?—A. Yes, sir.

Q. I ask that question because Dr. Burleigh stated in his evidence that it cost them about eight dollars a cord.—A. No, sir; not along there. I don't think it did, at least.

Q. Did the extension of this reservation increase the price of timber to you?—A. It naturally had that effect, because parties who had been there and were doing a sort of trade themselves would at the same time put up wood for sale to boats, and of course they were unable to do any business on the opposite side of the river, and as a consequence were not justified in remaining to put up wood alone.

Q. Do you know Lower Brulé City?—A. I do.

Q. What was the effect of this proclamation upon that town?—A. It broke up the parties interested entirely.

Q. Closed their places of business and broke up the town?—A. Yes, sir.

Q. Were there settlers on the east side of the river who were driven from their homes by this proclamation?—A. I think there were.

Q. Do you know the reasons which induced the issuing of this proclamation?—A. It was generally understood up there that it was done at the instance of Orvil Grant to stop trading which had started opposite Standing Rock.

Q. To close out that opposition?—A. Yes, sir.

Q. Did it have that effect?—A. Most assuredly.

Q. You have said that the profits at Standing Rock when the business was economically and carefully managed would be about $10,000 a year?—A. Yes, sir; I think that would be about a fair estimate.

Q. Have you any idea what would be the increased value of the business at that point by the enforcement of this executive order of the President of the United States?—A. There had been no post started opposite Standing Rock until after Orvil Grant went there. Parties there, who were disaffected, started across the river. They knew the Indians and knew the trade, and could talk to the Indians themselves, and of course were able to do business.

Q. Would those establishments have materially decreased the value of the Standing Rock posts?—A. Yes, sir; it would have done away with all profits as far as new traders were concerned. That would be my impression.

Q. I desire to ask you a general question, not having accurate knowledge upon the subject myself. Taking the price of goods at Saint Louis, where the purchases of your stock were made, what was the percentage which you received as a return for those goods? I mean at a military trading-post.—A. They were regulated by the post council to a great extent. On staples—the necessaries for soldiers—they were made very low indeed; perhaps not to exceed 15 to 25 per cent. On fancy articles, which were not necessities, it went as high as 50 per cent.

Q. Among those articles which you deem necessities you include, of course, sugar, coffee, and things of that description?—A. Yes, sir; and material for cleaning their guns; white gloves, and articles that were necessities for soldiers.

Q. The profits on those were from 15 to 25 per cent.?—A. Yes, sir.

Q. And upon the articles which you say were not of prime necessity the profits were as high as 50 per cent.?—A. Yes, sir.

Q. Were they in any case higher?—A. Yes, sir; I presume so. On liquors and cigars, of course, it was higher.

Q. In making your sales at the post, was any discrimination made in the price in favor of the officers; did they obtain goods at lower prices than the men?—A. Yes, sir; it is usually customary.

Q. How much lower, as an average?—A. I don't know; nothing material. It is done to favor the officers.

Q. It is the desire of the post-traders, of course, always to maintain friends with the officers?—A. Yes, sir.

Q. Were the supplies for their families furnished at less rates?—A. Not materially. Their supplies were generally furnished by the commissary. They got most everything from him.

Q. But their liquors and cigars, and things of that kind, which enter into the little vices of every man, were lower than the price at which they were sold to the soldiers?—A. They usually had some favor in that respect.

Q. Who was your agent at Fort Peck at the time Orvil Grant took possession there?—A. M. C. Thum.

Q. Leighton then took possession after you?—A. Yes, sir.

Q. Did Mr. Leighton, or any other person for him, remove a lot of supplies that were at that agency, and take them up to Fort Belknap?—A. Fort Peck is not a military reservation.

Q. I am aware of that fact, but I desire to know whether that did occur?—A. I don't know. I can give no positive information in regard to that.

Q. Have you heard that such was a fact?—A. I have heard it only.

Q. Do you know of Mr. Thum ever procuring an affidavit, stating that that was a fact; that Leighton had taken the goods from the agencies, and sent them up to Fort Belknap?—A. I am informed that he procured affidavits in regard to a good many of their transactions, which were looked upon as irregular after Mr. Leighton took charge.

Q. You don't know of any of your own knowledge?—A. I know nothing of my own knowledge.

Q. Where is Mr. Thum now?—A. He is at Fort Belknap.

Q. Is he the agent of Leighton there now?—A. No, sir.

Q. Is he a man of family?—A. No, sir.

Q. Did Mr. Thum ever tell you anything about this thing himself?—A. O, yes.

Q. What did he tell you?—A. Really I can't specify. It was only in regard to irregular transactions that I remember nothing about.

Q. Was the general allegation such as I have stated—that they did take supplies from the Indian agencies and send them up to Fort Belknap?—A. I don't know about there, perhaps, more than elsewhere. It was a general statement.

Q. That they took things from the Indian agency and took them where they were post-traders?—A. They were post-traders at Fort Buford. I understood things were taken there to be returned afterwards; that that was the intention.

Q. Do you know Mr. Leighton well?—A. Yes, sir.

Q. What relation does he bear to the late Secretary of War, Belknap?—A. None that I know of.

Q. Is he a friend of his?—A. I don't know about that.

Q. Where does he come from?—A Ottumwa, Iowa.

Q. Is he related by blood to him?—A. Not to my knowledge.

By Mr. ROBBINS:

Q. You were dispossessed of a good many posts, I understood you to say?—A. We were.

Q. Being dispossessed, you were subject to considerable loss?—A. Yes, sir; quite heavy.

Q. Was there any intimation of an offer at any time, from any person, that if you would pay money or other valuable consideration to any of these officials, you would be dealt with more lightly and favored more than you were being favored, or not?—A. No, sir.

Q. Was no such offer ever made to you?—A. No, sir.

Q. No intimation of any offer of that kind?—A. I recall nothing definite at all.

Q. I do not ask you whether such intimation came directly from the officials themselves. Did any such intimation come to you at any time from anybody?—A. I recall none now.

Q. No proposal was ever made to you by any official of the Government that they would let you retain places, or give you others, if you would pay for them?—A. No, sir.

Q. There was a contract, however, made, you say, by which you were to pay $750 a quarter to Mr. Babcock, and in consideration of that Mr. Athey was to do certain things favorable to you?—A. That was a verbal contract that Mr. Durfee made with General Babcock. That is my understanding.

Q. Such a contract was made and carried out?—A. Yes, sir.

Q. Mr. Athey, in consideration of that, proceeded to do these things which were favorable to you?—A. Yes, sir; we were permitted to remain there until we disposed of our stock.

Q. You did receive that favor through Athey by your paying to Surveyor-General Babcock that consideration in money?—A. We received a favor and paid the money.

Q. It was understood that the two were connected together?—A. That is the natural presumption.

Q. Didn't you know right square that that was the fact?—A. Well, I presume all who would hear a statement of that kind would know it the same as I would know it.

Q. Was it not distinctly and clearly understood by your firm that you had to pay that money in order to get Mr. Athey to do this?—A. Most assuredly.

Q. Was there any other transaction like this in regard to any of the other places?—A.

None, whatever, sir, excepting as I stated at Fort Rice, where Mr. Pitts gave his services for the winter in consideration of receiving a percentage of the profits until Mr. Smith—I think his name was—went in with him and furnished the capital to buy us but in connection with Mr. Pitts.

Q. I did not fully nnderstand, and I wish you would state explicitly, how you were directed in this contract with the surveyor-general, Babcock, about making remittances to General Babcock at the Executive Mansion.—A. He simply gave that as his address, I think, after a certain time—care of O. E. Babcock, Executive Mansion.

Q. That if after a certain time you had occasion to make remittances of the $750 a quarter, you should send it——

A. (Interrupting.) No, sir; that was not specified at all. It was that his address would be care of O. E. Babcock, after a certain time. That, I think, was the wording of the letter.

Q. What was the object of that address being given you—that you might make the remittances there?—A. That we might correspond, I presume, if we had anything to write, him. I don't know anything further than that.

Q. Do you know how Surveyor-General Babcock was possessed of the influence which enabled him to control that matter?—A. No more than yourself.

Q. You never had any intimation of how that was?—A. No more than yourself.

Q. Do you know whether Surveyor-General Babcock shared that $750 per quarter with any other person or not?—A. I do not.

Q. I understood you to say that the executive order which prevented competition at Standing Rock and the Sioux reservation had a tendency to increase the profits of these trading-posts?—A. Most assuredly. It gave them all the business.

Q. Made it a monopoly?—A. Yes, sir.

Q. Orvil Grant, you say, was the party interested in these posts at that time?—A. He was supposed to be.

Q. By making these posts monopolies, state whether the necessary effects was not to enable the trader to extort higher prices from the soldiers?—A. Most assuredly. It was soldiers and Indians. It was Indians more especially.

Q. The effect of making it a monopoly through this executive order was to make the soldiers pay larger prices for what they had to buy?—A. Most assuredly. It did away, as I say, with all competition.

Q. Was there any connection with your boating on the Missouri and any favors from officials of the Government in any way?—A. No, sir.

Q. Do you have a license to run boats, or is it a free thing?—A. The Missouri River is supposed to be free.

Q. There are no special favors granted in regard to transportation?—A. No, sir.

Q. You spoke of receiving two letters from Surveyor-General Babcock?—A. No, sir; only one.

Q. Mr. Durfee received a letter of which you spoke?—A. Yes, sir.

Q. What were the contents of that letter?—A. I have heretofore given you that as nearly as I could remember.

Q. I thought it was the first one?—A. That was the first one.

Q. What was the second one?—A. There was no second one that I know of in reference to this matter.

Q. In reference to what matter was the second?—A. I remember none at all. There might have been letters, possibly.

Q. Did you ever make any complaint to the President that Orvil Grant and any other persons were trenching upon your domain out there as traders?—A. No, sir; I never spoke to the President on the subject.

Q. Did you ever have any application made to him or to Delano?—A. The order was positive, as I explained before. Complaints were unavailing. None were made that I know of. As soon as the order was issued we had no rights.

Q. You did not make any complaint, then, of Orvil Grant to Delano except as you have stated?—A. No, sir.

Q. You did go to him and make some complaint?—A. I went to him at the time I was first advised of the issuing of the order.

Q. And he said that he had to cut off your head or have his cut off?—A. Yes, sir; those were his words, I think.

Q. That the President would remove him if he did not remove you?—A. He said he knew of no charge against us in his Department, in any way, shape, or form; he had heard of none—knew of no reason for the issuing of the order, but that if he did not cut heads off when he was ordered his would be cut off. I think that was his language very closely.

By Mr. BASS:

Q. I understood you to say that you paid no official or officer of the Government, in high or low station, any compensation for the privileges you enjoyed, either directly or indirectly?—A. Yes, sir.

Q. When you first took possession of the post-tradership there how were the prices fixed of the articles which you sold to the soldiers?—A. By a council.

Q. Of whom did the council consist?—A. They were officers of the post, named by the commanding officer.

Q. Was the commanding officer of the post a member of the council?—A. No, sir; I think not usually. I think they were generally designated by the commanding officer.

Q. When you received a shipment of goods at the post, how, practically, did they fix the prices—what was the *modus operandi?*—A. They would require our invoices and decide upon prices of profit.

Q. And give you permission to sell certain articles at a certain per cent. of profit?—A. Yes, sir.

Q. And in that way all your invoices were submitted to this council?—A. Yes, sir; they were laid before them at any time they asked for them.

Q. You were then compelled to erect your own buildings?—A. Yes, sir.

Q. And prior to the issue of the order of 1872 you had a right to put any person or employé that you saw fit in charge of the post to sell your goods?—A. Yes, sir; prior to that order of the War Department that the trader shall be a resident of the post. Prior to that we regulated our employés as we chose, and made changes without any regard to the War Department.

Q. Before that time did you carry on your operations there as post-traders through clerks and employés?—A. Yes, sir.

Q. Neither you nor Mr. Durfee was a resident of any post?—A. No, sir.

Q. Is it a fact that post-traders obey the orders of the council in selling goods, or are they liable to overstep the limits?—A. They are supposed to comply with them very closely.

Q. I know they are supposed to, but I am speaking with regard to any possible provision of law that could be enacted by Congress to secure honest dealing. Is it a fact, from your knowledge there, or from your knowledge of the post-traders, that they do overstep these limits?—A. I think they do not.

Q. Is there any inspector or person so situated there, connected with the council, as that he could maintain any kind of watch or would be advised of the fact that post-traders sold at higher prices?—A. Under the old *régime*, if it was not complied with the officer had a right to recommend a successor.

Q. Was there any change with reference to the appointment of councils to fix prices at the time of the enactment of the law of 1870? How were prices fixed since that time?—A. They have been accustomed, I think, to have the councils in the same way.

Q. So that both before and since that law, theoretically at least, prices at which post-traders are permitted to sell to the soldiers are fixed by a council?—A. In regard to that I would say that after the change of the law the traders were not responsible to the officers of the posts as heretofore, as their recommendation had nothing to do with their appointment or removal.

Q. If the commanding officer of the post reported to his superior officer in that way, that the post-traders were violating the rules fixed by the council, of course that recommendation would be entitled to some weght, would it not?—A. I think that since the change there has been very little attention paid to anything of that kind; I think they have felt very little responsibility to the officers of the post, either commanding or subordinate.

Q. So that, in your judgment, from your experience, you think that law was not a wise law?—A. I think it was not. I think it was very unwise. Under the old law the officers of the several posts had two or three traders at a post, if it was a large one, and that of course made competition.

Q. How are the prices arranged in trading with the Indians? Take, for instance, those posts which you held at Cheyenne and at Standing Rock.—A. There was no regulation in regard to that. There was no monopoly of it, except so far as business principles would make it a monopoly. Any person, as the law of Congress says, giving bond in $5,000, shall have a license to trade. They would apply to the agent for a license; it would be granted, and come here for approval. Two or three traders, or more, if they thought it would pay, would go there. That was at Indian posts.

Q. So that, under the policy of the Government, from time immemorial people have not been permitted upon the reservations indiscriminately—that is, white settlers have not been permitted to go there indiscriminately and trade with Indians?—A. Not at all.

Q. Therefore, why was it not entirely proper to extend the reservation, in order to prevent that very thing which the Government have always tried to prevent—the indiscriminate trading of people with the Indians, and confining it to persons who had given $5,000 bond to the Government, or to the trader appointed in the regular way? Why was it not right and proper that that should be so?—A. Well, they have always done more or less trading off from the reservation.

Q. But it is contrary to the policy of the Government, is it not, to permit trade indiscriminately with the Indians?—A. Yes; it is on the reservations. But it is supposed any one can go on public lands.

Q. Then I ask you, that being the policy of the Government from time immemorial, why it was at all improper to extend the limits of that reservation so as to prevent white persons from indiscriminately trading with the Indians, and selling them perhaps too much whisky and things of that kind?—A. Well, I don't know. We are growing wise, I presume, late in life.

Q. You felt a little the impropriety, because you had been injured in having this tradership taken away from you, but on general principles, I ask whether you don't think that was right?—A. I don't know of any injury that was worked under the old regulation.

Q. That is, of course, assuming that the post-trader obeyed the law and sold according to the price fixed by the council. Now, if that is so, how is it possible that the Indians or the soldiers could have been charged any more; how is it possible that it could have cost them any more after these people were driven away who had no right to trade with them, provided they obeyed the law and sold within their limited prices?—A. There is no limit as to prices. I think that has been disregarded of late.

Q. Prices have been fixed by the council, have they not?—A. Yes, sir; at some few, I think, they have gone through the form of fixing prices, but they have never been lived up to.

Q. It is the rule and the order of the Department to this date, is it not?—A. I presume that they have the right to call a council, but the traders, of course, under the new regulation have been independent of the officers of the post. They have not been inclined to submit to their dictation as formerly.

Q. Then that order with reference to fixing the price has not been regarded of late?—A. Not to the extent it formerly was, as they are under no obligations to the officers of the post for their appointment.

Q. So that, of late, as I understand from you, post-traders have been accustomed to overcharge when they saw fit, and could do so?—A. They have not been, as I have said, under obligation to the officers of the post as formerly.

Q. That is not the point. I do not care under what obligation they have been. It is a fact that they have been accustomed to overcharge?—A. I don't know that there has been any material change in the charges. I don't know of anything special.

Q. I suspect that there has not been any material change, but that does not answer the question. I suspect that there has been an overcharge all the time.—A. I don't know what you would call an overcharge.

Q. You say that there were, for instance, at Standing Rock 400 soldiers?—A. I said nothing about that.

Q. Well, you say there were four companies at Fort Sully?—A. Yes, sir; but the companies are cut down materially. I presume there would not be an average of over fifty or sixty men to a company.

Q. So that those four companies of men at Fort Sully would number from two to three hundred?—A. Yes, sir.

Q. And selling goods to two or three hundred persons for a year at prices fixed by a council would be worth $10,000 net profit, would it?—A. Yes, sir; properly managed, that post is worth $10,000.

Q. Where did you buy your goods?—A. Everywhere—New York, Saint Louis, Chicago—wherever we could buy the goods at the best rates.

Q. What classes of goods were private soldiers compelled to buy for their support?—A. They are compelled to buy but very little for their support.

Q. Of course their clothing is furnished by the Government?—A. Yes, sir.

Q. Also their rations?—A. Yes, sir.

Q. Tobacco and whisky was not furnished them?—A. No, sir.

Q. Were tobacco and whisky the chief things sold the soldiers?—A. The larger profit is made on tobacco and whisky, most assuredly.

Q. The officers, of course, are liable to buy some clothing for themselves and their families?—A. Yes, sir.

Q. And a few more articles of comfort and luxury?—A. Yes, sir.

Q. What did your stock consist of?—A. Such a general stock as you would find in a country store; a general stock of merchandise.

Q. What was the gross value of the goods which you sold to the soldiers in the course of the year at Fort Sully?—A. I should think $50,000 to $75,000 a year.

Q. If two hundred men bought $50,000 worth of goods, how much would that be apiece? It would be, as I calculate it, $250 apiece. The soldiers got $13 a month, did they not?—A. Yes, sir.

Q. A soldier's pay was only $156. How could you sell on an average $250 worth to a man?—A. Bear in mind that there is always more or less outside business at a post. There are employés of the Quartermaster's Department; there are more or less hangers-on around a post who have wood-yards up and down the river, and who come in for supplies. Parties are always passing through the fort. It is not the absolute business of the post alone.

Q. But of course your commission did not cover that? Anybody could do that business?—A. They couldn't come to the post to do business without a permit. They would be put off from a reservation, as anybody else would be.

Q. Can you make any suggestion to this committee, from your experience in this business, with reference to a modification of the present law which shall secure fair dealing with the soldiers on the part of the post-traders?—A. I know of no better regulation than formerly, to allow the officers of the post to select the traders. Of course that selection has to be submitted to the department commander. They could have one, two, or three traders, as they

might think the necessities of the post demanded, or as parties might think they could do business. Of course parties are not going to overdo a thing of that kind at a trading-post any more than in a town. If it don't require more than one hardware store in a town, two or three are not going to come in. It would regulate itself at a post the same as it would at a town.

Q. Your recommendation would be that the appointment should be made by the commanding officer of the post?—A. Yes, sir; by the officer of the post, as formerly; that it should be under their control.

Q. Do you recollect what the old abuses were, under that system, that seemed to require a change in the law?—A. I know of none.

Q. If I understand this Athey business at Fort Sully, Mr. Athey, who was in the employ of Surveyor-General Babcock as a clerk, was appointed post-trader and had a right any minute to come on, if he had or did not have the capital, and order you away from that post?—A. Yes, sir.

Q. And through Surveyor-General Babcock your partner made an arrangement by which, on paying him $750 a quarter, you had the privilege of retaining possession of the post until Athey could find some partner who could furnish the capital with him to come in?—A. That was the case.

Q. You were induced to pay that money, so far as you were concerned, because you thought it would save you more of a sacrifice in the loss on your goods and buildings?—A. That was the view.

Q. At Fort Sully, as an illustration, how much did it cost you to erect buildings to carry on your business?—A. Our buildings there cost us something over $5,000.

Q. Did you make any use of them afterward?—A. None at all.

Q. Before the change was made in the law you were liable to be dispossessed by the commander?—A. Yes, sir; but that was extremely unlikely if a man conducted his business with any propriety. Changes were very rarely made under the old regulation.

Q. As to this case of Major Wham who wanted $1,000, did you pay it to him?—A. No, sir.

Q. Do you recollect when the order was made which required post-traders to reside at their posts?—A. It was a year or two after the change in the law.

The CHAIRMAN. We have a letter here from the Secretary stating that it was made June, 1872.

The WITNESS. Our changes there indicate pretty nearly the time.

By Mr. BASS:

Q. At that time, say June, 1872, neither you nor your partner were residing at any of these posts?—A. No, sir.

Q. Other men were appointed, and you made arrangements with them as well as you could, as you have stated?—A. No, sir; they were parties in our employ. We made arrangements with our own employés to be appointed as traders, that they might reside at the post. Our arrangements were made with them with regard to taking the business, we furnishing the capital.

By the CHAIRMAN:

Q. You say that General C. W. Babcock was the surveyor-general of Kansas?—A. Yes, sir.

Q. Was he in that position when he made this contract with you?—A. He was.

Q. He was a Federal officer?—A. He was.

Q. You have said, in reply to Mr. Bass, that any parties giving bonds under the law might trade at an Indian post?—A. Yes, sir; that is the law.

Q. If that was the law, why was it that you felt obliged to give up trading at Standing Rock and Cheyenne?—A. The appointment of the traders was then taken out of the hands of the agents and given to the Secretary of the Interior, and he was ordered to issue licenses.

Q. Who was he ordered by?—A. My understanding was that the President ordered it.

Q. And that no person could get it, even f they filed a bond, unless there was an order from the President. Was that your understanding of it?—A. Yes, sir.

By Mr. BLACKBURN:

Q. If I understand you correctly, you stated that under the old regulation the ousting of the incumbents and the substitution of new traders was very unfrequent?—A. Yes, sir.

Q. But that under the new regulation the ousting of the traders and the substitution of new ones in their stead, as in your case, became very frequent?—A. That was subject, of course, to the dictation of politicians and of the Secretary of War.

Q. Is it your statement that, under the new regulations comparatively speaking, these oustings of occupants and the substitution of new traders became very frequent as compared with the operation of the old law?—A. It was entirely at the option of the Secretary of War.

Q. I am not asking you where the power resided, or what power the Secretary may have possessed, but what was the exercise of it?—A. Changes after this new law were quite generally made at posts throughout the country.

The CHAIRMAN. The order requiring post-traders to reside at their posts was issued by the Secretary of War March 25, 1872.

By Mr. ROBBINS:

Q. You say that under the old regulations there was a council which regulated the price of goods?—A. A council was called at any time at the option of the officers and the commander of the post.

Q. You say since the new law transferring the appointing power to the Secretary of War the practical effect has been to leave the price unregulated.—A. Yes, sir; to a much greater extent than before. The traders felt independent of the officers of the post.

Q. Leaving the trader practically unlimited in the prices they should ask?—A. Yes, sir; I should consider it so.

Q. The practical result, then, is that the soldiers are liable to much greater oppression and extortion under the new law?—A. I consider it so, decidedly.

WASHINGTON, D. C, *March* 23, 1876.

C. K. PECK recalled and further examined.

By the CHAIRMAN:

Question. State if at any time you have ever, in your business out there as post-trader or otherwise, been obliged to pay any money for political purposes?—Answer. I cannot say that we have been obliged to.

Q. Have you contributed?—A. Yes, sir; we have.

Q. How largely?—A. At the last presidential election, I presume we contributed from $6,000 to $8,000.

Q. To whom did you pay it?—A. I think it was remitted to the chairman of the committee at Washington. I don't know how it was.

Q. In what form was the request made of you?—A. It was in the way of notices, written or printed, I am not certain which.

Q. Upon what basis were you assessed, do you know?—A. I don't know why, of course. They presumed, I suppose, that we held lucrative positions under the administration. I don't know what else.

Q. Was the amount specified that you had to pay?—A. Yes, sir; I think the different posts were assessed a specified amount.

Q. Each post that you held was assessed at a specified amount?—A. Yes, sir.

Q. Can you give us the amounts on each post?—A. I cannot. I recollect only the aggregate.

Q. You recollect that the last presidential election you paid $6,000 or $8,000 for the posts you held?—A. For our posts and business.

Q. Were other parties engaged in post-trading and business at the time obliged to pay also?—A. I don't know.

Q. Had you paid for the prior presidential election?—A. Yes, sir.

Q. Do you recollect how much you paid for the election in 1868?—A. I do not, sir.

Q. But you did pay?—A. Yes, sir; we contributed. I don't know anything about the amount. I don't remember anything in regard to it.

By Mr. BASS:

Q. You say, as I understood you, that you were not obliged to pay, but you contributed, and yet you say there was an assessment on you. I wish you would explain exactly in detail how this business was done.—A. We were simply notified—that is the substance of it—that a contribution of that kind would be acceptable.

Q. Was it requested or was it a demand?—A. I think it was in the form of a request.

Q. Was it communicated to you in writing?—A. I have an idea that it was a printed circular. I don't know whether we have any of them or not. It may not have been printed, but that is my impression.

Q. You have none of them?—A. I don't know, sir.

Q. Did you write any letters in response to any circular?—A. I wrote once to Hon. James Harlan, of Iowa, in regard to a remittance that we made.

Q. Did you receive your circulars from him?—A. I am not certain whether they came from him or not; my impression is that they came from him.

Q. Do you keep copies of the letters you write?—A. We usually do of business letters.

Q. Did you keep a copy of any correspondence you had with him on that subject?—A I cannot tell you.

Q. Did you remit the money yourself?—A. The remittances were made from the posts and from ourselves.

Q. When did you make the first remittance?—A. I cannot tell you.

Q. What amount?—A. I cannot tell you.

Q. How did you make it?—A. Really I cannot tell you.

Q. Can you not give us any data by which we can find out whether you are telling the truth or not?—A. No, sir; I cannot.

Q. You cannot give the bank you drew upon?—A. No, sir.

Q. Nor any draft you made?—A. No, sir.

Q. Can you produce any correspondence on the subject?—A. I cannot here, possibly I can at home.

Q. If you cannot state that, can you state the amount of any other remittances, after the first?—A. I cannot state the amount of any of them.

Q. Nor to whom sent?—A. Not in detail. I cannot here, sir. I should have looked at the records to refresh my mind about the matter.

Q. It was so trifling a matter that it did not burden your mind at all?—A. It was not at all trifling.

Q. If you cannot tell the amount of any remittances or the number of remittances, or to whom sent or how sent, how are you able to fix the amount?—A. I know the aggregate was a matter of six to eight thousand dollars.

Q. That is very indefinite, a margin of $2,000.—A. Yes, sir; I might have given the data more particularly, I presume, if I had known a few weeks ago that I was going to be interrogated in regard to it.

Q. How many posts were you holding at that time, or connected with?—A. We were holding some eight or ten, I think.

Q. How did you manage to secure eight or ten posts, Mr. Peck?—A. As I explained in my testimony the other day, we were recommended at the military trading-posts by the officers of the posts; and the Indian posts that we had were under the law of Congress, providing that any person of good moral character, giving bond of $5,000, might have a license to trade. We made our application and gave our bond, and we were licensed as traders at a number of posts. We had four military posts proper, and we had Cheyenne, Grand River, Berthold, and Fort Peck, and Fort Turner and Fort Belknap, Indian posts.

Q. You had the recommendations of the officers of the posts when you were appointed?—A. At the military posts.

Q. Had you been sutlers at those posts before the law of Congress went into effect?—A. O, yes; before the change in the law.

Q. Do you know the fact that a great many complaints came here to the Department with regard to your management of those posts?—A. I know, sir, that there were some complaints made to the War Department, and an investigation made.

By Mr. BLACKBURN:

Q. Those requests for contributions that you speak of, that were sent to you probably in the shape of printed circulars, can you state whether they were in blank or whether any amounts were designated that you were expected to contribute?—A. I think at the military posts there was a designated amount, in proportion to the number of troops at each post.

Q. You think there were designated amounts, and that those amounts were in proportion to the number of troops at each post then held by you?—A. Yes, sir.

Q. Were your contributions in accordance with those figures sent you?—A. Yes, sir.

Q. And they aggregated about six to eight thousand dollars?—A. Yes, sir.

Q. Did you consider those contributions voluntary upon your part? Did you send them in accordance with those printed requests embodying designated amounts, because you wanted, as a party man, to contribute those sums for the success of the election, or did you send them for other reasons?—A. Well, it was one of those things—contributions that were made because they were exacted, or required, or asked for. It might reflect upon us if we did not contribute. That was the idea.

Q. Then they were not voluntary on your part?—A. They were voluntary so far as the contributions themselves were concerned.

Q. Would you have sent them if you had not believed that a failure or refusal to send would have resulted disastrously to you as an official under the Department?—A. No, sir; I presume not.

By Mr. BASS:

Q. Did you have any evidence that the failure to send would have any affect upon you?—A. None at all, sir.

By the CHAIRMAN:

Q. You say there were complaints made against you, and an examination made by the War Department; what was the result of the examination?—A. Secretary Belknap assured me it was an entire acquittal.

By Mr. BASS:

Q. Upon what charges, and as to what fort was it that that examination was made?—A. It was in regard to trading in arms and ammunition at Cheyenne agency, I think.

Q. Selling arms and ammunition to Indians?—A. Yes, sir.

Q. Do you know the fact that there were charges against you also of furnishing arms and ammunition at other posts?—A. I have heard statements of that kind. I never knew of any such charges being made in form or being investigated.

Q. You did not live at the posts?—A. No, sir; I aimed to visit them once or twice a year.

Q. Remaining how long?—A. Only one or two or three days, as transportation might offer.

Q. So that your subordinates at the posts had the power to run the posts to suit themselves?—A. They had charge of the posts.

Q. How often was Mr. Durfee at any of the posts?—A. He never visited all of them. He never was up the river but once, and then went up as far as Buford, or old Fort Yuma, as it was then, the mouth of the Yellowstone.

Q. So the result of it was that those clerks or subordinates of yours had it entirely within their power to sell arms and ammunition to the Indians, and also to sell them other articles prohibited by law?—A. Yes, sir; the agents govern those matters themselves; they governed the amounts to be sold, and had their regular orders in regard to it.

Q. Do you know the fact that the practice which has been growing up of traders, (yourselves prominent among the number,) being continuously absent from the posts, induced that order of 1872, in and by which the post trader was required personally to reside at the post?—A. I never knew the occasion for the issuing of the order.

Q. Do you know the fact from your experience, and from knowledge communicated to you as a post-trader, that through those post-traders at the time of those troubles, arms and ammunition were furnished, or through some means?—A. The agent prescribed the amount of arms and ammunition that should be sold within a certain time, and they were sold under his supervision and direction. There were no illicit traders, I understand.

Q. I understood you to testify the other day that there were illicit traders at Cheyenne and Standing Rock, and you thought at first it was a great outrage that the order should be made driving them away?—A. They were not at the agency, they were off from the reservation on the public lands.

Q. They were in communication with the Indians?—A. The Indians could go to them across the river.

Q. Do you know the fact, or are you advised by your agents that those illicit traders who were driven away by extending the reservation, were accustomed to furnish arms and ammunition to the Indians in violation of the laws of Congress?—A. I don't know that they did of my own knowledge.

Q. They had opportunities of doing so?—A. I presume they had; most assuredly.

Q. Opportunities to sell anything that they could make money out of?—A. I never was at one of those trading-posts off from the reservation.

WASHINGTON, *March* 17, 1876.

J. A. CAMPBELL appeared before the committee voluntarily, and made the following statement:

Mr. Chairman. In the New York Herald of yesterday morning appears a statement in relation to the sale of post-traderships, which affects me in this particular: the article says that "in the barter and sale of these posts, the evidence referred to will show that one Senator and one Ex-Senator, both from the same State, the latter now governor of a Territory, and an ex-governor of a Territory, now holding a high and responsible position in the War Department, and an ex-territorial marshal, have all been deeply implicated. Ex-Governor Campbell, of Wyoming, made a special visit to Washington, and controlled the appointments and sale of the post-traderships. On his return he announced through his brother, whose letter your correspondent has seen, and which will be forwarded by mail, that he had succeeded in his mission, and none but administration men should hold post-traderships. In the letter it is demanded that while the Campbell brothers are to receive a third of the profits, they are to supply none of the capital. It is to be kept secret that Governor Campbell is interested. Governor Campbell's brother, in arranging terms, said he could not close the bargain until he had submitted them to the governor."

Mr. Chairman. I appear before your committee this morning voluntarily, to deny, upon oath, every statement and every reflection contained upon me in this article. I wish to state that I have never, in any way, directly or indirectly, been concerned in the sale of post-traderships, or in any bargain in any way affecting post-traderships; that no one, for me, has ever been authorized, in any way whatever, to use my name in connection with the sale or barter of post-traderships; and if you will give me any language in which I can make that statement stronger, I will do so. I will answer any questions that the committee choose to ask me in relation to the matter.

The CHAIRMAN. I never had seen the article until my attention was called to it a moment ago; and I will say, for myself, as chairman of the committee, that if any papers are on the way, relating to this subject, they have not been received by me as chairman, and I do not suppose they have been received by any member of the committee. Please state the name of your brother.

Mr. CAMPBELL. I. N. Campbell. He is now in San Francisco, California.

The CHAIRMAN. Do you know whether he was ever engaged in post-traderships?

Mr. CAMPBELL. He was; at least thus far: He was never appointed by the Secretary of War, but appointed under the old system—by general order. I have his appointment by general order. It is dated April 11, 1870.

The CHAIRMAN. To what position?

Mr. CAMPBELL. To the post of Fort Fetterman, Wyoming Territory. He was appointed on my recommendation. I say he was appointed, but he never held the position. Three days after, on the 15th of April, the appointment was revoked. It was made to take effect on the 1st of July, and, as I say, the revocation being dated April 15th, it really never took effect. This is his sole connection, so far as I know, with any appointment as post-trader. I here produce the appointment and also the revocation of the same.

The CHAIRMAN. He was appointed on that date of the 11th of April, by the post-council, as it was called.

Mr. CAMPBELL. Yes.

The CHAIRMAN. Do you know of his ever having received any letters with reference to the post-traderships? I ask this question in view of the fact that the article refers to that.

Mr. CAMPBELL. I don't know anything of the kind.

The CHAIRMAN. Do you know whether he was ever interested either directly or indirectly in any post-tradership except this one which he never accepted?

Mr. CAMPBELL. No, sir; I don't know that he was. I don't think that he ever was.

The CHAIRMAN. Did he ever consult with you with reference to any bargain which was to be made with reference to other post-traderships?—A. No, sir.

Mr. CAMPBELL. Did any person ever for him consult with you?—A. No, sir.

The CHAIRMAN. Do you know Mr. Hedrick, of Ottumwa, Iowa?

Mr. CAMPBELL. Yes.

The CHAIRMAN. Do you know whether he and your brother were in any arrangement of this kind with reference to the post-tradership?

Mr. CAMPBELL. I do not; it is my impression that my brother never knew Mr. Hedrick, or that there was such a man in existence, but I cannot say positively.

The CHAIRMAN. Then you emphatically deny every statement made with reference to this with regard to the post-tradership in this article, and any presumption arising therefrom?

Mr. CAMPBELL. I do. I wish to state further to the committee, in order that there may be nothing occurring hereafter, that I have made recommendations for post-traders at every post in Wyoming, I suppose, at one time or another, for different persons. I don't recollect the names of all of them now, but certainly for some time there I made recommendations for the different posts in the Territory.

I wish distinctly to call attention to the fact that the appointment of my brother was made under the old system of the council of administration. He received no appointment whatever from the Secretary of War.

The CHAIRMAN. Were persons appointed in Wyoming upon your recommendation?

Mr. CAMPBELL. I think there was one, and I think there were some who had been appointed under the old council system whom I recommended to the Secretary of War should be retained; how many of them there were, I don't know.

The CHAIRMAN. Do you know what were the posts at which appointments were made upon your recommendation?

Mr. CAMPBELL. I do not. I can, however, tell most of them; at Fort D. A. Russell, J. D. Woolly was appointed; I recommended his appointment. I do not know that my recommendation had much to do with his appointment. I think that I recommended the retention of the post-trader at Fort Bridger; his name was W. A. Carter.

The CHAIRMAN. He was appointed October 16, 1871; is he still in office?

Mr. CAMPBELL. Yes, sir.

The CHAIRMAN. He had been a sutler under the old council?

Mr. CAMPBELL. Yes, sir. I think I recommended his appointment, although I will not say positively that I did. I think I recommended for every post there. The other post is Fort Fred Steele.

The CHAIRMAN. (Referring to the official record from the Department.) G. D. Thayer was appointed post-trader at Fort Steele, October 7, 1870.

Mr. CAMPBELL. Then I do not think I recommended him. He is still post-trader there. There is also a post-trader at Fort Laramie.

The CHAIRMAN. (Referring to the record.) J. S McCormick was appointed post-trader at Fort Laramie, April 20, 1871. His resignation was sent December 30, 1872, and John S. Hollins was appointed in his place December 28, 1872.

Mr. CAMPBELL. I know nothing about either of them. I had nothing to do with the recommendations in their case.

The CHAIRMAN. Is that man still in office?

Mr. CAMPBELL. Yes. There is another fort called Fort Saunders.

The CHAIRMAN. (Referring to the record.) E. D. Lane was appointed post-trader at Fort Saunders, October 6, 1870, and is still in office.

Mr. CAMPBELL. Yes, he is still in office. I recommended him. I cannot say that he was appointed on my recommendation.

The CHAIRMAN. Others may have united with you in the recommendation?

Mr. CAMPBELL. Yes. I recommended Mr. Lane before to General Augur at the old post council, but I am not certain whether I recommended him to the Secretary of War.

The CHAIRMAN. Are those all the forts that you remember?

Mr. CAMPBELL. No, sir; there is Fort Fetterman. That is the place I recommended my brother for, but he was not appointed. There was also Camp Stambaugh.

The CHAIRMAN. (Referring to the record.) William B. Huges was appointed October 28, 1870, and resigned in April, 1871; and Noyes Baldwin was appointed April 20, 1871, and is the present occupant.

Mr. CAMPBELL. I am not certain whether I recommended the first man or not. I did the the second.

The CHAIRMAN. Do you know of your own knowledge of any of these post-traders paying any sum of money to the Secretary of War or to any other person for their positions?

Mr. CAMPBELL. I do not.

The CHAIRMAN. Do you know of their paying any sum to any one for the sake of getting their appointments?—A. No, sir.

Q. They never have told you so, and you never heard it from any one else?—A. No, sir; but I have heard the general rumors that are about that such and such persons have done so and so, seeing it in the newspapers. I know nothing definite and never heard anything definite.

Q. Did you hear when you were governor of the Territory that they had to pay money?—A. I have heard such statements made.

Q. Were they current rumors in the Territory?—A. Well, I cannot say that they were current rumors. I don't think they were.

Q. Who told you it when you were governor of the Territory?—A. I cannot tell you that; I do not remember.

Q. But you did hear it?—A. I heard things of that kind; yes, sir.

Q. Did any of the officers ever tell you so at these different posts?—A. I don't think they did.

Q. Did you ever hear the officers complain of the fact that they had to pay exorbitant prices for goods by reason of this?—A. No, sir; I never did.

Q. Did you ever hear any of the men complain?—A. I never did.

Q. You merely heard what was the general rumor?—A. Yes, sir.

By Mr. ROBBINS:

Q. Do you know the price asked for goods by these post-traders at the traderships are very exorbitant on the soldiers?—A. I don't. I have been frequently at the posts, but I never paid any attention to the prices—never made any inquiry. I only know that I supposed that the prices were very exorbitant, as they were under every system of the kind in all armies; we thought they were, at least. Where one sutler had a monopoly they always were, I suppose.

Q. The fact is, then, that, under the present system of sutlerships and post-traderships, the soldiers are systematically extorted from; is not that true?—A. Well, I suppose that that is the case. I suppose it always has been the case in all armies. That, however, is a subject on which I have no personal knowledge. If there is anything at any time that in the least degree implicates me in anything of this kind, I would be happy to appear before the committee in relation thereto.

WASHINGTON, *March* 20, 1876.

J. J. FISHER sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. I left Kentucky in 1863, and went out on the plains in 1868.

Q. Are you a partner of J. S. Evans in the post-tradership at Fort Sill?—A. Yes, sir.

Q. How long have you been his partner?—A. Since I went into the Indian Territory, in 1868.

Q. At that time, and up to October, 1870, you and Mr. Evans were sutlers at Fort Sill, under the old law?—A. We were traders, the same as we are now.

Q. The record shows that on the 10th of October, 1870, John S. Evans was appointed post-trader at Fort Sill. Prior to that you had been at the same place trading as sutlers?—A. Yes, sir.

Q. Can you state of your own knowledge what was done by Mr. Evans on behalf of your firm prior to the 10th of October, when he was appointed, to secure his appointment as post-trader at Fort Sill? Did he come here to Washington?—A. He came to Washington to secure the appointment.

Q. State, if you know, what took place here.—A. I don't know what took place, only that he secured the appointment.

Q. You don't know of your own knowledge what he did here?—A. No, sir. I was at Fort Sill at the time.

Q. If you know of Mr. Evans having made any arrangement with any person with reference to this Fort Sill tradership, please state it, and especially with one Caleb P. Marsh?—A. I knew that he made that arrangement with Mr. Marsh.

Q. What was the arrangement?—A. Mr. Marsh exacted a tribute of $12,000 for the privilege of our remaining at the post.

Q. How was it to be paid?—A. I think it was to be paid quarterly in advance.

Q. Commencing in October, 1870?—A. Yes, sir. Commencing at the date of the agreement or contract.

Q. How long did your firm of John S. Evans & Co. pay Caleb P. Marsh at the rate of $12,000 a year?—A. I don't recollect exactly. I don't know whether it was a year and a half or two years.

Q. If any change was made, what were the rates after that time?—A. Six thousand dollars a year.

Q. Payable how?—A. Payable every three or six months in advance, I don't remember which.

Q. Have you paid all those exactions from that date?—A. We have paid up to the 15th of April, 1876.

Q. There was a change made from $12,000 to $6,000 a year about twelve or eighteen months after the first agreement. Do you know what led to that change?—A. Simply the fact that we could not make any money.

Q. With whom did you make the agreement to reduce the amount from $12,000 to $6,000?—A. Mr. Caleb P. Marsh.

Q. If you know how that reduction was accomplished—any of the negotiations regarding it—I wish you to state what they were.—A. I just stated to Mr. Marsh myself, personally, in New York, that unless he would reduce it I would be compelled to give up the position.

Q. That is, the firm would be?—A. Yes, sir. I was operating for the firm entirely.

Q. When was it, and how long was your interview with him?—A. In the spring of 1872, I think.

Q. What did he do about it?—A. Well, he hesitated for some time, and then said that he understood that there was great competition, and he would accede to my demands.

Q. Great competition where?—A. That owing to the competition at Fort Sill, and the fact that he had learned that we had not made the money that it was reputed we had made, he would accede to my demands.

Q. Did you ever have any correspondence with him on this subject, relating to the tradership and your business relations with him?—A. Nothing other than remittances.

Q. Have you any letter or letters from him on the subject?—A. I have.

Q. Have you got them with you?—A. Yes, sir.

Q. Will you be kind enough to show them to the committee?

[The witness handed the letters to the chairman.]

Q. Here is a letter dated:

"877 BROADWAY, NEW YORK.

"Yours of 6th instant is at hand, and contents as stated.

"Truly, &c.,

"C. P. MARSH."

What contents does that refer to?—A. To remittances.

Q. By draft, check, or money?—A. A draft.

Q. On some house in New York?—A. I really cannot tell now what it was on.

Q. Do you recollect the amount of the draft referred to in this note?—A. I do not.

Q. Do you recollect what year this was written? It is dated New York, December 9.—A. I do not.

Q. Therefore you only know in a general way that this refers to some money which was sent to him, growing out of this business, and which he gave you his receipt for in this way. Here is another:

"877 BROADWAY, NEW YORK, *November* 10.

"DEAR SIR: Yours of the 8th instant is at hand with inclosure as stated.

"Very truly,

"C. P. MARSH."

Do you know what year that was written in?—A. I don't recollect now.

Q. What does this "inclosure" refer to?—A. Money.

Q. Money that you sent, arising from this contract which John S. Evans entered into with Caleb P. Marsh?—A. Yes, sir.

Q. Here is another:

"877 BROADWAY, NEW YORK CITY,
"*October* 21, 1873.

"DEAR SIR: Yours of the 11th instant, with inclosures, is duly at hand. I herewith return the drafts on Northrup and Chick, as they failed some weeks ago. The other drafts I have, in this case, sent forward for collection and when paid I will credit you with proceeds. In future I shall not accept such payments, but exchange only, on Saint Louis or New York. Neither shall I await your convenience about payments. The $2,500 now due, in the event of your other inclosures being paid, you will send to me by return mail, or you will find yourselves in a good deal of trouble before long.

"Your very obedient servant,

"C. P. MARSH.

"Messrs. J. S. EVANS & CO."

Q. At that date, the 21st of October, 1873, there was $2,500 due on account of this transaction, as he states it?—A. Yes; the Government owed us a great deal of money at the time, and had been owing us for about nine months, and I asked him to defer payment, and in order to have him do so, I told him that I would pay him interest. I think it was 12 per cent. until I could pay him.

Q. And he declined to accept it?—A. I don't know.

Q. Did you thereafter send him, for your payments, exchange on Saint Louis or New York?—A. We paid him in full, everything that he demanded; our contract is paid up to the 15th of April, 1876.

Q When was your last payment made to him?—A. I think it was in October.

Q. Then you must have paid half-yearly?—A. Yes, sir; six months in advance. We paid him $3,000. I don't remember whether we paid it in October or not. I have only been there two years and a half.

Q. Where are the books kept—in Saint Louis?—A. At Fort Sill.

Q. But you know it is paid?—A. I know it is paid.

Q. Are these the only letters you ever received from Mr. Marsh on this subject?—A. I received others, but destroyed them. I just happened to keep these in my secretary. The others were of the same general character.

Q. When Mr. Evans returned from Washington did he tell you of the arrangement he had made with Mr. Marsh?—A. Yes, sir.

Q. Did he have a copy of the contract which was dated on the 8th day of October, 1870?—A. Yes, sir.

Q. Did Mr. Evans explain to you the reasons why he made this agreement with Mr. Marsh?—A. Yes, sir; it was simply as a matter of self-protection. We had a stock of goods that we had bought very largely, and we owed a great deal of money in eastern cities, and we had invested a great deal in buildings, and hauling our goods at that time about 400 or 500 miles, and for fear we would be ousted, we were prepared to accept his terms.

Q. You felt that you were obliged to do this or be ruined?—A. Yes, sir; ruined financially.

Q. Did he tell you by what authority Mr. Marsh made these extortions from you?—A. That he had the appointment.

Q. The fact seems to be that he never had the appointment. Did he explain that to you?—A. No, sir; I don't know anything about that.

Q. The fact seems to be that he made the contract when no one had made the appointment, and that the appointment was issued to Mr. Evans two days after he made the contract. Did he explain that?—A. No, sir.

Q. Until you saw the list of post-traders, did you know in whose name the appointmen was?—A. No, sir; I did not. I merely understood that Mr. Marsh controlled the appointt ment—that he had the appointment.

Q. Do you mean by that that he was the actual incumbent of the place, or simply that he had power to give it to any one he pleased?—A. He stated that he had the appointment himself. I think that was the idea. I was not here. I don't remember the particulars at all.

Q. Had you only one conversation with Mr. Marsh, personally, on the subject?—A. Only one.

Q. Where did this interview between you take place?—A. At Herter Brothers, 877 Broadway, N. Y.

Q. Mr. Marsh was a partner in that house at that time?—A. I don't know. I heard he was a special partner.

Q. I would like you to detail, so far as you recollect, all that occurred during that conversation at Herter Brothers.—A. It was in substance what I have told you. I cannot remember the particulars now. I offered to dispose of my interest to show him that I was sincere in my remarks—that I was not misrepresenting anything.

Q. What did he say to that?—A. He did not want to embark in the tradership at all. He did not want to go out there to live, and that was required by the law at that time.

Q. About the time you got the reduction from $12,000 to $6,000 hadn't the newspapers of the country taken this matter up and exposed the relations that existed between Evans &

Co. and Mr. Marsh?—A. Yes, sir; on the 15th of February, 1872. That was consequent upon the fact that General Hazen was before the Military Committee in January, 1872.

Q. Then in February there was an exposure in the New York Herald?—A. Yes, sir.

Q. Did not an order very soon after that come out from the Secretary of War, stating that all post-traders must reside at their posts?—A. Yes, sir.

Q. Do you know of your own knowledge of the Secretary of War having information of this contract of Evans & Co. with Mr. Marsh?—A. No, sir.

Q. Did Mr. Marsh ever tell you that the Secretary of War ever knew about it?—A. No, sir.

Q. Did he ever state to you anything about his influence with the Secretary of War?—A. No, sir.

Q. When he threatened to turn you out if you did not pay promptly, as he did by this letter, what did he refer to?—A. I don't know what he referred to. I just concluded to pay the bonus.

Q. I know you concluded to pay, but what was your understanding as to the power which enabled him to levy this tribute on you? Where did he get that power?—A. I don't know where he got it. I only know that he had control of the appointment: that is all. As that power was delegated to the Secretary of War, you can form your own inference.

Q. What is your inference?—A. Well, that, as Marsh had control of the appointment, he could compel me to pay the bonus or make it warm for me.

Q. Did he mean by "making it warm" for you, that he would have you turned out?—A. That was what I was fearful of—that was the reason that I paid the tribute.

Q. Then you would not have paid if you had not thought he would have you turned out?—A. I would not, most emphatically.

Q. You acknowledged his authority, then, by paying him tribute?—A. Yes, sir.

Q. Is there in your books an account-current with Mr. Caleb P. Marsh?—A. We have memoranda of everything that has been paid to Mr. Marsh.

Q. Does it appear on your books, or is it a private account?—A. I think for the last few years it is on the books. For instance, when we would pay him six months in advance, we would charge it to Caleb P. Marsh, and then at the end of the month, we would charge expense account with the amount paid C. P. Marsh.

Q. On your books it would appear as if he were one of your clerks?—A. Well, it would appear so. We did not make any secret of this.

Q. Then it was perfectly well known there that you were obliged to pay this tribute?—A. I think it was.

Q. Did this tribute which you were obliged to pay to Marsh, compel you to charge higher rates for the articles you sold at Fort Sill than you otherwise would have done?—A. My impression in regard to that is that we have always had a council of administration at Fort Sill, and this great hue and cry in regard to our extortion in prices to soldiers is in my estimation a humbug; in other words it is wrong. The council of administration since 1872, so far as I know, have stipulated the prices of necessaries for soldiers, and our profits were the result of keeping a large amount of money invested in the country, and taking advantage of contracts and everything outside, things that all the world could bid upon; and the vending of goods to the soldiers was a mere drop in the bucket.

Q. Then the money that you paid Mr. Marsh was not the profit from your sutler's business, as such? You could not have made that much out of your mere post-tradership?—A. No, sir.

Q. But you made it because you were in a position there to take large outside contracts?—A. Yes, sir; that the whole world could bid upon.

Q. Therefore, you really made nothing in your post-tradership after you paid Mr. Marsh?—A. I think we made $5,000 or $6,000 a year.

Q. And if you had not paid him what would you have made—$17,000?—A. I don't suppose we would have made that.

Q. So that in reality you were paying Marsh fully two-thirds of all you made in the post-tradership business proper?—A. Yes, sir; that is, in vending goods particularly to the soldiers; necessaries.

Q. And any money that you made, was made in operations which were perfectly legitimate, other contracts which the world could bid upon?—A. Yes, sir; and by being down in that country and taking advantage of everything that would contribute to the success of the concern.

Q. Therefore the great importance of your being permitted to remain there in your old business; and that was why you were willing to pay this large amount of money?—A. We were not willing to, but we paid it.

Q. Because if you had not paid it you would have been driven out?—A. Yes, sir; that was the inference I drew.

Q. Did Mr. Marsh never say anything to you about the Secretary of War, in relation to this contract? Did he never speak to you on that subject?—A. Not that I recollect of, other than when I was speaking to him, asking him to reduce the royalty. He at first did not want to accede to my wishes. He said he would see about it.

Q. How long did he take to see about it?—A. I don't remember; it seems to me it was the next day or the day after; perhaps about a week afterward.

Q. This conclusion was not arrived at immediately? When you saw him the second time and he acceded to it did he tell you whether he had held a consultation in the interval with any one?—A. No, sir; I inferred from his language that he did it of his own accord.

Q. Are you engaged in any other tradership than the one at Fort Sill?—A. Yes, sir; I am.

Q. Is Mr. Evans engaged in any except at Fort Sill?—A. Yes, sir; he and I have an interest in another one—a small interest—at the Cheyenne and Arapahoe agency.

Q. Is it a military agency?—A. Yes, sir; military and Indian; it is not a post; it is not completed yet.

Q. Do you have to pay any tribute to anybody in that case?—A. No, sir.

Q. Who is the post-trader there?—A. N. W. Evans.

Q. What is your interest founded on? Do you furnish him the stock of goods?—A. Yes, sir; we furnish all.

Q. And you have an interest in the profits for that reason?—A. Yes, sir.

Q. Do you know whether any other person than Evans and yourself are interested in that agency?—A. There is another trader there.

Q. But is there any person in the one in which you are interested?—A. Yes, sir; a former clerk of ours, Charles Schiafbower.

Q. What are your interests there? Are they one-third interests?—A. I think we give him one-third interest.

Q. And you have a third?—A. Mr. Evans and I and Mr. Neil Evans get the rest.

Q. How long have you held that appointment?—A. About sixty days.

Q. Whom did you get it from?—A. I don't know whom Mr. Evans got it from. The appointment was made by the Secretary of War. That appointment was made out some time ago.

Q. You say there is no agreement to pay anybody outside, with reference to that case, that you know of?—A. None at all.

Q. Did you write to the Secretary of War to secure it?—A. I don't know that.

Q. Whom did you apply through to the Secretary?—A. Mr. Evans attended to that entirely. I don't know how he did it. I think it was made through the regular channels.

Q. What are the regular channels?—A. Well, through the Secretary of War.

Q. Through Mr. Marsh?—A. I think not. I don't know how Mr. Evans obtained that. I have not asked him about it at all.

Q. Did Mr. Evans come to Washington to get it?—A. No; I think his application was sent on.

Q. Sent directly to the Secretary of War?—A. I think it was. I am not positive about it. He can give you that information to-morrow.

Q. You had nothing to do with getting it?—A. No; I have been at Saint Louis for two years and a half, and I don't know the particulars. I know how the first was obtained, but no such influence was brought to bear in this last case.

Q. You are not interested in any other, except at Cheyenne and Fort Sill?—A. No, sir; that is all.

Q. The partners at Fort Sill are John S. Evans and yourself?—A. Yes, sir.

Q. And the parties you have stated constitute the firm at the Cheyenne agency?—A. Yes, sir.

Q. Was this contract of October 8, 1870, kept a secret by you from people down about Fort Sill?—A. No, sir.

Q. Did you ever show it to anybody there?—A. Mr Evans showed it to General Grierson, and he showed it to two or three of the officers.

Q. Do you recollect anybody else besides General Grierson?—A. I think he showed it to Lieutenant Pratt and Capt. George T. Robinson.

Q. You say that General Hazen made a statement of the fact of the existence of this contract before the Committee on Military Affairs, in 1872, you think?—A. I don't know that he said anything about the contract. I only know that he went before the military committee, and very shortly afterward these facts were divulged through the medium of the press.

Q. What were the means of knowledge of General Hazen upon this subject?—A. I think Lieutenant Pratt or Captain Walsh, since deceased, gave General Hazen the information. We made no secret of the matter.

Q. Were you ever threatened in any way by anybody, that you should be removed from the post-tradership at Fort Sill, because you had shown this contract?—A. I don't remember anything of the kind.

Q. Were you down there in 1872?—A. I was.

Q. What time in 1872 were you there?—A. I think I went there in July, 1872.

Q. Have you any knowledge, then, of there having been a good deal of commotion down there in that spring of 1872, when this matter was ventilated by the New York Herald?—A. I don't remember any. I was not there when the publications appeared, but I was there in July.

Q. Then you don't know what the effect of that publication was at Fort Sill?—A. I don't remember. I don't see why it should have any effect, because the people all knew it before.

Q. You don't know whether Mr. Evans did not feel that he had got himself into trouble, and was a good deal alarmed about it?—A. Well, we have always felt alarmed for fear we would lose our position. I have always felt as if I were over a volcano.

Q. You don't know, then, of any efforts being made to remove you because you had shown this contract?—A. I don't know of anything of the kind. I never heard it suggested before to my knowledge.

Q. Were there any efforts made to induce you or your partner, Mr. Evans, to conceal the fact that you had such an agreement?—A. I don't know of any such efforts at all. The only reason why we wanted to be reticent in the premises was the fear that we would lose our position.

Q. After this fuss created by the newspaper publications were there any efforts, from some quarter, in some way, to have this thing hushed up?—A. I don't know of any such efforts. I know I never used any such efforts, because if any person asked me about that I would tell them. I felt perfectly innocent in the matter.

Q. I don't mean you.—A. Nor any one else connected with me.

Q. I mean were there not persons outside connected with this thing who served notice on you that there must be no more talk about it?—A. I never heard of it before. It would be perfectly futile, because it was published in the papers in 1872.

By Mr. ROBBINS:

Q. Do you know anything about the transactions at any other posts out there in which you were not yourself concerned?—A. No, sir; I know nothing about them, only what I saw through the medium of the press—mere hearsay.

Q. You don't know anything, of your own knowledge, bearing upon any similar inquiry in regard to any other place?—A. None at all.

By Mr. BASS:

Q. Do you know what General Hazen testified to before the Military Committee?—A. I do not.

Q. Where were you when he was here?—A. I was in Saint Louis, I think.

Q. And you have no knowledge upon what subject he testified?—A. Well, I have knowledge gained since that time, by reading the New York papers.

Q. But we find the New York papers not always entirely reliable. Have you any knowledge, that you are able to swear to, that he testified on that subject?—A. No, sir; I have not. I, however, had a personal interview with General Hazen before he testified.

Q. You testify, then, from rumor?—A. The rumors of the fact, and the fact that I knew he had been communicated with by Captain Pratt and Lieutenant Walsh, of the Tenth Cavalry.

Q. How do you know that?—A. I heard Captain Pratt say so.

Q. Then you got it second-hand from Captain Pratt?—A. Yes, sir. It was talked of at the post that Captain Pratt and Captain Walsh would inform General Hazen.

Q. And you had apprehensions from that?—A. Yes, sir.

Q. Well, if you had apprehensions from that, how is it that you regard it as moral to buy a place like that?—A. If you were five hundred miles from a railroad and had everything you had in the world there, invested in merchandise and buildings, and you were aware that the power had been delegated to the Secretary of War to give permits, and if another party should say to you that they had the appointment, and you were compelled to pay this or quit the position and lose on it, would you not consider that you were innocent?

Q. I have asked you a question.—A. Well, that is my answer.

Q. In other words, then, it is the emergency that makes you innocent, because it was a pretty heavy screw that was put upon you?—A. It was because I did not want to lose everything that I had.

Q. But that is not the question. I asked you whether or not you regarded it as a moral transaction. I don't care what the pressure was; what I ask is whether you regard it as a morally innocent transaction to purchase a post-tradership and pay $12,000 a year for it. You made a statement that the post-traders who do this business were innocent men. Now, I ask you if you think you are morally innocent, even though it is a sacrifice of your property, when you purchase a place of that kind and pay $12,000 to another man for it?—A. I think that self-preservation is the first law of nature.

Q. Then I understand your morals. This did not seem to be so much a question of self-preservation as a question of preserving your property?—A. Well, that comes pretty near self.

Q. It was your pocket that you were preserving?—A. Yes, sir; and persons who were depending on me for a living.

Q. Therefore you consider that you post-traders have the right to violate morals in order to protect your pockets?—A. I do not consider that I have violated any morals at all.

Q. So that you do not consider it morally wrong at all?—A. My conscience is the only monitor I have. I have never felt that I was doing anything wrong in the premises in protecting myself.

Q. You, of course, as you have testified, had no knowledge of the Secretary of War in the matter?—A. Nothing at all. I never knew the Secretary of War in the premises at all.

Q. You supposed that your whole transaction was with Mr. Marsh?—A. Entirely so.

Q. Who staid at that post after the order of 1872?—A. John S. Evans; and latterly, when he was off to purchase the goods, I was there.

Q. Who resided at the other post—Cheyenne—after Mr. Evans was appointed there?—A. That has been only within the last sixty days. Mr. J. S. Evans has been there perhaps ten days, and Mr. Sheafbower, our partner, is there at present, and Mr. Neil Evans is in our employ at Fort Sill until he goes up to the Cheyenne agency.

By the CHAIRMAN:

Q. When did you first discover that J. S. Evans really held this post-tradership in his own name?—A. When he arrived at Fort Sill.

Q. Then how did it come that you acknowledged and felt the power of Mr. Marsh in this matter, who did not appear anywhere in connection with it? If Mr. Evans had the certificate of appointment, how did it happen that you were willing to pay $12,000 a year to a mere outsider?—A. I will have to refer you very respectfully to that letter to J. S. Evans & Co.

Q Suppose my friend Mr. Bass had written you a letter of that kind, would you have paid him $12,000?—A. Not unless I felt that he could control the permit.

Q What caused you to feel that Mr. Marsh could?—A. Because Mr. Marsh said so.

Q. Suppose Mr. Bass should tell you to-day that he controlled that appointment there, would you pay him? Was there not something else behind the assertion of Marsh which made you feel that what he was saying was true?—A. Of course there was. He informed us that he had control of the appointment.

Q. But you say that you knew as soon as Mr Evans got back to the post in 1870 that he had the appointment?—A. Because Mr. Marsh told Mr. Evans so. I was not here when they made the contract.

Q. Did Mr. Evans ever tell you that Mr. Marsh had power to levy this $12,000 a year?—A. Mr. Evans must have thought so, or he would not have paid it.

Q. Did it not come off your interest as well as Mr. Evans's?—A. Yes, sir.

Q. Then you must have thought so, too?—A. I thought so.

Q. What made you think so?—A. I thought so from Mr. Marsh's statement that he had control of the appointment.

Q. What was there about Mr. Marsh, in his condition in life, his location, or his political connection, that made you believe his statement?—A. I understood from him, very frankly, that he had received the appointment from the Secretary of War, as a personal friend.

Q. I can understand how that could be if Mr. Marsh had been the appointee of record, but as Mr. Evans was the appointee, what I want to get is why a person entirely foreign to the record should have been recognized by you as such an important person, and I want to know upon what information you acted in so recognizing him?—A. Mr. Marsh's statement, and that I believed what he said.

Q. What was there that caused you to believe what he said?—A. He told us that he had the appointment.

Q. Did he ever show you certificate of appointment?—A. No, sir.

Q. Mr. Evans had that?—A. Yes, sir.

Q. If Mr. Evans had the appointment, and Mr. Marsh had nothing but his say so, was not Marsh exactly in the position that I would be in to-day if I should come and tell you that I have got control of a position that you really have in your name; and, in that case, would you believe me?—A. I would not believe you *to-day*.

Q. Well, why did you believe Mr. Marsh five years and a half ago in such an improbable statement?—A. Because Mr. Marsh told Mr. Evans, as I understood, that he had the appointment; that the Secretary had given it to him as a personal friend.

Q. You would not believe that from me to-day?—A. Well, I don't think I would be likely to credit it just now; although I do not doubt your veracity in the least.

Q. Why did you credit it then?—A. I presume there was an influence on us from fear. We did not have much time to make up our minds whether to accept or not; and the very fact of our getting the appointment was pretty good evidence that he did have the control.

Q. Mr. Evans having made the contract with him on the 8th of October, and the appointment being made on the 10th, you felt that that was actual evidence that Mr. Marsh had influence in high quarters, and that it was worth $12,000 a year?—A. He not only had power to do it, but he did it.

Q. You don't know, then, what induced Mr. Evans, on the 8th of October, when Mr. Marsh nor anybody else had any appointment there, to agree to pay $12,000 in order to have the appointment made to him two days afterward?—A. No, sir; I do not know. He is here and can tell you all about it.

By Mr. ROBBINS:

Q. I understood you to say that the fact that Evans had made the bargain with Mr. Marsh, and the fact of getting the appointment two days later, satisfied you that Mr. Marsh had some control?—A. Yes, sir; I think it would satisfy almost any one.

WASHINGTON, *March* 22, 1876.

JOHN J. FISHER recalled and further examined.

By the CHAIRMAN:

Question. Has the firm of J. S. Evans & Co., post-traders at Fort Sill, ever been required or asked to contribute money for political purposes: if so, when, where, and how much?—A. I could not state the particular amount, but, to the best of my recollection, I think they have contributed. I think there was a circular issued to post-traders and to others, and that Mr. Evans paid the money.

Q. You kept the books at Saint Louis, did you not?—A. There were no books kept at Saint Louis; they were kept at Fort Sill.

Q. Do you know of your own knowledge of any amount being paid?—A. I think I do; I don't recollect.

Q. Do you know whether it was a designated sum that you were required to pay for your post-tradership at Fort Sill?—A. I think it was owing to the fact of the circular being issued that we thought best to pay it.

Q. Do you recollect when that was?—A. I do not.

Q. Was it the last presidential election?—A. I cannot give the dates without referring to my books. I think they would show, but I am not sure; it may be charged to the expense-account without any explanation; if those things are not described you cannot ascertain. I don't know how it was done. All I know is that we received a circular.

Q. Do you recollect where that circular came from?—A. From Washington City.

Q. And was your remittance to any particular person in Washington?—A. All I know is that we paid the money. Mr. Evans knows about that better than I do.

Q. Did he know that there was a circular?—A. I remember seeing it. I don't remember the name attached to it, but it was understood not only by myself, but by other persons, to be under the auspices of the Interior Department—so understood by every one that I heard speak of it. Whether it was compulsory or not I don't remember, but any way it was paid.

Q. You cannot recollect the amount or the date?—A. No, sir.

Q. Was it within three or four years?—A. The time that I speak of must have been about four years ago. I don't remember the date.

Q. Did you pay upon more than one occasion?—A. I think we paid on two occasions; I only know of one.

By Mr. ROBBINS:

Q. Was the amount specified that you were required to pay in that circular?—A. I don't recollect that there was any specified amount mentioned.

Q. Did you understand by the manner in which the circular came to you and all the circumstances that it would be unsafe for you to risk not paying it?—A. O, no; I didn't understand that it was exactly compulsory in any way.

Q. Would you have contributed if you had not been called on?—A. I don't think I would.

Q. Did the fact that you had some doubts whether it would not be safer and better for you to contribute have some influence on you in making the contribution?—A. Well, I thought I would rather pay it.

Q. On account of your regard for the purpose for which it was intended, or because you wanted to be saved from trouble?—A. I wanted to be safe.

By Mr. BASS:

Q. Which side did you contribute to?—A. I believe the republicans were in power at that time.

Q. To which side did you contribute?—A. As the money has been paid within the last five years, you can form a better opinion yourself.

Q. I should think the other side would need contributions just as much. Do you recollect which side you contributed to, as a matter of fact?—A. I do not.

Q. You don't know but you contributed to help Brother Clymer along?—A. I do not; I am not a politician.

Q. What are your politics?—A. Well, I have not voted for a long time. I have eschewed politics for some years.

Q. When did you last vote?—A. I don't remember when I did vote.

Q. You are a voter, are you not?—A. I am.

Q. Where is your voting-place?—A. Saint Louis.

Q. Now, what are your politics, if you have any? Most men in this country ought to have.—A. I don't know whether I am a very great patriot or not, but I think in future I would prefer to vote for men and not party.

Q. I am talking about the past.—A. Well, in 1860 and 1861 I was a Union man in Kentucky, and at that time would have voted for the administration. I don't think I have ever voted since then. I don't remember whether I voted for General Grant or not.

Q. Did you have to leave Kentucky on account of your Union sentiments?—A. Not by any means.

By Mr. BLACKBURN:

Q. Did you ever know anybody that did have to leave Kentucky on account of Union sentiments?—A. There were certain portions of Kentucky that it would have been rather unhealthy for them to have been in.

Q. Which portion of Kentucky is that?—A. I cannot designate any particular point. At one time, when General Buckner was in the southern part of Kentucky.

Q. That was during the war?—A. Yes, sir.

Q. I am talking about the present.—A. O, no, sir; that was in 1860 and 1861.

Q. There were several odd thousand of us that had to leave on account of having different sentiments about that time, were there not?—A. I believe so.

By the CHAIRMAN:

Q. Were you a supporter of Greeley in 1872?—A. I really don't know whether I have ever voted for a President or not. I was in the Indian Territory, where we don't vote.

By Mr. BASS:

Q. Don't you think it was fair that if you could not vote you should pay something to help along the side you wanted to succeed?—A. I did contribute.

By the CHAIRMAN:

Q. Were you in the habit of contributing money to the side from which you did not hold office?—A. Not that I know of.

By Mr. ROBBINS:

Q. This circular that came to you, do you recollect with distinctness whether it came from the authorities of the administration or some of them, or somebody in their name, and whether it was a contribution expected to be for their benefit or not?—A. I don't remember. It seems to me that there was a name on it, the name of Harlan; was there such a circular as that ever sent out? [Laughter.]

WASHINGTON, *March* 20, 1876.

JAMES A. TOMLINSON sworn and examined.

By the CHAIRMAN:

Question. You reside in Harrodsburgh, Ky.?—Answer. I do, sir.

Q. You were appointed a post-trader at Camp McDowell, in Arizona Territory, on the 19th January, 1871.—A. About that time.

Q. And your commission as such was revoked the 25th of November, 1872. Please state to us who appointed you to that position.—A. General Belknap, the Secretary of War at that time.

Q. Did you go to the post?—A. I did.

Q. And were engaged in business there?—A. I was.

Q. Who was your partner?—A. My brother, who is now living, furnished me the capital.

Q. What is his name?—A. Dr. William Tomlinson.

Q. Was he a partner with you?—A. He was.

Q. Was there any other person engaged with you in business?—A. There was not.

Q. How many companies were there at Camp McDowell?—A. When I went out there, there was only one company.

Q. During your stay there, was it increased?—A. Part of the time it was.

Q. What were your reasons for resigning?—A. Well, sir, it was a small post; I did not see that I could make much out of it. My health was bad, and the climate did not agree with me.

Q. Who was your successor there?—A. John Smith.

Q. Who had him appointed?—A. The Secretary of War.

Q. On your recommendation?—A. On mine and Mr. McCormick's, and others. Mr. McCormick was then the Delegate from that Territory. I think he had the indorsement of all the prominent men of Arizona.

Q. Do you know who were subsequently appointed to that post?—A. I do not.

Q. John Smith was appointed November 26, 1872, and resigned February 17, 1875.—A. I had my younger brother, since deceased, with me at the time. Dr. William Tomlinson was my only partner. I have seen from the papers that I had been in the rebel army. I wish to contradict those stories. I was in the Federal Army. My petition to the Secretary of War was signed and indorsed by a great many of the best and most prominent republicans of Kentucky, and I have never voted anything else but the republican ticket since I have had a vote at all. I have always been a strong republican.

Q. You are the brother-in-law of the Secretary of War?—A. I am, sir.

Q. Were you ever interested in any other post-tradership?—A. I was not, sir.

Q. Had you ever any connection with a man named Pitts, of Cincinnati?—A. I never had. I do not know the gentleman. Never saw him in my life.

Q. Had your brother, deceased, an interest in any post-tradership that you know of?—A. I do not know.

Q. Was he interested at Fort Rice?—A. I could not tell you for certain anything about it. My other brother was his executor; he can inform you on those points.

Q. Do you know J. M. Hedrick of Iowa?—A. I do not know him, never heard his name. I wish to correct a part of my testimony. I said that my younger brother was not a partner of mine. I had promised him if we made anything from the post, that I would give him a certain interest; but he had no control or voice in the business at all; but I told him that in the event of being successful, I would give him a certain interest. He went there as my clerk.

Q. What was the value of the post to you?—A. It was a very small and remote post, and difficult of access. I did not see that I had any prospect of making much there, and therefore resigned. The post was worth very little money; so little that I did not count it worth anything. What money I made in Arizona, I made in outside contracts. I had several contracts under Colonel Head for furnishing grain, &c. I had contracts to haul the grain for him.

Q. How long did you remain in that Territory after you resigned in 1872?—A. I could not tell you exactly how long. A very short time.

Q. You returned to Kentucky immediately?—A. I did, sir.

Q. And have resided there ever since?—A. Yes, sir.

Q. Was this the only post in which you were interested in any way?—A. The only post in which I have ever been directly or indirectly interested.

Q. When Mr. Smith came in, he bought your stock, I suppose?—A. Yes, sir. Mr. Smith was well known to Mr. McCormick, and I think he first wrote to Mr. McCormick before he wrote to the Secretary of War.

Q. You don't know of your younger brother being interested in a post?—A. I could not tell you. We were separated a great deal. I was living in the country, and I don't think I saw him but once from the time we separated until he came back to my brother's, where he was so sick that he could not talk about his affairs.

Q. What was his age when he died?—A. Thirty-two, I think.

Q. You know nothing of his having an interest in Fort Rice?—A. I do not. I am not certain that I know anything about it at all. I may have heard that he was interested there, but I don't know even that. His name was John A. Tomlinson.

Q. Did you pay any one anything at all for the privilege of the post-tradership there?—A. I did not, sir.

Q. Directly or indirectly?—A. Never, directly nor indirectly. I bought the stock of goods and the building of the gentleman wh m I succeeded.

Q. And you sold to your successor?—A. I did.

Q. He paid no one that you know of?—A. No, sir. I am very certain that he paid no one.

Q. He paid you no more than the fair market-value of your goods and building?—A. No, sir; nothing more.

Q. Is there anything that you know, from your residence out there, with regard to these post-traderships?—A. No, sir. I know very little about them. I was at only two posts while I was in the Territory.

WASHINGTON, *March* 21, 1876.

JOHN S. EVANS sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. My late residence was Fort Sill, Indian Territory. I have resided there since 1869.

Q. From 1869 up to October 10, 1870, were you the sutler at that place?—A. I was first at Fort Gibson and then at Fort Arbuckle. I was trader at Fort Sill from the time the post was established, which was in 1869, I think.

Q. Were you then what was known as a sutler under the old law, or a post-trader?—A. I think I was probably a sutler. I did not exactly understand my status, so far as that was concerned.

Q. In June, 1870, an act of Congress was passed giving the appointment of post-traders to the Secretary of War. You visited Washington some time during the summer of that year for the purpose of procuring an appointment. Will you be kind enough to state what recommendations you took with you and what information you had, and what occurred while you were here at Washington on that business?—A. I at that time held an appointment from General Sheridan as trader at Fort Sill, by the recommendation of the officers there. There were at that time three traders on that reservation, myself among the number. I received the unanimous recommendation of the officers of that post and that of General

Grierson in a personal letter, if I recollect right. The whole of the papers, I presume, are now on file in the War Office. With those papers I came to Washington. The law had not yet passed Congress, and I remained here until it had passed, and then the Secretary of War immediately left the city, at least I was so informed, and I remained here and in the vicinity until his return. I cannot say when he returned. I think it was probably in August or in September. He took a pleasure-trip into Iowa.

Q. It was prior to the date of a contract which you made on that subject?—A. Yes, sir; prior to that date.

Q. What efforts did you make here with the Secretary of War to get that appointment? Detail particularly everything you did, and the names of the persons in connection with whom you did it.—A. I had an introduction to the Secretary of War through General Rice of this city. The Secretary of War then informed me that he had promised, or had already given this post of Fort Sill to a friend of his. I inquired of him and found that this gentleman's name was Mr. Marsh—C. P. Marsh, of New York. I laid the facts of my situation before the Secretary of War and called his attention to my credentials; he stated that there were a great number of applicants, that he did not know any of them personally or anything about them. I think he told me that he had looked at my papers but that he had promised a position to Mr. Marsh, as a friend, I think he said, and that he had selected this post. I told Secretary Belknap the situation in which I was placed; that myself and partners had everything we had on earth involved in business there; that we had gone to a great deal of expense in putting up buildings, and I represented the grievance we sustained in not getting the position, and asked him if he thought there would be any possibility of my making an arrangement with this gentleman, a copartnership or anything of the kind. He told me he was not prepared to tell me anything about it; that Marsh would be in the city the next evening, and I could investigate and arrange the matter with him. I met Mr. Marsh the next day or the day following, probably. I told him the position in which I was placed and attempted to make terms with him. I told him we had everything involved there, all our capital, besides having obligations hanging over our heads to a considerable amount and that being ousted there would necessitate our leaving the country; that we were four or five hundred miles away from the States, on the border, and we had no permission to sell our goods there, and they were not adapted to sell anywhere else; and I proposed to sell out to him—because we were disposed to do that, both my partner and myself; we would have sold out if we could have done so without loss, or even at a reasonable sacrifice. Mr. Marsh said he would prefer selling the position, or selling his right to the position. I think his first proposition to me was $20,000 a year: I would not be positive, but that is my impression. This proposition I would not listen to. I told him it was absurd and out of the question to talk about, and after an hour or probably two hours' conversation over the matter, he told me that he would let me have the position for $15,000 a year. I am not prepared to say whether I accepted that proposition or not; I do not think I did; at all events, we went to New York together that evening. In the mean time I saw some statements in the papers about the removal of troops from the post, and the next morning I called upon him again, and the very best bargain I could get from him was at the rate of $12,000 a year. Those terms I was forced to accept, as we had no alternative whatever.

Q. How was it to be paid?—A. In quarterly installments, in advance.

Q. Did you enter into an agreement on that subject?—A. I did; of which I have a copy in my pocket at present.

Q. It is the same agreement that has been published?—A. Yes, sir; exactly.

Q. You say that the Secretary of War told you that Mr. Marsh would be in this city—*the city*—the next evening?—A. Yes, sir.

Q. And that you should see him on the subject?—A. That I might see him on the subject.

Q. He told you that he had promised to appoint him there?—A. That he had promised him *the* position, or that he had promised him *a* position, and that he had selected this post. That is my impression.

Q. You say you did see Mr. Marsh the next evening; where was that?—A. At the Metropolitan Hotel, where I was stopping.

Q. Had you ever met him before?—A. I had not.

Q. Who introduced you to him?—A. He introduced himself at my hotel.

Q. Did he seem to know that you were looking for him?—A. He did, sir.

Q. Did he introduce the subject of conversation to you?—A. Well, it appeared to be understood on his part what he was there for. I don't remember whether I first introduced it; probably I did.

Q. Then this conversation that you have detailed, took place that evening and during the next day?—A. Yes, sir.

Q. That night you went to New York in the cars together?—A. Yes, sir; and the contract was consummated the following day.

Q. The following day after you had agreed upon the $12,000 payable quarterly in advance you reduced the agreement to writing; who did that?—A. Mr. Marsh and his lawyer.

Q. You went together to a lawyer?—A. Yes, sir.

Q. Now, you say that while you were there as post-trader, or sutler, under General Sheridan's appointment, there were three others doing business?—A. Yes, sir.

Q. Was your ability to pay the $12,000 stipulated for predicated upon the agreement by Mr. Marsh that if you paid him that and got that appointment from him on those terms, those other persons should be stopped from trading?—A. That was the understanding; that there should be but one trader at this and all other posts.

Q. Would you have paid him $12,000 if that had not been agreed?—A. I should, sir, if I could have done no better.

Q. If there had been more than one there?—A. If there had been a dozen there I should have paid it.

Q. Why?—A. It was a necessity. I had everything that I had on earth involved there, and there was an opportunity for me to get out without serious loss, if I could stay at the post.

Q. After you received the appointment, were the other post-traders closed out?—A. The order came there that all traders but the one, myself, should be removed from the reservation.

Q. Then, after you agreed upon these terms with Marsh, you became the sole traders?—A. Yes, sir; with the exception of an Indian trader two miles from me.

Q. Where did that order come from?—A. From the Secretary of War, I presume.

Q. At any rate, they were closed out?—A. They were.

Q. How long did you pay Mr. Marsh at the rate of $12,000 a year quarterly in advance?—A. I can best answer that by presenting a statement of the whole thing in detail. The original payment was $3,000, in November, 1870; this account does not state the date exactly, but it was paid previous to that.

Q. Did you actually pay that about the time you made the agreement or shortly after?—A. My recollection is, that I held a grace of thirty days on the first payment. This $3,000 probably was paid before I returned West. I judged it was, because I charged it on my cash-account. I gave a note on the 1st of March—I don't exactly understand this statement myself—for $3,000, and another June 5, $3,000. Those were March and June, 1871. July 4, this account is charged with a check by Col. A. F. Rockwell of the Quartermaster's Department of the Army, $30,000. Again, I paid personally, the following November, $3,000 to Mr. Marsh in New York. In January, 1872, there is an entry of $3,000 more having been paid by check of E. Fenlon & Co. On June 8 of the same year, 1872, $3,000. These were all payments in advance. November 23, (from October to April,) $3,000. June 15, 1873, through Carney, Garrett & Co., of Saint Louis, $3,000 more. In October, 1873, a number of checks aggregating $1,000. Afterward, on November 15, $500; and on the 26th of November, another draft of the Quartermaster's Department, $2,000. I do not now exactly understand how these entries occurred in that way. These were made by my book-keeper.

By Mr. ROBBINS:

Q. That amounts to a little more than $3,000 for that payment?—A. Yes, sir; it so appears. March 30, 1874, I have him charged again with $2,000; April 15, of the same year, $838.83; April 30, $161.17; September 29, 1874, $3,000 more in numerous small checks; May 18, 1875, $884.67; June 12, I paid to him, personally, $2,000; in July, $115.36. I think that was to make up the balance. November 11, 1875, he was remitted $1,441.72, and November 30, 1875, $1,575.25. All these sums making an agregate of $42,517.02.

Q. Then you paid at the rate of $3,000 a quarter for two years?—A. I never have examined closely. I think it was in the neighborhood of two years. [The written statement referred to by the witness in the foregoing testimony was put in evidence and marked "Exhibit A."]

Q. During the spring of 1872 there was a change in your terms from $12,000 a year to $6,000 a year; be kind enough to state all the facts regarding that change, as you know them.—A. I cannot give the facts. My partner consummated that arrangement himself. He was here at the time, and I knew nothing of it until it was done. We had consulted about the matter over and over again, and had seen the necessity of calling for a reduction of the bonus we were paying, as our business did not justify us in paying it.

Q. Was this contract you had with Marsh publicly known at Fort Sill?—A. Immediately on my return to Fort Sill, or before I returned, I made this known to some few friends; there is one gentleman here in the city who knew it. I did not speak of it publicly. On my return to Fort Sill I laid the facts before General Grierson, then commanding the post, and I am confident I showed him my agreement with Marsh; I also showed it to one or two other officers; Captain Walsh, now deceased, and Captain Pratt, I believe.

Q. Was there any attempt to conceal the fact at the post?—A. Not that I am aware of; but, as I say, I did not bruit it abroad,

Q. In February, 1872, about a year and a half afterward, there was a publication of these facts in the New York Herald?—A. The New York Tribune, I think.

Q. After that publication here was an order issued by the Secretary of War requiring all post-traders to go to their posts?—A. There was such an order issued about that time; I cannot remember the date.

Q. Had you at any time any conversation with the Secretary of War regarding this ap-

pointment other than that which you have already detailed—any conversation or communication with him?—A. I had not.

Q. Had any person for you?—A. I am not aware that any one had. I think I can safely say that no such thing occurred.

Q. Did you ever complain to the Secretary of War of these arrangements?—A. I did not.

Q. Was there any trouble ever excited down there at the post between you and the officers, or other persons with regard to these facts?—A. There never was. There has always been good feeling on the part of every officer at the post, so far as I know, toward me. This arrangement became known and was talked of generally throughout the posts, and they considered it a great outrage that this bonus should be charged, and that I was selling goods at high prices.

Q. Was there an effort made on your part, after this affair came out, to suppress the fact that you had this agreement with Marsh?—A. There was not that I know of. There was not on my part, nor on the part of others, that I know of. In representing these facts to General Grierson at the time, I told him that I thought the publicity of these facts would result in my privilege being annulled. I think I told him that.

Q. Did you ever have, subsequent to your visit to Washington, at the time the agreement was made, any communication with Mr. Marsh in reference to this matter either personally or by letter?—A. In reference to the publicity of this matter?

Q. Yes, sir?—A. I think I did. I talked the matter over with him. I don't remember any written communications.

Q. What occurred when you talked that matter over with him?—A. I think he asked me how these facts came out; I did not tell him that I had repeated them. I told him, probably, that I had made a confidant of the post commander, but I won't say that I did that. I did not wish him to understand that I had made them public, because I was then in the same position as when I obtained the permit from Marsh.

Q. What did he say would be the result of the publicity of these facts with reference to yourself?—A. I do not think he made any threats of our removal. I think he deplored the idea of the facts being known. I cannot give the exact conversation.

Q. Did he at any time threaten for any cause whatever to remove you from that post-tradership?—A. I cannot say that he did.

Q. Can you say that he did not?—A. I think not. I think I have here a copy sent to me of a letter written to my partner.

The CHAIRMAN. Read that letter.

The WITNESS. [Reading:]

"877 BROADWAY, N. Y., *October* 21, 1873.

"S. EVANS, Esq.:

"MY DEAR SIR: I received from your firm several checks on Kansas, amounting in all to $1,000; $500 of which is a draft on Northup & Chick, of this city, who failed weeks ago, and which draft I return by this mail. This failure must have been known at Fort Sill before the 11th of October. I herewith annex copy of letter sent your firm to-day:

"'OCTOBER 21, 1873.

"'Messrs. J. S. EVANS & CO.:

"'DEAR SIRS: Yours of the 11th instant with inclosures is duly at hand. I herewith return the drafts on Northup & Chick, as they failed some weeks ago. The other drafts I have in the case, sent forward for collection, and when paid, I will credit you with proceeds. In future, I shall not accept such payments, but exchange only on Saint Louis or New York. Neither shall I await your convenience about payments. The $2,500 now due, in the event of your other inclosures being paid, you will send to me by return mail, or you will find yourselves in a good deal of trouble before long.

"'Your very obedient servant,

"'C. P. MARSH.'

"Mr. Fisher may put his house in order if he does not choose to live up to this contract; so much is certain.

"C. P. M."

The WITNESS. I will explain that these remittances were made by Mr. Fisher, my partner, in my absence.

Q. Have you any other letters from Marsh?—A. No, sir; I have not.

Q. Your contract with C. P. Marsh was made on the 8th of October, 1870; you were appointed post-trader at Fort Sill two days thereafter, to wit, on the 10th of October, 1870; how does it happen that this commission as post-trader was issued to you—who had it done?—A. Mr. Marsh. That is my understanding—that he had the commission made out in my name. [Witness produces the commission.]

Q. From whom did you receive this commission?—A. It was transmitted to me by Marsh. I think I have the letter of transmittal here now. [Produces letter.]

The commission and letter were read in evidence, as follows:

"WAR DEPARTMENT,
"*Washington City, October* 10, 1870.

"SIR: Under the provisions of section 22 of the act of July 15, 1870, you are hereby appointed a post-trader at Fort Sill, Indian Territory, and will be required to assume your duties as such within ninety days from the date of this appointment.

"You will please report to this Department, through the Adjutant-General's Office, your acceptance or non-acceptance of this appointment.

"WM. W. BELKNAP,
"*Secretary of War.*

"JNO. S. EVANS, Esq.,
"*Care C. P. Marsh, Esq.* 51 *West* 35*th street, New York City.*"

"887 & 889 BROADWAY, N. Y., *October* 15, 1870.

"MY DEAR SIR: I herewith inclose the appointment as agreed. You had better send your letter accepting the appointment to me, and I will forward it to Washington. Please acknowledge receipt. I telegraph you this day.

"Yours, very truly,

"C. P. MARSH.

"J. S. EVANS."

Q. Did you send the notification of your acceptance to Washington?—A. I don't know whether I sent it through Mr. Marsh, or direct to Washington.

Q. What is your impression about it?—A. That I sent it through Marsh.

Q. Why was it that when you met Mr. Marsh here you were willing to pay to Caleb P. Marsh rather than to any person else this bonus of $12,000 a year?—A. Rather than anybody else?

Q Yes.—A. I had no preference to pay it to any one. I paid it as a matter of necessity.

Q. Was it because you understood from the Secretary of War that Mr. Marsh could deal with this appointment as he pleased?—A. Not particularly so. I understood from the Secretary of War that Marsh had been promised, or had, the appointment.

Q. But the record proves that he never had the appointment?—A. I so understood it at the time. The Secretary of War told me that he had either given him the position or promised it to him—that he had selected this post. I then inquired of the Secretary of War whether he thought I could make any arrangement with this gentleman regarding this business; my idea was to make an arrangement to conduct the business with him, or to sell out to him, or to give him a portion of the profits.

Q. Was General Rice present at that interview with the Secretary?—A. No, sir; he had introduced me to the Secretary of War.

Q. When did you first know him?—A. I met him first at that time in this city.

Q. Why did you go to General Rice?—A. I was recommended by a friend of mine in the city.

Q. Did he introduce you to Mr. Rice?—A. He did.

Q. What was the name of that gentleman?—A. Mr. Chollar. I had known him as agent of the Choctaw and Chickasaw Indians in the Indian Territory.

Q. Why did he introduce you to General Rice?—A. I was detailing to him my circumstances, in fact he knew how I was placed, and I asked if he knew any one from whom I could get an introduction to the Secretary of War, (I had no influence here, political or otherwise; I rested my claims entirely on the papers I held from the officers at the post;) and he said that he knew General Rice to be a personal friend of the Secretary of War, and he would introduce me to him, and he thought that in that way I could get an introduction to the Secretary of War, and through General Rice I was introduced.

Q. Did General Rice volunteer to do that for you?—A. He did; I consulted him in the capacity of a lawyer.

Q. Did you pay him a fee?—A. I did; but not at that time.

Q. What did you pay him?—A. $1,000 subsequently.

Q. What for?—A. Merely for introducing me.

Q. That is all he did for you?—A. That is all he did. He wanted $1,500, but I thought $1,000 would do.

Q. When did you pay him this money?—A. It was some time afterward. I contested the charge, or rather protested against it, and there was some communication passed between us.

Q. Did General Rice ever state to you what influence he had with the Secretary of War?—A. He did not He did not make any pretensions to having any influence at all.

Q. Merely charged you $1,500 for an introduction?—A. My recollection is that that was the price that he wished to charge me, but we compromised on $1,000; my books show that I paid him $1,000; I don't remember the details.

Q. You paid that for the introduction?—A. Yes, sir; his services amounted to nothing more. I remitted it from Fort Sill.

Q. Did you pay any other person here in connection with the matter?—A. No, sir; I don't recollect that I paid any other.

Q. Were you at Keokuk, Iowa, in August, 1870?—A. I was.

Q. By whose advice did you go up there?—A. Colonel Peck's.

Q. What was the object?—A. I went there to see the Secretary of War.

Q. Did you meet him there?—A. I did; I was introduced to him.

Q. Did you talk to him about Fort Sill at that interview?—A. I don't recollect that I broached the subject, except that I was an applicant for the tradership; I don't think my interview lasted a minute; the Secretary notified me that he should not do anything about this matter of the appointment of traders until he returned to Washington.

Q. Did he tell you then that he had promised this post to Mr. Marsh?—A. He did not.

Q. Your subsequent interview with him was shortly before the appointment was made?—A. Yes, sir; my idea in getting the introduction to the Secretary of War here was, that I understood there had been twenty or thirty applicants for this position, and that it was necessary to get an introduction, because I did not suppose he would recognize me or know me as an applicant for the position.

Q. If you had received the appointment directly from the Secretary of War, and had not made this agreement with Caleb P. Marsh, would not another man, by the name of Dent, have received an appointment likewise?—A. I don't know that he would; that is my impression, that he would have received an appointment.

Q. Didn't you believe that he would?—A. I did, sir.

Q. What Dent was that?—A. Mr. John C. Dent, who then held an appointment at the post, although not trading there personally. A man named Walker was trading under his license.

Q. But your impression was that if you got it from Mr. Marsh, neither Dent nor anybody else would be allowed to trade there?—A. That was my impression.

Q. Was it the agreement?—A. It was fully understood before I had this introduction to the Secretary of War that there would be but one trader appointed at each post. That was my information; I could not say what was the exact foundation I had for it.

Q. Was the agreement between you and Mr. Marsh that if you paid him this sum the appointment was to be transferred to you, as it was, and that you alone were to be trader there, and that the two other traders were to be ordered off the reservation?—A. That was the understanding. Mr. Marsh told me that there would be but one appointed at each post, and all other traders would be removed; and that order was received at the post immediately afterward.

Q. So one inducement for your paying Mr. Marsh $12,000 a year was that through his influence you would be protected at Fort Sill?—A. It was. I could not have remained there and made money unless I had that protection.

Q. How was he to protect you—by what influence?—A. That I don't know. I suppose through his being the appointed trader at the post, and the idea of there being only one there, and through his influence with the Secretary of War.

Q. You were to be protected from all opposition?—A. All opposition on the military reservation.

Q. And you were thus protected?—A. I was.

Q. And have been up to this time?—A. I have.

Q. And that through the influence of Mr. Marsh?—A. Through the influence of Mr. Marsh. I have only been protected, however, as others have been. There has been only one trader at any post in the country, so far as I know. But I have been the only trader at that post.

Q. What were the gross profits of your concern there a year?—A. Do you mean our whole business—our outside operations?

Q. No; I mean arising from your operations as post-trader.—A. I could not give you any exact information regarding that. I think I can safely say that our military business would not have paid us over five thousand dollars after paying this bonus.

Q. That is, after you had paid the bonus it would have left you no profits?—A. I think it would not have exceeded four or five thousand dollars a year.

Q. You were willing to pay this, then, for those advantages?—A. Well, it did not give us any preference over other contractors; it gave the advantage of being there on the reservation engaged in business.

Q. What other business did you engage in?—A. Contracting with the Government for supplies of all kinds.

Q. And beef?—A. Well, very seldom; there is no money in beef.

Q. Wood?—A. Wood and grain and flour; all those things, however, were open to competition. It really gave us no advantage except the advantage of being on the reservation and doing business there, so that we sold more or less goods outside through that fact.

Q. And it was really to retain those advantages that you submitted?—A. It was to save ourselves from immense loss on merchandise and buildings. Our buildings at that time did not belong to us at all. The way we understood it was, that we could not hold the buildings on the reservation except as regular post-traders, and that we were not allowed to sell the buildings. Since then, a post-trader can sell to his successor. It never would have paid us to

remove our buildings 400 or 500 miles, and the merchandise was brought there for the soldiers' use, and it was almost valueless off the reservation.

Q. When was the agreement between you and Mr. Marsh made known first to the Secretary of War?—A. I don't know that it was known to him. I did not know until recently that it was known to him, until this exposure in the New York Tribune, in 1872. I find recently that there was a letter sent from the commanding officer of the post representing the facts of my paying this bonus, and the grievance of the garrison. That was a letter by General Grierson. I think it was dated February 28, 1872.

Q. General Grierson wrote directly to the Secretary of War, informing him of this contract between you and Mr. Marsh?—A. Yes, sir. The first I knew of it, my attention was called to it in the post-records. It was in answer to a letter from the Department; the whole thing is published in the New York World of last Sunday. It was stated that all these facts had been presented before your committee.

The CHAIRMAN. That was incorrect.

Q. You saw the letter?—A. I did not see the letter, but my attention was called to it and the dates given, and this letter published in the World of last Sunday is the one referred to by the post-commander.

Q. Then the Secretary must have known of this matter as early as February, 1872?—A. It was published in the New York Tribune about that time, and this publication represents that the Adjutant-General presented this letter before you.

Q. He did not. Probably it is before another committee. Have you been removed from that place?—A. I have sir. I have been removed, but I was re-elected on the order that came for the election of a trader.

Q. By the post-council?—A. Yes, sir.

Q. Was there any opposition to you?—A. None, sir; I have a copy of the proceedings in my pocket.

Q. You were their unanimous choice to be retained as post-trader?—A. Yes, sir.

By Mr. ROBBINS:

Q. Did you have any communication with the Secretary of War at all, or did you come and see him after being in New York with Mr. Marsh on that occasion?—A. I did not, sir; I never had any further conversation whatever with the Secretary of War on the subject; never but the one I have stated, which was very brief.

Q. He recommended you to see Mr. Marsh?—A. He did not recommend me to see him. He said I could see him.

Q. He called your attention to the fact that Marsh would be here?—A. Well, I asked him for advice. I told him how I was situated, and asked him if he thought there was a possibility of making any arrangement with this gentleman. I asked where he resided, and he told me where he lived in New York City, and would be in this city the next day.

Q. Did he send for Mr. Marsh?—A. I don't know that he did; I have no recollection on the subject.

Q. You had no communication with him any way about the issuing of the certificate of appointment?—A. I had not. The only communication I ever had with the Secretary of War afterward, was in relation to a report that I had shipped $50,000 worth of liquor there; and I called to see him about it.

Q. In that list of your payments in the fall of 1873, in running up the items you made the payment then to be $3,500 for one quarter. Does not the letter of Mr. Marsh explain that he rejected one of those $500 drafts?—A. Yes, sir; we had charged him up with that amount, and I think I afterward remitted him to cover that deficiency, so that makes it $3,000. It has been published through the papers here, I notice, that I reported to this man Robinson, who has left the Army, that I paid the Secretary of War $15,000, and subsequently smaller amounts, and that the firm of Dent & Co. were conspirators, (I don't know whom he alludes to except it is John C. Dent, who had the appointment at that time,) that they connived some way at the matter between myself and the Secretary of War. I wish to state that there is no foundation whatever for the report; that I never mentioned Mr. Dent's name in any way, shape, or form in connection with my affairs. I did once intend to form an arrangement with Mr. Dent, and I got a letter of introduction to him, but I never presented it. My idea was to form an arrangement at the post with him.

Q. Is that Mr. J. C. Dent a brother-in-law of the President's?—A. I presume he is, sir; I so understood; but I have never met him.

Q. There is no truth in that?—A. No truth at all, and I never so stated to any one on earth.

Q. You never paid anything to the Secretary of War?—A. I never paid him a cent, nor had I any idea that he ever got a cent.

Q. You had no intimation from Mr. Marsh that he was paying him any of that money?—A. None in the world. I considered it a business transaction between Mr. Marsh and myself; it was rather a serious one for us. We had no desire to pay any such amount of money. We would much rather have sold out our interests, but we accepted the situation because it was the best we could do.

Q. You have intimated that you had to ask high prices?—A. It has been represented in the

public papers throughout the country, that I was a Shylock and a robber, and I wish to say very emphatically that I never raised the price of my goods one-tenth part of a cent. On the contrary, I am selling a good deal lower, and prior to the explosion I was selling goods 25 per cent. less, than at the date when this thing occurred. There was no objection to my prices, but the idea that I had a monopoly, and if I could have sold goods at Saint Louis prices there would have been that feeling. It was only the advantage that we took of the opportunities there that enabled us to pay this bonus at all. We were isolated, five hundred miles away from the States, and I had paid $12 a hundred for shipping freight part of the time, and, up to the time that the railroad came, I did not pay less than $7. You cannot do a systematic business there. The waste and extravagance on a business of that kind would be a nice profit on a business anywhere in the States where a man could conduct it in a systematic, business-like way.

By Mr. BLACKBURN:

Q. From the number of troops generally stationed at that post during the continuance of the contract between Mr. Marsh and yourself, from the fall of 1870 down to this time, can you form any general idea as to what percentage of reduction to the soldiers per man you could have made upon the sale of your goods and still receive the same profits which you did, had it not been for this bonus which you were paying?—A. Taking the military trade separate from the other, I should think 20 or 25 per cent. on the sales to the soldiers proper. The trade with the soldiers has been really a small item. Our sales probably to the soldiers would amount to $50,000 or $75,000 a year. They were building a post at the time this was done, and we had invested, or had obligations over us, probably from $100,000 to $110,000 at the time the change was made in the mode of appointments.

Q. I understand you to say, so far as the soldiers' trade is concerned, that but for this bonus which you had to pay, your prices might have been reduced 20 or 25 per cent., and you still have made as much money as you did?—A. I think so, on a hasty calculation.

By Mr. ROBBINS:

Q. I understand you to say that the sales to the soldiers were how much?—A. I said $75,000 a year, but I think that would be in excess of it.

Q. You say that was, nevertheless, rather a small item of your business?—A. Well, I say in connection with contracts; I mean the profits considered.

By Mr. BASS:

Q. Did you make any variation in your prices to soldiers when you made the contract?—A. I did not, sir, although it is so stated, and General Grierson appears to be under that impression, but I never did. On the contrary, I am confident that from that time I sold a good many things even cheaper, because I knew the feeling. General Grierson was very much enraged when he heard of this thing. I think General Belknap told me himself that my credentials were in every way satisfactory, so that shows that there was no feeling against me prior to this time, and I do think it was imagination to a great extent. I would far rather have remained there even with competition. We had three-fourths of the trade before this change was made.

Q. Did I not understand you to say that except for this contract with Mr. Marsh you would have sold 20 per cent. cheaper to the soldiers?—A. I say that I could have sold.

Q. But not that you would have sold?—A. The officers had the privilege of making my prices.

Q. What I want to get at is whether this benefit, if you had not made the contract with Marsh, would have gone to you or to the soldiers?—A. Well, I was doing business there, and I should have kept my prices until they were reduced.

Q. Were your prices fixed by the council of administration?—A. They were for certain articles; the council of administration only set the prices upon such articles as are considered for soldiers' use.

Q. They did not fix your prices for outside trade?—A. No, sir.

Q. But as to the articles sold to soldiers they fix the prices and you sell at those prices?—A. Yes, sir.

Q. Did you ever knowingly or voluntarily oversell those prices?—A. I did not; they were perfectly satisfactory; their prices were liberal.

Q. Who constituted your council of administration?—A. The three ranking officers of the post.

Q. They looked at your invoices?—A. They did, sir.

Q. I understand that the price-list fixed by the council of administration, you are required to keep posted in your store, so that the soldiers can see just how much you are entitled to charge?—A. Yes, sir; it is kept there; we have had no trouble with the soldiers.

Q. How many soldiers were ordinarily stationed at Fort Sill?—A. Well, they are changed from time to time; we have from 200 to 600 or 700, at this time; we have seven companies of cavalry, and, I think, three companies of infantry, but the infantry companies are quite reduced; probably at the time I made this change we had six or seven hundred men, all told.

Q. I want to ask you a question about this remarkable introduction of Mr. Rice. Did

you have any conversation with Mr. Rice prior to your introduction to the Secretary of War by him, with reference to compensating him for that service?—A. I may have told him that I would pay him whatever was right. I went to him as a lawyer and consulted him, I understood that he was practicing law in this city, and I went to him in that light entirely; and I cannot say whether I did or not; I expected to pay him for his services.

Q. Did you consult him upon any legal questions or propositions?—A. I explained my matters to him, my position out there.

Q. What was his advice to you?—A. He advised me to see the Secretary of War, and I told him that I did not consider that I knew him. I had been introduced to him, but merely a passing introduction, and that I understood that he, General Rice, was personally acquainted with him.

Q. I do not quite understand. After you had stated your case to him, that you were in trouble about this Fort Sill tradership, he advised you to go and have an interview with the Secretary of War?—A. He said he would introduce me to him.

Q. How long did your interview with Mr. Rice last?—A. It may have been a half an hour. I gave him all the facts in relation to my status out there.

Q. That was the final summary of his advice?—A. Yes, sir.

Q. Then he offered to go and introduce you?—A. He did.

Q. Did you expect to pay him for that introduction at that time?—A. No, sir, I did not; but if he could assist me in getting the appointment by representing these facts to the Secretary of War, I did expect to pay him.

Q. Did he then accompany you to see the Secretary of War?—A. Yes, sir.

Q. And you were shown into his room?—A. Yes, sir.

Q. What took place?—A. He introduced me to the Secretary, who said, "I think I recollect of having met him before—having been introduced to him." Mr. Rice said, "I wanted him to come and represent this matter about his credentials to you, and see what his chance is of getting that tradership." The Secretary said that he had either given or promised the appointment to Mr. Marsh. Then I asked the Secretary if he thought I could make any arrangement with this man.

Q. Was Mr. Rice present all that time?—A. No; that was the next day, probably, that I called.

Q. I am inquiring specifically about the Rice business. What took place at the interview between yourself, the Secretary, and Mr. Rice?—A. Nothing took place between us except that he represented me as being an applicant for this post at Fort Sill. There was nothing said by me on the subject.

Q. Did he go out?—A. I think he did.

Q. Did you remain?—A. Yes, sir.

Q. And had some talk with the Secretary?—A. I am not positive but that I called again.

Q. When did you next see Mr. Rice?—A. I don't remember whether I saw him after that or not; I don't remember that I did,

Q. Nothing important transpired between you?—A. No, sir.

Q. When did you get his bill?—A. It was sent to me at Fort Sill by mail.

Q. Have you the letter transmitting it?—A. I don't think I have.

Q. When was it sent to you?—A. During that same fall; that same year. I do have some general recollection of seeing Mr. Rice and telling him that I had to make this arrangement with Mr. Marsh, but I think I did not see him—I think I left the next day, and had no further conversation with him until he sent me this account; because I should have probably settled with him if I had. I did not think I should be called upon to pay any such price.

Q. Not for an introduction?—A. No, sir.

Q. Were your negotiations with Mr. Rice with regard to the settlement of the bill conducted by letter?—A. By letter.

Q. Have you his letters?—A. Probably I have; I may find them by going over the files since 1870.

Q. Can't you send out your clerk and have him look up those letters, and send them?—A. I suppose I can; I did wish to return to Fort Sill; I could do it better myself, I think.

Q. How did you pay him this $1,000?—A. I sent him a draft.

Q. On what bank?—A. I don't know; my books show the payment of the money, because the clerk referred to it the day I came away. We do not keep our papers running back so far, and I don't think we have the letters running back to 1870. I thought it was a very extortionate charge, and I paid it very reluctantly.

By the CHAIRMAN:

Q. He wanted $1,500, and you compromised on $1,000?—A. Yes, sir; my argument to him was that I did not think he had done me any good, and I did not think I ought to pay him a cent.

By Mr. ROBBINS.

Q. Was there any danger in not paying him?—A. O, I have no idea that there was, but I would rather pay than have trouble or difficulty.

Q. Do you say that you saw the letter of General Grierson?—A. Yes, sir; it is published in the World.

Q. Have you seen the original letters?—A. O, no, sir; I was given the dates, if I wished to refer.

Q. What you know about that is what you saw in the World?—A. That, and the reference made by the post-commander to the same letter or a letter of the same date. He told me there was a letter of that date in answer to one of the 19th of February, from the Adjutant-General.

Q. When did you ascertain that?—A. Before I left Fort Sill.

Q. You were not aware of the letter of General Grierson at the time it was written?—A. I was not. He states in that letter that I was requested to make an affidavit of the facts; which I did not do. I have no recollection of that.

Q. Has General Grierson been the commandant of that post all the time?—A. Not at all. We have had several. He ceased to command two years ago. General Davis succeeded him, and General Mackenzie commands the post now.

By Mr. BLACKBURN:

Q. Do you remember whether that bill of General Rice's was sent to you in the form of an account?—A. Yes, sir; for legal advice.

Q. Do you know how it read?—A. I do not, but it is my impression that it was in that form.

Q. It was a regularly made out bill?—A. Yes, sir.

Q. And the only service he had rendered you was to introduce you to the Secretary of War, to whom you had already been introduced before?—A. It was, sir. General Rice, I think, took advantage of my position at the time. He saw the anxiety that I felt regarding my matters there.

By Mr. ROBBINS:

Q. Can you recollect with certainty whether the Secretary told you that he had given the appointment to Mr. Marsh, or only promised it?—A. I think I can say positively to this effect. He said, "I very much regret, Mr. Evans, that I cannot give you that appointment," (I think these were the exact words;) "in looking over the papers, your papers are perfectly satisfactory, but I had promised this position to a friend of mine," or to "one I am under obligations to;" that he had promised him a position, and he had selected the post of Fort Sill, and that he had promised him that appointment.

Q. He did not say that he had commissioned him, or given him the certificate of appointment?—A. No, sir; he did not say that.

Q. Do you know whether he had done so?—A. I think not. It has been my impression that there never was a commission issued to Mr. Marsh. I think Mr. Marsh told me that.

By Mr. BASS:

Q. Inform the committee about the prices at which you sold certain leading articles, say flour, for instance.—A. We were selling flour at that time—well, we were selling flour before this thing came up, at $6 a hundred. We have been selling it as high as $10 a hundred. Then, when we paid $12 for the transportation, we did not sell it at all. I think $8 a hundred was our average price. In 1872 we were selling it at that rate.

Q. How much for sugar?—A. The price of brown sugar was 25 cents a pound—25 to 33 cents a pound.

Q. What was the price of oils?—A. I don't recollect distinctly, but Mr. Robinson reports that we were selling oil at $2 a gallon. I think it very likely we were. Coal-oil, there being a considerable waste in that article, we did not consider it an exorbitant price. We are selling it now for 75 cents.

Q. How did you sell prints, calicoes?—A. At 20 cents a yard. We are selling flour that cost us $5.50 delivered there, at $6 a hundred.

EXHIBIT A.—*Referred to in preceding testimony of Evans.*

Statement of payments to C. P. Marsh by Jno. S. Evans.

1870.			
Nov.		Original payment	$3,000 00
1871.			
March	1.	Note	3,000 00
June	5.	Note	3,000 00
July	4.	Note, check, $821, A. F. Rockwell, New York	3,000 00
Nov.	6.	J. S. E., purchase-⅜	3,000 00

1872.				
Jan'y	17.	Through E. Fenlon & Co		$3,000 00
June	8.	Through E. Fenlon & Co., to May 31, 1872		3,000 00
Nov.	23.	From October 16, 1872, to April 16, 1873		3,000 00
1873.				
June	15.	Through Carney, Garrett & Co	$1,000 00 2,000 00	3,000 00
Oct.	11.	Drafts and checks:		
		No. 34, C. L. DuBois, Second National, Leavenworth	373 22	
		No. 6, J. M. Haworth, National Bank, Lawrence	120 00	
		No. 4910, First National, Council Grove, Kans., on Northup & Chick, New York	500 00	
		Currency	6 78	1,000 00
Nov.	15.	Through Dodd, Brown & Co		500 00
Nov.	26.	Draft, No. A, 7894, A. G. Robinson, assistant quartermaster, Saint Louis		2,000 00
1874.				
March	30.	Drafts, No. 598, $500; No. 599, $500; No. 600, $500; No. 601, $200; No. 602, $100; No. 603, $100; No. 604, $100, paymaster G. E. Glenn, New York		2,000 00
April	15.	Drafts:		
		No. 7819, W. R. Gibson, New York	647 17	
		No. 7186, A. G. Robinson, New York	191 66	838 83
	30.	No. 7769, W. R. Gibson, New York	100 00	
		No. 14238, A. G. Robinson, New York	61 17	161 17
1874.				
Sept.	29.	Drafts, &c., currency	50	
		No. 10, Q. A. Gillmore, Chatham National, New York	25 00	
		No. 11, Q. A. Gillmore, Chatham National, New York	25 00	
		8508, W. R. Gibson, New York	727 04	
		14254, A. G. Robinson, New York	500 00	
		14255, A. G. Robinson, New York	500 00	
		14256, A. G. Robinson, New York	500 00	
		14259, A. G. Robinson, New York	722 50	3,000 00
1875.				
May	20.	Drafts, &c.:		
		No. 10, L. W. Groesbeck, Latham, Alexander & Co., New York	116 44	
		No. 14270, A. G. Robinson, New York	250 00	
		9565, D. A. Irwin, New York	132 80	
		9576, D. A. Irwin, New York	385 45	884 69
June	12.	J. S. Evans, personally		2,000 00
July	21.	Monroe, Smaltz & Co		115 36
Oct.	11.	Drafts, &c.:		
		No. 134894, J. B. M. Potter, New York	310 00	
		14355, D. A. Irwin, New York	1,131 72	1,441 72
Nov.	30.	Drafts, &c.:		
		A, 12388, J. B. M. Potter	500 00	
		A, 12389, J. B. M. Potter	500 00	
		5509, D. A. Irwin, Saint Louis	360 00	
		5542, D. A. Irwin, Saint Louis	71 75	
		5543, D. A. Irwin, Saint Louis	71 75	
		5545, D. A. Irwin, Saint Louis	71 75	1,575 02
				42,517 02

WASHINGTON, *March* 22, 1876.

JOHN S. EVANS recalled and further examined.

By the CHAIRMAN:

Question. You say that you wanted to make some corrections in your testimony as given yesterday.—Answer. In my evidence yesterday I stated that I was under the impression that I was introduced to the Secretary of War by Mr. Rice personally. I am now convinced that I was mistaken in that representation, and that I was not; that he did not go with me to the Secretary's at all; that I called upon Secretary alone. I first called upon Mr. Rice and sought his assistance, and he called upon the Secretary without me, and I saw him again the following day and he then notified me that this position had been promised or given to Mr. Marsh, and I asked him whether he thought it would be of any use for me to call there. This is my recollection now, after reviewing the matter in my mind, and he probably advised that I should do so, and said that I could call upon him at his house that evening, which I did, and the interview with the Secretary of War was alone, and I was not introduced personally by Mr. Rice; he had spoken of me before to the Secretary.

Q. He told you, however, that he had gone to see the Secretary with reference to yourself and your application?—A. Yes, sir; and the Secretary of War informed him that it had been promised to Mr. Marsh, and I asked him whether it would be any use for me to call, and he said, "You can do so; you can call at his house to-night and see him and state the facts to him personally."

Q. I neglected to ask you whether you have any means of fixing the date at which your interview with the Secretary of War was held?—A. No, sir; I have not. It was very shortly after his return here to the city from a trip to Iowa.

Q. You were staying, I think you said, at the Metropolitan Hotel?—A. Yes, sir.

Q. The contract was made between you and Mr. Marsh in New York, on the 8th of October?—A. Yes, sir.

Q. Were you in Washington subsequent to that 8th day of October, when the contract was drawn?—A. I was not.

Q. Then the interview with the Secretary of War must have been shortly prior to the 8th of October?—A. Yes, sir; it was.

Q. Because you have stated that on the day before the contract was drawn you were in New York with Mr. Marsh?—A. I did.

Q. Therefore that was on the 7th of October?—A. Yes, sir.

Q. Was your conversation with Mr. Marsh here in Washington on the day of the evening when you went to New York?—A. Yes, sir; it was.

Q. Then that was the 7th of October?—A. Yes, sir.

Q. Then was your conversation with the Secretary of War the day previous to that?—A. The day previous, or the day previous to that.

Q. Then it must have been the 5th or 6th of October, 1870?—A. Yes, sir.

Q. In which conversation the Secretary stated that he had promised it to Mr. Marsh?—A. Yes, sir.

WASHINGTON, *March* 23, 1876.

JOHN S. EVANS recalled and further examined.

By the CHAIRMAN:

Question. You were at Fort Sill during the last presidential election. Please state whether you contributed any funds for party purposes; and, if so, under what circumstances.—Answer. My recollection of that matter is that there was a circular sent to Fort Sill during my absence requesting a remittance of $300 to the republican executive committee of Washington. That is the best of my recollection. That was sent to Fort Sill, and was referred to me by my partner, Mr. Fisher. I think these are the facts. That money I paid. How I paid it, whether I remitted it when I went back to Fort Sill, or whether I paid it here, I do not know; but my impression is that I remitted it through my friend, Mr. Marsh.

Q. Three hundred dollars was the sum; 1872 was the date; the republican congressional committee was the recipient?—A. I won't say positively; but that is my impression.

Q. Do you know anything about Mr. Harlan in connection with it?—A. I don't remember Mr. Harlan in connection with it at all. It is my impression that this circular was sent by Mr. Marsh with a request to have it remitted through him. I am not positive about that; it may have gone direct to Washington. I cannot remember at all.

Q. Have you ever paid any since 1872?—A. I have paid $150.

Q. When did you pay that?—A. Within the last six months.

Q. Was that for the next campaign?—A. It was requested to be sent to Washington by the executive committee.

Q. How did you send that?—A. I remitted it direct.

Q. By check?—A. I think so.

Q. Payable to whose orders?—A. I think it was Mr. Edmunds; I am not positive.

Q. For what reasons did you make these contributions? Were they voluntary on your part, arising from your desire for the success of the party to whose funds you contributed?—A. I cannot say that they were. I did not consider myself a politician. I have not voted since the presidential election between Mr. Lincoln and Mr. McClellan. I then voted the republican ticket.

By Mr. ROBBINS:

Q. Why did you remit the contribution, then?—A. Well, I considered that I was holding an appointment from the republican Administration. I considered it an outrage that I should have to pay anything. I considered that Mr. Marsh should have been the man to have paid it. I possibly would have paid without any hesitation or regret at all if that had not been the case. I did not think of the loss at all—it was a small amount; but I thought Mr. Marsh ought to have paid it.

Q. Well, Mr. Marsh not having done it, and you regarding it as an outrage, what was the reason that you paid it?—A. Well, I considered it an outrage that he did not pay it, as I had received the post through him.

Q. But, I say, since you considered it an outrage for you to pay it, why did you pay?—A. I paid because I was holding a position up there as a republican, and for the benefit of the republican party.

Q. Suppose you had squarely refused, what consequences would you have apprehended?—A. I cannot say that I anticipated anything. I thought it was a requirement that was——

Q. You looked upon it as a requirement that you could not evade?—A. I cannot say that I looked upon it in that way.

Q. I want to know how much pressure there was upon your mind to make you do it?—A. Well, I will say this: if I had not been called upon to pay it I do not think I should have paid. I was not mixing in politics, and I had no interest in the matter.

Q. And when you saw the money start, you did not like to see it go?—A. Well, I do not think I put so much stress upon the fact of paying $300; probably having paid out so much money already, I had become callous to that thing.

By Mr. BASS:

Q. These circulars rather converted you to the old Jacksonian doctrine that "to the victors belong the spoils?"—A. You may view it in that light; I did not think of that at the time.

By Mr. BLACKBURN:

Q. Did you ever hear, under the Jacksonian administration, of office-holders being taxed or assessed for political or party purposes?—A. I cannot say that I did, sir.

By Mr. BASS:

Q. How old were you then?—A. I am forty-three now, sir.

Q. Do you know of a similar circular being sent to any other appointees of the Administration holding places out there?—A. I have no definite information; merely what I have seen through the papers. I have seen a copy of this same circular published in the papers.

Q. Do you or do you not know of any person there holding an appointment who got that circular?—A. I have no definite knowledge.

Q. You never heard any such persons say so?—A. I do not call it to mind now if I did. I may have done so.

WASHINGTON, *March* 21, 1876.

PHINEAS W. HITCHCOCK sworn and examined.

By the CHAIRMAN:

Question. Are you acquainted with Mr. Franklin, who was the editor of the Omaha Tribune?—Answer. No, sir; I don't know that I am. Franklin?

Q. That is the way I read the name; B. D. Franklin. You never knew him?—A. No, sir; I don't remember him. There is no such paper there.

Q. At what time were you elected to the United States Senate?—A. My term began five years ago last 4th of March. I was elected in January preceding.

Q. You were elected in January, 1871, by the legislature of Nebraska?—A. Yes, sir.

Q. Was there a paper in existence there at that time called the Omaha Tribune?—A. I think there was.

Q. A supporter of yours in that contest?—A. Well, I don't know. Personally it was not. Its position was more anti-Thayer in the contest than for anybody. It was more for Governor Sanders than for me or anybody else. It was started particularly and specifically in hostility to General Thayer.

Q. You never knew Mr. B. D. Franklin, who was alleged to have been the editor at that

time?—A. I don't remember that I ever knew any such man. I don't remember him; he might have been there.

Q. Do you know who was the editor of the paper?—A. Well, it had several editors. There was a Mr. Bartlett connected with it, and I think he did the most of the writing. There was also a man whose name I don't remember who did a good deal of the writing.

Q. Did you ever promise either Mr. Franklin or any other person or persons connected with that paper, or any other person, that in the event of the Omaha Tribune supporting you for the Senatorship in 1871, you would secure them a sutlership anywhere in the Indian Territory?—A. No, sir; I never did.

Q. After your election, did you assert that the reason that you did not fulfill your promise was that "U. S. Grant was in the way, and that the President would not withdraw his objections unless we paid him $10,000?"—A. No, sir; I never did.

Q. Do you know a man by the name of Edward McCoy?—A. I do not; I know several McCoys and knew of them out there; there was a McCoy family that lived in Nebraska. I am not certain that I know Edward McCoy; indeed I am certain that I do not.

Q. Do you know of Mr. McCoy having been promised an interest in a sutlership by you or by any person for you?—A. No, sir; I do not, decidedly.

Q. And you have no acquaintance with Mr. B. D. Franklin?—A. I don't remember such a man. If there was such a man there, I do not recollect him.

Q. You had no agreement with him with reference to a sutlership?—A. No, sir; most decidedly not.

Q. Had you ever a private secretary by the name of Smith?—A. I think not, sir. I don't remember any such man. There is a man now writing some letters in my committee-room named Smith. He never was my private secretary.

Q. Is he employed by you to write your letters?—A. No, sir, he never was; he does not write well enough.

Q. What are his relations to mail-contractor Giddings in Texas?—A. I don't know that he has any. I presume not. He is not that kind of a man.

Q. What is his name?—A. His name is George, I think.

Q. I see that Roger T. Beal was appointed post-trader at Camp Grant, Arizona, on the 18th of December, 1872. He is now dead. I see that the papers in his case were delivered to you—what do you know in relation to his appointment?—A. I don't know that he was ever appointed to that place. He was appointed at Beaver in Utah Territory.

Q. The record shows that he was appointed at Camp Grant?—A. That may be the name of the camp—I have no recollection of any Grant in Arizona, but he was appointed to Beaver.

Q. Did you have him appointed?—A. I don't know that I did. I recommended him, as several others did, I suppose. I have recommended several others; generally, unfortunately, without any success. It was a small post, and he went there and after a time filled a drunkard's grave.

Q. I see that R. O. Adams was made post-trader in October, 1874, at Camp Robinson, and he resigned in 1875, May 7th, and that the papers in that case were sent to you?—A. I don't know about that. He never accepted.

Q. Was he appointed on your recommendation?—A. I don't know. I think I recommended him, but he never accepted it or filled it.

Q. A. J. Moore was appointed post-trader at Fort Hartsuff on the 10th of May, 1875?—A. I think my colleague and I indorsed him.

WASHINGTON, *March* 21, 1876.

HAWKINS TAYLOR sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. I live in this city; I have been here since 1861. My residence was formerly in Iowa.

Q. What is your business here?—A. I heard a gentleman once ask Truman Smith what he was doing——

Q. No, no: I want to know your business, if you have any.—A. Well, I do anything that I think ought to be done that will pay me.

Q. That is, you are a lobbyist?—A. Well, to some extent.

Q. If you have ever received money from any persons for securing any appointments of post-traders, I want you to state who they were, when and where, and all about it.—A. Well, you have got a list there, and I would prefer that you would take them in that way.

Q. Do you know F. G. H. Bradford, M. D., of this city?—A. I do.

Q. He was appointed post-trader at Fort Craig?—A. Yes, sir.

Q. Did you get him that appointment?—A. I did not.

Q. Did you assist him in any way?—A. I did.

Q. What did he pay you?—A. I think I got $100 out of it.

Q. Are you certain it was not $200?—A. No, sir, it was not. I got $200 and gave him $100 back.

Q. You mean you got $200 from him and returned him $100?—A. I think it came from him.

Q. What service did you render for your $100?—A. Mr. D. B. Peck came to me in the rotunda one day with Dr Bradford, introduced him to me, and said that he was a man of standing and character; that he had been an Army surgeon, had been living some time in New Mexico, and was anxious to get a post-tradership; and asked if I could not assist him to get it. Mr. Peck said that he could get the entire Maine delegation to indorse him, and I told him if he got that, and got Mr. Chaves, who was the Delegate from New Mexico, to indorse him, I would assist him if I could. Mr. Bradford offered to give me $1,000 if I would get him the appointment. I didn't like the looks of Dr. Bradford very well, and I said so to Mr. Peck, and told him that he looked to me like a man that drank. Mr. Peck admitted that he had drank a good deal, but said that he was then sober and had quit drinking. The next day he came to me with an indorsement of the Maine delegation, all, I believe, except Senator Morrill, and also the indorsement of Chaves. I then went to Mr. Chaves, whom I felt a good deal of interest in—by the way, I told Dr. Bradford that if Chaves would indorse him, and he was a good republican, I would do all I could to have him appointed.

Q. That was an essential, was it?—A. That was an essential. I indorsed nobody that was not a republican. I went to Chaves and he said that he was anxious for Dr. Bradford to be appointed. I then took the papers and went to the Secretary of War, and laid them before him, and told him my impressions about Dr. Bradford, that they were not very favorable and that he had better inquire into his history, which he informed me that he did, and that he was a very good surgeon and stood very well, but that he was generally impecunious and disposed to borrow from the officers about him. He said, "I will appoint Dr. Bradford," and he spoke particularly of old man Hamlin, said that this man was a particular friend of his, and he would like to do a kind act for him, and he would appoint him, but, said he, "You say to Dr. Bradford that if he does not stay sober and attend to his business faithfully and act manfully, I will dismiss him at once." I so told Dr. Bradford. Dr. Bradford afterward, I believe, sold one-half of the tradership for $1,500, and gambled it away, and did a good many other things which he ought not to have done, and I went to the Secretary of War and advised him to dismiss him, which he did.

Q. If he had paid you the full thousand, would you have done that?—A. Yes, sir.

Q. I see that you got an appointment for R. M. Stevens at Fort Stanton; what did you get for that?—A. My impression is that I got $125 out of that.

Q. Let us have the details of that.—A. Mr. Chaves claimed that all the post-traders in New Mexico were democrats, and he was very anxious to have them changed and republicans put in their places, and was specially anxious to have Stevens appointed. He took a good deal of interest in him. I think Mr. Stevens wrote me, or some of his friends, offering probably $500 if I could get him appointed and I took a good deal of interest because Mr. Chaves was exceedingly anxious to have Stevens appointed, and so were other friends that I have there, and I made a good deal of effort to get him appointed. After he was appointed, they notified the Secretary of War, somebody did, that he was a common gambler, and it was urged by others that he was about an average New Mexican, and the matter hung in that way for some time. Mr. Stevens never took possession of the post, and there was somebody else appointed in his place.

Q. That somebody else was Frank Bliss?—A. Probably it was. It was somebody that I didn't know.

Q. You only got $100 from Mr. Stevens?—A. One hundred and twenty-five dollars.

Q. You never got anything from Bliss?—A. Nothing. I never knew Bliss at all.

Q. Are these the only persons that you ever had appointed post-traders?—A. I never had anybody appointed post-trader. I took an interest in them.

Q. Are those the only persons that you took an interest in?—A. No. I tried very hard to get a man appointed post-trader—Mr. Spiegelberg, I believe. He is a banker in New Mexico—at Fort Wingate.

Q. Did you succeed?—A. I did not.

Q. Who beat him?—A. Mr. Cook was appointed. I went afterward and tried very hard to get the Secretary of War to appoint him, to make two traders at the post, but he said he would not appoint two traders to any post, so it failed.

Q. What were you to get from Spiegelberg?—A. Well, I don't know; I think Spiegelberg was to give me $1,000.

Q. Did you ever get anything from him?—A. I think I did get about $150. They paid rather better where I did not get them the appointment, than where I did.

Q. Who else did you endeavor to assist?—A. I worked very earnestly to have Col. John A. Miller appointed post-trader at Fort Bayard.

Q. Did you succeed?—A. Yes, sir.

Q. He was appointed the 24th of December, 1873, and he is still the trader. What did you get for assisting him?—A. He wrote me that he would give me $1,500, if I would get it and I told him I would be satisfied with $1,000.

Q. Did he pay you the $1,000?—A. Yes, sir; like a man.

Q. Were there any others?—A. No others at all.

Q. This is all the business that you did in that line?—A. All that I recollect. I took all the means that I knew how for Colonel Chaves. When Dr. Bradford was removed I urged thd Secretary of War to appoint, and possibly at my instance he appointed, a brother of Chaves at Fort Craig; for which I never expected anything whatever.

Q. Colonel Chaves had brought you these other cases?—A. No, sir; he had not brought them, but he was a friend.

Q. Did you have a partner in this business?—A. I never had any partner at all in the business, except that I think a man, a friend of mine, got one-half; I think there were $250 paid by Mr. Stevens, and Judge Brockus got half.

Q. Where does he live?—A. He lives in Maryland.

Q. Does he spend his winters in Washington?—A. Yes, sir. He used to be a judge out in New Mexico.

Q. He is one of the fraternity?—A. Well, I don't know. I guess the judge is a very high-toned southern gentleman.

Q. Where were you born?—A. I was born in the hills of Kentucky.

Q. Then you were both southern gentlemen?—A. Yes, sir; but I was of a plebeian race, and he of a higher order.

Q. You came to the same level on the money question?—A. Yes, sir.

Q. You say you had no other partner but he in that transaction?—A. No, sir.

Q. Or in any of these transactions?—A. No, sir.

Q. Did you ever call in the assistance of other persons to whom these parties paid money?—A. Nobody at all.

Q. Do you know of any persons being employed for the purchasing of post-tradership here?—A. I don't know whether they have or not. These post-traderships were understood to be very profitable, and when they came here they ran down everybody that they thought could be of any use to them, promised very largely; and some of them paid, and some of them did not pay.

Q. Do you know of any other gentlemen engaged in this brokerage here in this city?—A. No, I do not.

Q. Did any gentleman ever tell you that he was in this business?—A. No, I don't know that they have.

Q. You didn't know that you had any opposition, then?—A. No, I do not know that I did.

Q. When you tried very hard and did not succeed, who was conducting the opposition?—A. Secretary Belknap told me that he had promised this appointment to Senator Allison or to the Iowa delegation—the appointment of this man Cook at Fort Wingate.

Q. Do you know any of these traders or persons desiring appointments who has given money to other persons than yourself to secure their places?—A. I do not.

Q. To the Secretary of War or his family?—A. No, sir; I would not have dared to offer the Secretary of War anything, and I do not believe anybody else ever did.

Q. What did you do in that $1,000 case?—A. Well, I don't know how much I did do. He is an old Iowa friend of mine, and a particular friend of Colonel Burdette's, and he was very thoroughly indorsed by the republicans of New Mexico, and I felt a great deal of interest. I could have got $1,000, and I felt a great deal of interest, and I think people that know me here know that I do about as I please—that I will serve a friend for nothing, and he was a friend.

Q. That you showed by charging him only $1,000, when he offered $1,500?—A. Exactly. I was offered a good deal more than he offered to take an interest for another party at the same time, but I stated to the Secretary of War that I would like exceedingly that he would make that appointment; it is the only personal favor I ever did ask of him, and I asked it because of my knowing Mr. Miller to be a good and true man, and I liked him, but of course I liked him to pay.

Q. How long have you known the Secretary of War?—A. A long time—since 1851 or 1852.

Q. Did you live in Keokuk?—A. Yes, sir.

Q. Did you follow the Secretary here?—A. No, sir; he followed me here.

Q. You have kept up your friendly relations all the time?—A. Yes, sir; no man ever was more attached to any man, or had more confidence in another. He was a democrat, and I was a whig in the old whig days, and he was a democrat when I was a republican; but personally we were always friendly.

Q. What was he lately?—A. My understanding has been that he was a very earnest republican lately.

Mr. BASS. He has not told what he did for that $1,000 fee.

The WITNESS. I got the man appointed, and he is trader yet.

By Mr. BLACKBURN:

Q. Is that all the service you rendered in that case, your statement to the Secretary?—A. That is all the service I rendered.

By Mr. BASS:

Q. Who presented his indorsements to the Secretary of War; did you, or were they on file?—A. They were on file, I think.

Q. Do you know whether others interceded with the Secretary for him or not?—A. I know that Colonel Burdette, the present Commissioner of the General Land-Office, who belonged to the same company with him, he made a very earnest appeal in his behalf, and he probably had more influence than I had, because he had more position than I had, and that goes a good way here.

Q. Then, as I understand, this man had strong political indorsements?—A. Yes, sir.

Q. And they were on file. You rendered your valuable aid, and Colonel Burdette his, as the friend of this applicant. Were there any other friends of this applicant that you know of seeking to aid his appointment?—A. I don't know whether there was or not.

WASHINGTON, *March* 21, 1876.

M. W. CHOLLAR sworn and examined.

By the CHAIRMAN:

Q. Mr. Evans testifies that a gentleman, when he was here for the purpose of procuring the tradership at Fort Sill, introduced him to General Rice. Are you the person?—A. I am, sir.

Q. Why did you introduce him to General Rice?—A. From the fact that Mr. Evans wanted to get the post-tradership at Fort Sill, and because General Rice was a personal friend of the Secretary of War. That is, I had reason to believe so, from the fact that he had lived in the same town, and I saw him a good deal with the Secretary.

Q. What was his general reputation here?—A. Very good, sir.

Q. I mean as to having influence with the Secretary?—A. It was understood that he was very friendly.

Q. Were you in the habit of introducing people for that purpose?—A. No, sir; I never introduced anybody before or since. I had known Mr. Rice for a number of years.

Q. Did you receive any compensation from Mr. Evans for your introduction?—A. No, sir.

Q. Never asked any?—A. No, sir; never asked any.

WASHINGTON, *March* 22, 1876.

HAWKINS TAYLOR recalled and further examined.

By the CHAIRMAN:

Question. You said yesterday that you received $200 in cash from Dr. Bradford?—Answer. Yes, sir.

Q. How was that paid to you by Dr. Bradford; in person, or through Mr. Peck?—A. My impression yesterday was that I had received it from Mr. Peck, but I am satisfied from his statement that $80 came from him, and $120 came from Dr. Bradford himself.

Q. Dr. Bradford himself seemed to be under the impression that he paid it through Mr. Peck?—A. That was my impression, but I am disposed to think that Mr. Peck recollects it better than I did.

Q. Did you ever show to any one a letter from the Secretary of War, in which he said that he would be happy to see you at any hour at his office or elsewhere and he would be glad to render you any assistance in his power?—A. Never in the world; I never had such a letter.

Q. Did you ever say that you had?—A. I never stated to anybody that I had; never told any living man that I had any extra influence with the Secretary of War at any time. We were old townsmen and particular friends; we were kind to each other, but I never was assured by him that I should have any extra influence or power with him in any way, shape, or form, and I never told anybody so.

Q. You narrated an interview you had at the time this appointment was procured with the Secretary of War; now at the time that Dr. Bradford went to visit the Secretary did you accompany him to the Secretary's office?—A. I did not.

Q. What did you do, give him a card?—A. I may possibly. I don't know. As I said yesterday, I told the Secretary that I did not like the looks of him very well, and my recollection now is that, to be extremely cautious about it, I advised him to go and call upon the Secretary of War himself, and I think I gave him a card. I wanted the Secretary to see him and judge for himself. I want to state about that note which I forgot all about yesterday. He gave me the note, and I understand he says that I gave him $100 on it. My un-

derstanding was that I let him have $100. It is a matter of no consequence either way. I have no recollection at all that he told me that I should pay Mr. Peck $100, though he may have done so. I am not prepared to say that Mr. Peck was not to have $100. But the next day Mr. Peck told me that Bradford had gambled off the $100 that I gave him to go to New Mexico. Mr. Peck told me that he had gambled off the $100, and of course I knew he was not going, and the note never was paid to any one.

Q. Mr. Chavez was appointed in his stead, on the 6th of June; did you procure Mr. Chavez's appointment?—A. I did, I think. That is the only one I did procure.

Q. What did you get for that?—A. Not a cent; and did not expect to get a cent. I don't think Mr. Chavez ever took charge of the post.

Q. He was there a year, and apparently resigned or was turned out, on the 23d of April, 1872.—A. I don't think he took possession of the post, although I think he lived near the place, and I guess there was some understanding that some other man was running it.

WASHINGTON, *March* 22, 1876.

W. H. WIEGEL sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. Four hundred and fifty-one North Calhoun street, Baltimore.

Q. What is your business?—A. I am a collector.

Q. How long have you resided in Baltimore?—A. Since 1838, the year of my birth.

Q. Have you resided there continuously?—A. Excepting the seven years I was in the Army.

Q. What was your position in the Army?—A. I was major and assistant adjutant-general, and brevet colonel when I was mustered out of the service in 1868.

Q. Have you any acquaintance with any of these post-traderships anywhere?—A. I have not.

Q. Have you any acquaintance with Orvil Grant personally?—A. No, sir; I know him by sight, that is all.

Q. Have you ever had any intercourse with him?—A. No, sir; and I don't want any.

Q. Do you know the firm of Ikler & Co., corner of Fayette and Saint Paul streets, Baltimore?—A. Yes, sir.

Q. You go there every evening?—A. Yes, sir; that is my headquarters. He is the superintendent of the Sunday-school of the church of which I happen to be a member.

Q. Have you ever discussed this post-tradership matter there?—A. I do not know about the post-tradership matter. We have discussed the rise and fall of Mr. Belknap in connection with the post-traderships.

Q. Have you any personal knowledge of any matters connected with Mr. Belknap?—A. No, sir; I have not.

Q. Do you know him personally?—A. No, sir; I cannot say that I do.

Q. Do you know anything of his receiving money in any way for appointments to office?—A. No, sir.

Q. Have you ever said you did?—A. No, sir.

Q. You never said so at Ikler's store?—A. No, sir.

Q. Or anywhere else?—A. No, sir; not unless I was asleep or dreaming; certainly not when I was in my sober senses.

Q. Do you know the firm of Basshor & Co.?—A. I do, very well.

Q. Did you ever converse about these matters with them?—A. Well, I met Wallace Stebbins, the junior partner of the firm, the other day, the first time I had seen him for a couple of weeks, and I twitted him a little about the developments in the papers.

Q. What was the substance of your conversation?—A. I merely stopped him and wanted to know what he had been doing. He laughingly replied that it was none of my business. I said that I did not want to know anything about it; that I supposed he had sense enough to keep out of matters of that kind. We are very friendly. We meet each other very frequently. He lives in the same section of the city, and we often meet in the cars going home.

Q. Have you ever seen Orvil Grant there?—A. No, sir.

Q. Do you know of his being in their employ?—A. Nothing more than I saw in the papers, and I think that Mr. Stebbins said something incidentally, that they had employed him, and that it was all right. There was not five minutes' conversation between us, and it was all in a jocular way; nothing serious about it. The fact is, Mr. Chairman, I didn't want to know anything about any of these matters. I was before a congressional committee about four years ago, and I got myself into trouble, and I have not got out of it since. If a man came to me about these things I would be very apt to turn him aside.

Q. Do you know anything about any contracts under the War Department?—A. Well, Basshor & Co. I know, and Bartlett & Co., a few doors above them.

Q. Have they ever given you any information in reference to any of their contracts?—A. No, sir; they are not likely to do anything of that sort voluntarily, and I am not inclined to ask for such information.

Q. Are these the only parties you know that have contracts with the War Department?—A. I believe that is about all, unless you can name over some of them.

Q. Do you know a person named William G. Brown who has a contract with the War Department?—A. The Brown family is quite numerous in Baltimore. I know several of them. I cannot say now that I know any particular one by that name.

Q. You are quite positive now that you have never professed to have information of an important character with reference to the malfeasance in office of the Secretary of War?—A. No, sir; I never have dreamed of such a thing. What my own views may be about these matters is one thing, but I have never said a word to any one that I know of, nor am I aware of anything of the sort.

Q. You have never said so at Basshor's store?—A. No, sir; I have not been in Basshor's store.

Q. Nor to any member of that firm?—A. No, sir.

Q. Never said so at Mr. Ikler's store?—A. No, sir; I do not think the matter has ever come up there in discussion in that shape. The only thing that I recollect is on the succeeding the publication of testimony given by Mr. Marsh before this committee, and we then argued pro and con as to the guilt or innocence of the Secretary. That was all.

Q. You did not at that interview profess to have any personal knowledge about that?—A. No, sir; I could not, because I know nothing at all of the matter.

WASHINGTON, *March* 22, 1876.

BENJAMIN D. PECK sworn and examined.

By the CHAIRMAN:

Question. Do you know F. G. H. Bradford, M. D., of this city?—Answer. Yes, sir.

Q. Did you assist him in any way in procuring the appointment of post-trader at Fort Craig?—A. Yes, sir; I got him some names to his application for that place.

Q. It appears from the record that he was appointed during the spring of 1871?—A. Yes, sir.

Q. Do you recollect introducing him to Mr. Hawkins Taylor?—A. I do.

Q. Why did you introduce him to Hawkins Taylor?—A. We were in the rotunda of the Capitol; and as I got the names of our Maine delegation to his paper he was asking me for some one to introduce him to the Secretary of War; at the time when this conversation was going on between us Mr. Taylor was passing through the rotunda, and I spoke to him, introducing Dr. Bradford, and told him what Dr. Bradford wished. He said he would take the matter into consideration; looked at the names, and said that if he could get Mr. Chaves's indorsement he thought he could succeed.

Q. Was Dr. Bradford a native of Maine?—A. Yes, sir.

Q. Hence you procured for him the names of the Maine delegation?—A. Yes, sir. I would state that the reason was that I knew him as a boy; his father was one of our most eminent citizens and lawyers, and these Maine gentlemen were acquainted with his father, and signed his papers on that account.

Q. Can you give any special reasons why you did not introduce him to the Secretary of War yourself, and why you put him in charge of Hawkins Taylor?—A. Simply because I did not know the Secretary of War.

Q. What did you know of the relations between Mr. Hawkins Taylor and the Secretary of War that induced you to introduce him?—A. I knew nothing except that they came from the same State. They both had lived in Iowa. I don't think Mr. Taylor had ever said anything about any relations that he held with the Secretary of War, but I presumed coming from the same State, that he knew him.

Q. Bradford was subsequently appointed?—A. He was.

Q. Did he ever give you $200 to hand to Mr. Taylor?—A. No, sir; he gave me some money—$80, or less than a hundred.

Q. You did hand it to Mr. Taylor?—A. I did.

Q. Once he gave you some money?—A. Yes, sir; at one time $10. That was rather as a loan, however.

Q. Have you repaid it?—A. No, sir.

Q. Did Mr. Taylor ever show you a letter from the Secretary of War in which the Secretary invited him to come to his office or his house at all hours, and that he would be very happy to assist him in any way?—A. No, sir.

Q. Did he ever tell you that he had such a letter?—A. No, sir; not to my recollection. This is the first I ever heard of such a letter.

Q. You never heard of a letter from Mr. Taylor?—A. No, sir.

Q. Do you know the amounts of money that Dr. Bradford was to pay for Mr. Taylor's services?—A. I think it was something like $1,000.

Q. Do you know how much he did pay?—A. I do not. I know of the amount that was paid that I have stated. I don't know, to my own knowledge, of any other than that amount that was given into my hand for Mr. Taylor.

Q. Are you acquainted with the Secretary of War now?—A. Yes, sir; slightly.

Q. When did your acquaintance begin with him?—A. It was some time during that year that I went to see him about an item of business.

Q. Have you seen much of him since?—A. No, sir; that is, I have seen him passing. I never had any intimacy.

Q. Did you ever get up recommendations afterward for an appointment under him?—A. I went there to ask him to allow some young man to enlist in the signal service, and took a letter of his in there; that is all.

Q. Were you ever present upon more than one occasion when Mr. Hawkins Taylor and Dr. Bradford were conversing about this post-tradership?—A. I think I met them together several different times.

Q. Did you, for Dr. Bradford, see Mr. Hawkins Taylor about the matter?—A. I may have done so. I don't recollect. I saw Mr. Taylor several times. We had several conversations about the matter from time to time.

Q. What was the nature of your conversations with him rega ding this transaction?—A. Nothing more than what would ordinarily transpire.

Q. Were you to have gotten more money than the $10?—A. No, sir. Dr. Bradford at one time said to me, however, that if I would look after his interests here while he was away, if he made any money he would send some to me.

Q. Do you know that Mr. Taylor did demand of Dr. Bradford $100 for your services in the matter?—A. No, sir.

Q. You never received anything but the $10, which was in the nature of a loan?—A. That is all, sir.

WASHINGTON, *March* 22, 1876.

F. G. H. BRADFORD sworn and examined.

By the CHAIRMAN:

Question. If you were ever an applicant for a post-tradership, please state when it was and for what post.—Answer. In the latter part of February, or the 1st of March, 1871, I made application for the post-tradership at Fort D. A. Russell, or any other frontier post. D. A. Russell is in Wyoming.

Q. What steps did you take?—A. I made out my application in writing, and, together with the letters accompanying it, sent it to Senator Hamlin and received his indorsement, and upon that received the indorsement of several of the Maine delegation.

Q. Was it the entire Maine delegation?—A. With one or two exceptions. I met Mr. Benjamin D. Peck, who is now in the Treasury Department—a clerk, I believe, as he was at that time. I told him what I had done, and he informed me that he had a friend here in the city by the name of Hawkins Taylor, who was an intimate friend of the Secretary of War, and no doubt if I could make his acquaintance that he would secure the appointment without any trouble whatever with the indorsements I had received. Mr. Peck was instrumental in introducing me to members from Maine and securing additional indorsements at the time I received Senator Hamlin's indorsement. An appointment was made to meet Mr. Hawkins Taylor. We met in the rotunda one morning with Mr. Peck, and I was introduced to Mr. Taylor and after a little conversation e intimated that he would do anything that he possibly could in his power, but would do it for a consideration.

Q. Was anything intimated about his power with the Secretary?—A. That was subsequently. He asked me to show him my application, which I did, with the indorsements thereon, and he said he would take them and let me know in a day or two. Two or three days after this I met him by appointment in the rotunda, when he said that he was doing everything that he possibly could; he impressed upon my mind the difficulty that he would have in getting this through; and after three or four days he said he had seen the Secretary, and it would be necessary for me, to make it a little stronger, to procure the indorsement of the Delegate from New Mexico, or, rather, he told me that Fort Russell had been promised, and asked me how I would like Fort Craig, in the Territory that I had served in. I told him that I was willing to accept almost anything in the way of a post-tradership, and he said he would see about it, but wanted me to obtain the indorsement of the Delegate from New Mexico. It was after the expiration of the term of Congress. Mr. Francisco Chaves was the Ex-Delegate, and I went to him and procured his indorsement. Mr. Taylor told me that he would see about it. Day after day passed, and he came to me one morning and said that the Secretary wanted to see me. He gave me a card to present to the Secretary, or to one of the ushers, when I visited the Secretary's office, and I was ushered into a private room. Secretary Belknap wanted to know what I wanted with a position; that I had a very

good profession, and he did not see why I wanted a position as post-trader. I explained to him that I had been in the service for some years, and that I simply wanted to make a little money outside of my profession; and after some little talk with the Secretary he wanted me to write a letter to him in regard to some money transactions which I had had previously. He wanted to know if I had not been a little loose about some money transactions that I had. Said I, "Mr. Secretary, if you will give me any intimation of any particular case that I have had, I will inform you with a great deal of pleasure. I have never had many very large money transactions; consequently I cannot recollect any transactions not perfectly correct." The Secretary then requested me to write him a letter and state to him what my business had been and what transactions I might have had, saying he always made it a point to inquire into the record of any appointment that he made, and he had discovered at the Surgeon-General's Office that I had done some little thing that was wrong in some money transactions, and if I had not been perfectly correct he wished me to write a letter explaining the whole thing. A few days afterward Mr. Taylor met me on the street and said, "I have your appointment," and he produced it; "when you come up and give me the amount you agreed to give me, $250, and make out the written agreement, then I will give it to you." "Very well, sir; your money will be in readiness in the morning." This was in the afternoon, and he showed me the appointment. The following morning I went to Mr. Peck's office—I have forgotten the number—gave Mr. Peck $200, counted it out, and took his receipt, and asked him to give it to Mr. Taylor before I went up in the afternoon to get my appointment, saying that I had already seen Mr. Taylor and had promised him $250. I went there in the afternoon and met Mr. Taylor——

Q. Did you give Mr. Peck any money at that time?—A. I gave him $10 at the time. I went to Mr. Taylor's house that evening—I think it was the same evening—and the appointment that I received was addressed to me, to the "care of Mr. Hawkins Taylor," on the face of the appointment. Then, a day or two afterward, I gave Mr. Taylor a note, made payable to me, at the First National Bank of Santa Fé, for $250, to be discounted. Prior to giving this note, at the time I paid him this money, I entered into a written agreement, which I signed, to give him $1,000 a year as long as he would retain me at that post; and he assured me that his intimate relation and his confidence, everything of that kind, with the Secretary would enable him to do it. He promised to retain me for $1,000 a year, which I agreed to give him.

Q. The agreement was written and signed, and he was to protect you there by his influence with the Secretary?—A. I gave him this note, and he said he thought he could have it discounted. I had two notes, one for $250, and one for $275. I gave him the $250 note. I had paid the $200 in money, and he wished to take the other $50 out of this $250 note, and he was to return me the balance. I indorsed the note and gave it to him, and a day or two afterward, in the presence of Mr. Peck, he said: "I can discount this note, but unless you will agree to give Mr. Peck $100 more, I will retain the note and pay it, and then I will return you $100." He said if I did not do that he would break me up entirely. Said I: "Very well, sir; give Mr. Peck the $100 out of the note, and give me $100." That accounts for the $100 that Mr. Taylor returned to me. He held the note. Shortly after that I went to New York with a friend of mine from Santa Fé, who was then an applicant for the post-tradership at Fort Wingate.

Q. During those interviews with Mr. Taylor and with Mr. Peck, was it shown to you in any way by letter from the Secretary of War, that Mr. Hawkins Taylor was a recognized friend and intimate of the Secretary?—A. I never read the letter myself. Mr. Peck informed me, when he said he thought it advisable for me to meet Mr. Taylor, that Mr. Taylor had shown him a letter from Secretary Belknap, wherein he said that he would be happy to meet him at his house, or at his office at any time or any hour, and he would be happy to do anything for him, or for his friends. I informed Mr. Taylor of this fact, when he met me and urged me day after day here, and he said, well, he had a letter from the Secretary; but he did not produce it, but Mr. Peck did read that letter and so informed me. I went with Mr. Spiegelberg, who was then an applicant for the post-tradership at Fort Wingate, to New York. He has a large house there, and also one at Santa Fé. Spiegelberg Brothers supplied a great many posts in New Mexico at the time. Mr. Willy Spiegelberg was here at the time, an applicant for that post, and I understood that Mr. Hawkins Taylor was exerting himself in his behalf for that post. I went to New York with him, with the view of making an arrangement for him to furnish stock for Fort Craig, which I had secured. I met his brother there in their wholesale store, and every arrangement was made by which I could have all the goods I wanted for that post supplied. Previous to that I had met a gentleman here, who is now a captain in the Ninth Cavalry, Frank T. Bennett, who was very much interested in the welfare of his friend Wood Dodd, who at that time resided at Santa Fé; he was out of employment, but had been an old post-trader's clerk at Fort Sumner, and Captain Bennett wanted to "set him up in business," as he termed it, and he approached me and said, "I will advance $1,500 for the benefit of Wood Dodd if you will accept him as a trader, or as manager of the tradership, and he can pay me whenever he pleases." With that distinct understanding I entered into an agreement with Capt. Frank T. Bennett, and he paid me the $1,500, including those two notes, one of $275 and one of $250, both of which I have understood within the last year and a half are, or have been, in the hands of

Mr. Hawkins Taylor. Mr. Frank T. Bennett was here about a year ago, or maybe a little more, and said that he had been hounded to death about the payment of those notes; that both notes were in the hands of Mr. Hawkins Taylor, and that he had been intimidated, through outside sources, for the payment of those notes, the intimation being that otherwise he would have trouble with the War Department, inasmuch as it was a well-known fact that Army officers could have no interest directly in a post-tradership. For the reason of exonerating Captain Bennett, I drew up a written statement, a year and a half ago, when I supposed nothing would ever occur again, stating that the money that he advanced and the notes that he gave were given solely for the purpose of starting his friend, Wood Dodd, in business, and that he was to have a half-interest in the post-tradership at Fort Craig, and the management of the business, and to refund any money that had been loaned him. Captain Bennett was ordered away—down in Texas—and he knew nothing about the business, and had no more interest in it than the man in the moon. He simply advanced this money for the benefit of his friend, Wood Dodd. I went to New York; made all the arrangements for goods. Mr. Spiegelberg advised me that I could have anything in the way of goods that I wanted, and that Mr. Wood Dodd was a perfectly responsible man; and at that time Mr. Spiegelberg suggested the propriety of taking that post from me, running that at the same time with others. He was in hopes that he might obtain Fort Wingate, and he said that Fort Craig was only a small affair, but in connection with other posts in the Territory, and with the large business that he carried on at Santa Fé, it might pay him. He failed to secure the post of Fort Wingate. He, however, advised me to go out, and I could have all the goods I wanted, and when we got started, he would see what arrangement could be made. That is, if he found it would be profitable to merge the two other posts there together, then we could enter into some arrangement which would be satisfactory. I returned to Washington, and was about to take my departure for the post, when I met a young gentleman by the name of Link. He had been an officer in the Army, but he went out of the service with pay. He offered me, after he had learned that I had secured this appointment at Fort Craig, $2,500 for the post. I declined it, and about the time I was in readiness to start, I met Mr. Link again in the National Hotel. He asked me when I was going to start for New Mexico, and I replied, to-morrow or next day. Said he, "What are you going to do out there?" I told him that I had made all my arrangements in New York, and everything was accomplished. He said, "You had better have taken my offer of $2,500 a few days since." Said I, "Why?" "They have appointed another man in your place." "Is it possible? It is the first I have heard of it." I went to the War Department, and found that Bonafacio Chaves, a brother of the Ex-Delegate, had been appointed; and I immediately sought Mr. Taylor, to ascertain why the change had been made. "Well," he said, "he made it because he wanted to." "Why?" "Because," he said, I "was round the Metropolitan Hotel, drinking with prominent democrats, associating with Bob Mitchell and all the men who were reputed democrats from that Territory, and he just went up and had it changed almost as soon as he had it made." I thought that was hardly a fair shake, and that he might as well return the amount he had received for his services; and I sent a gentleman to interview him, by the name of C. C. Coggswell, who, the last I heard of him, was in Providence, Rhode Island. He had two or three stormy interviews with Mr. Hawkins Taylor. Mr. Taylor failed to respond. He would not say anything in regard to returning the money; and a few days afterward Mr. Coggswell (I cannot vouch for this testimony myself; I visited the War Department with him, but did not hear this interview) interviewed the Secretary of War. The Secretary abruptly informed Mr. Coggswell that he intended to run that Department as he pleased, and that Dr. Bradford could sell out any goods that he had forwarded there to his successor, and that he supposed that this man came there as a newspaper writer, simply, to report in the *New York Sun* or some other democratic paper everything that was said; that Dr. Bradford was a scalawag, and Mr. Hawkins Taylor he had nothing to do with; and furthermore, on Coggswell's saying to Secretary Belknap that he had understood that there were certain parties in the confidence of the War Department by whom appointments could be made and revoked at pleasure, the Secretary very indignantly jumped and said, "The man is a damned liar, and I can whip him, that says so." Whereupon Mr. Coggswell said——

Q. Was that the end of this matter?—A. I did not read the statement of Mr. Taylor yesterday. I don't know what he stated there; consequently I cannot reply to it. There is one little point that I did read in the Baltimore Sun this morning, stating that I had sold out my post-tradership for $1,500, and had gambled it away; it is not true. I never sold my post-tradership. I was in readiness to go, and according to the order or letter of appointment, I was allowed ninety days to get to my post. Within thirty days I was ready to go. It was taken away from me without any notification whatever.

Q. Did you ever pay to any other person than Mr. Hawkins Taylor and Mr. Peck any money to secure this post?—A. Nothing at all, sir.

Q. They were the only persons you paid?—A. Yes, sir.

Q. Did you ever receive any money back, either from Mr. Hawkins Taylor or Mr. Peck?—A. Only from the note that I gave him; outside of that, I had paid him $200 before.

Q. And you paid him $50 out of that note?—A. He was to receive $50 out of that, and he returned me $100 out of that discounted note for $250.

Q. That discounted note has never been paid?—A. It never has been paid, for the reason that——

Q. Therefore he might well say that he had paid you back $100, which you gave him in cash, because if he gave you $100 out of the proceeds of the note, and it has never been paid to him, of course he paid you back that much.—A. The $200 money transaction was entirely separate from the note. The payment of the $100 was simply that part that was coming to me out of that note. He refused to give up the note or any part of it, unless I would agree that he could pay Mr. Peck $100 out of that note.

Q. Did he pay Mr. Peck $100 out of that?—A. I don't know; I don't think he did. He held the note, and he says, "If you will indorse this note, I think I can have it discounted for you." I said, "Very well; you take $50 out of it and return the $200." Afterward he said, "I will upset your tradership."

Q. Did he give you $100?—A. He gave me $100, with the understanding that he had had it discounted, and I received $100 out of that note, not out of the money that I had paid him previously.

Q. Then by the appointment of Mr. J. B. Chavéz on the 6th of June, 1871, you appear to have held this post from April 1 to June 6, 1871, and on the 6th of June, 1871, Mr. Chavéz was appointed, and continued there until the 23d of April, 1872; do you know what arrangements he had with Mr. Hawkins Taylor?—A. I can only say this in regard to that: At the time I made the application for my appointment at D. A. Russell, or any other post, and procured the indorsement that I did, Mr. Taylor came to me and asked me how I would like to have Fort Craig. I told him I would like that or any other post; it did not make any difference which one, but I did not think Fort Craig would be quite as lucrative as D. A. Russell. Said he, "I think I can get you Fort Craig; but the Secretary wants some one from the Territory to indorse you." I told him that I thought I could get Mr. Chavéz to indorse me, and I sent him the papers. Mr. Taylor walked off to another part of the Capitol. I sent for Mr. Chavéz, whose term had just expired; he came out and said, "I am not a Delegate from New Mexico;" in fact, at that time there was no Delegate, and he put an indorsement on my papers, not supposing, however, that it was going to be for Fort Craig, because Fort Craig did not appear in the body of the application. I announced to Mr. Chavéz a few days afterward that I was appointed to Fort Craig, and showed him the appointment. He seemed at the time very much surprised, although he congratulated me; but after Mr. Chavéz returned to New Mexico, (while here he was a very intimate friend of Mr. Hawkins Taylor,) almost immediately after his return to New Mexico my appointment was revoked, and J. B. Chavéz, a brother of the Delegate, was appointed in my place.

By Mr. ROBBINS:

Q. In your interview with the Secretary of War, did you say anything of the arrangements you were making with Mr, Hawkins Taylor?—A. The only thing that I recollect that was said in regard to that was this: The Secretary said that Mr. Taylor had recommended me or had sent me there, but that he took it upon himself to inquire into the record of any appointment that should be made.

Q. Did you inform the Secretary that you were paying Mr. Hawkins Taylor?—A. I did, sir. The Secretary was informed that Mr. Hawkins Taylor was to be paid for his service.

Q. Did you inform him?—A. Mr. Taylor told Mr. Peck, according to Mr. Peck's statement to me, that he went to Mr. Belknap when I first gave him the papers, and he said, "What do you know about Dr. Bradford?" Mr. Taylor said, "I know nothing about him except simply that he was introduced to me at the Capitol, and I am desirous of procuring his appointment. I understand that he is a man suited to the position," &c.

Q. Come to the point in answer to that question. We want to know how he was informed about Mr. Hawkins Taylor being paid money?—A. I informed Mr. Belknap myself. I informed him this, that through Mr. Taylor, I had called upon him, and that Mr. Taylor was my agent, and was receiving compensation, of course.

Q. Compensation in money for it?—A. Compensation for his services.

A. What did the Secretary say about that?—A. He said he knew nothing about agents at all; that he had nothing to do with agents at all; that he made it a point in making an appointment to examine the man himself.

Q. Did he say anything to you in the nature of a proposition to receive something from you himself?—A. No, sir; he did not.

Q. He made no intimation of that sort?—A. Not the slightest in the world.

Q. It was after this interview in which this information was given to the Secretary that you received the appointment?—A. Yes, sir.

Q. When the Secretary appointed you he knew that you were paying Mr. Taylor for his influence to get it?—A. I would not undertake to say that he knew it from any personal knowledge, but as I have stated here.

Q. We are going upon personal knowledge. What you say to him you know that he knows, don't you?—A. General Belknap knew very well that Mr. Hawkins Taylor was my agent.

Q. Just answer my question, if you please. When you received that appointment from the

Secretary, he knew at the time that you had paid Mr. Hawkins Taylor for his influence to get it, or were to pay him, because you had so told him yourself?—A. After the knowledge of the facts in possession of the Secretary, and the interview that I had had with him, and from the fact that my appointment was addressed to me to the care of Mr. Hawkins Taylor, I should suppose that the honorable Secretary knew all about it.

Q. You don't seem to understand my question. You have stated here that in the interview with the Secretary you informed him that you were paying or were to pay Mr. Hawkins Taylor?—A. I only wished to convey the idea that the Secretary knew that Mr. Taylor was my attorney or whatever you may please to term it, (I don't know anything about these terms,) and from the previous interview that Mr. Taylor had had with the Secretary, and his informing the Secretary that he knew nothing about me beyond his simple introduction, I should think he knew.

Q. I asked you awhile ago a very plain question, and you gave me a very plain answer. I want to know whether you stick to it or not. I asked you if you said to the Secretary that you were to pay a compensation to Mr. Taylor, and you said yes, that you did tell him so; now, what do you say—do you take it back or do you stick to it?—A. I stick to the statement that I made that I informed the Secretary that Mr. Taylor was my agent and he was acting as such for a compensation. That is what I intended to convey.

Q. You mean agent in regard to this business of procuring the appointment?—A. I don't know what you may be pleased to term it, but I was led to believe not only by himself but by the party introducing me, Mr. Peck, that he was in intimate relations with the Secretary.

Q. You do not answer me directly. I will ask you again. When you said to the Secretary of War that Mr. Hawkins Taylor was your agent, did you say, or mean to say, or to be understood that he was your agent in regard to this matter that you were then transacting with the Secretary of War in connection with getting this appointment?—A. I had no other business with the Secretary of War except that.

Q. Did you make the Secretary understand that he was your agent in that business? Answer that question directly, yea or nay.—A. Do you mean during my conversation with the Secretary?

Q. Yes, sir.—A. I don't know that I came out pointedly and told him that Mr. Taylor was my agent in point of fact, but from the conversation that ensued between us, he certainly must have understood it.

Q. Must have understood that he was your agent in connection with this business?—A. With this business, and that alone.

Q. I ask you again, when you got the appointment from the Secretary, did he know that you were paying Mr. Taylor to serve you in getting it?—A. That I could not answer. I don't know whether he did or not. I don't know anything about that.

Q. Had you not informed him prior to that that you were paying Mr. Taylor?—A. That Mr. Hawkins Taylor was acting as my agent for compensation; but what he did with that amount of money I don't know.

Q. I am not asking what he did with it. You say that you told the Secretary that you were paying Mr. Taylor compensation?—A. I beg pardon, sir; not in so many words.

Q. Well, you had conveyed that idea to the Secretary?—A. Certainly, I had.

Q. You had made him know it?—A. Most assuredly, I think.

Q. Well, he did know it, then, when he gave you the appointment?—A. I presume he did; I don't know.

Q. Do you presume about it? Are you not certain of it if you made him know it?—A. Well, I would not undertake to say what you were thinking about, if I conveyed an idea to you. I would not undertake to say what conclusion you would come to in regard to any remark I might make. I simply presume that the Secretary understood that Mr. Taylor was to be remunerated for any service which he rendered me.

By Mr. BASS:

Q. Do I understand you, from your cross and from your direct examination together, to say that you did or did not tell the Secretary directly that you were to pay any compensation?—A. For the post?

Q. Yes; for the post or anything else.—A. I thought that I had answered the question.

Q. You have answered it so many different ways that I cannot tell what you mean.—A. And the question has been asked in so many different ways, that really I cannot comprehend it. I did not tell the Secretary that I was going to offer so much for the post; but that Mr. Taylor, who had given me a card, was acting as my agent for a compensation.

Q. You are quite sure you said that, are you?—A. I am.

Q. When did you tell him that?—A. I cannot tell you the particular moment of the interview, but it was during the interview, the only interview I had with him.

Q. How long did that interview last?—A. I think about half an hour.

Q. Was anybody present?—A. No, sir; he took me into his private office.

Q. What occasion had you to tell him that?—A. Simply the reason that he asked me what I wanted with the post. He said I had a good profession, and said he, "Why can't you go to work and practice your profession, and get along without anything of that kind?" I

told him that I had been in the service some years as an acting assistant surgeon, and had been knocked about a good deal; that I had lived in New Mexico for five or six years, and intended to return there and become identified with the people, and remain there and make it my home.

Q. Go on.—A. For that reason, that the practice was not remunerative enough to support myself and family, and inasmuch as they offered me Fort Craig, which would probably pay, with good management, $4,000 or $5,000 a year, I thought that I could get along very well.

Q. Go on. What was there further in that connocotion? Was that all that took place in the interview?—A. No, sir; I have already said that he asked me in regard to some money transactions.

Q. What was that money transaction that he thought you had been engaged in?—A. I don't know; he never told me, but I heard of it afterward.

Q. What did you mean, then, when you said that you wrote a letter explaining it?—A. He asked me to write a letter to think over any money transactions that I might have had formerly, and write, and I wrote him a letter, and I suppose it is on file, (or else destroyed,) saying that I had no recollection, but that if he refreshed my memory, I would be very happy to explain.

Q. Then I misunderstood you again. I understood you to say that you wrote an explanation of it.—A. No, sir; I said that I had no recollection of it, but if he would intimate to me anything of the kind I would be only too happy to inform him.

Q. Proceed with that interview, the only one you say you ever had with the Secretary of War.—A. Well, we wound up by stating, or rather he stating to me——

Q. I don't care about "winding up" until you come to that. Go ahead from the last point you have given.—A. The interview closed on that occasion by his saying, "Very well, doctor; you write me a letter stating all this, and I will consider the matter further."

Q. Have you told all that took place at that interview?—A. Yes, sir. I cannot recall anything but what I have stated here.

Q. I asked you to tell what took place at that interview, from the beginning to the end; the interview as it occurred, not with reference to what you have testified before. Now, have you told the whole thing in answer to my interrogatory?—A. I cannot recall the facts of the interview further.

Q. Who introduced you?—A. A card from Hawkins Taylor. I was immediately shown into the Secretary's private room, and there we had the interview, without anybody being present.

Q. So that your statement details, so far as you can recollect, all that took place?—A. That is the substance of it. There may have been something that has escaped my memory. He dwelt particularly on what I desired to have the post for, and also in regard to this little money transaction that I had had at some time. I informed him that I never had had any very large money transactions, and that I did not know that I had ever been seriously involved.

Q. Tell us a little about that $250 note; you say you never paid it?—A. It was made payable to me.

Q. I understand that; but you indorsed it?—A. I have never seen it since.

Q. Your name was on the note, so you were liable to pay it?—A. Had it been presented, I would have done so. I received a letter from the gentleman who signed the note asking me to protect him, and I wrote back that I would do so.

Q. But the holder of it has never taken pains to present it?—A. He has never taken pains to present it.

Q. How long have you lived in this city?—A. Since the fall of 1873.

Q. Where were you before that?—A. Prior to that I was in California and Oregon.

Q. How long were you there?—A. I left Washington in June and returned in October or November.

Q. Where were you before that?—A. Prior to that I was in Baltimore six or eight months.

Q. What were you doing there?—A. I was attending to practice.

Q. What were you doing in California and Oregon?—A. I was an acting assistant surgeon by appointment of the Surgeon-General.

By the CHAIRMAN:

Q. The $250 note, as I understand it, was a part of the consideration given by this Mr. Bennet to make up the $1,000 which he agreed to pay for his friend who was to have an interest in your post?—A. Yes, sir.

Q. And it was made payable to your order?—A. Yes, sir. There were two notes, one at thirty days and the other at sixty days; one for $200 and the other for $275, and the balance he paid in money, out of which I paid Hawkins Taylor $200 in money. Taylor was to take $50 out of the note after he got it discounted, and as soon as he got it in his possession he refused to give it to me, unless I would pay back $50: and as soon as I found that I was removed and that he boasted on the street that he had removed me, I immediately sen t word not to pay him at all; that I had paid dearly for my experience, and had found that that appointment dated April 1 turned out to be an "April fool."

WASHINGTON, *March* 23, 1876.

JOHN FLETCHER, residing at present in Indianapolis, formerly in Topeka, Kans., and at one time a contractor at Fort Dodge and at Camp Supply, was sworn; but a very brief examination showed that he had no knowledge on the subject under investigation, and he was reprimanded by the chairman for having obtained a subpœna under false pretenses.

WASHINGTON, *March* 23, 1876.

ALEXANDER MCDOWELL MCCOOK sworn and examined.

By Mr. DANFORD:

Question. Please state your position in the Army.—Answer. I am lieutenant-colonel of the Tenth Infantry and colonel and aid-de-camp to the General-in-Chief of the Army, stationed at present at Saint Louis, Mo.

Q. I find published in the New York Herald of the 7th of March a purported interview, taken from the Saint Louis Globe-Democrat, to which I desire to call your attention, in relation to two matters. I will read the statement.

The WITNESS. I would like to state first to the committee that that publication is unauthorized by me in every particular; that I never made any statement for publication in regard to this matter, in my life.

Q. I want to call your attention to two statements that seem to be specific. The interviewer reports you as saying: "I confidently expected the exposure, and knew that it must come sooner or later." "Do you mean to say that the frauds alleged were known to you?" "Yes; to me and to every officer who has had garrison-duty to perform in the West for several years past." Have these frauds been personally known to you?—A. I have never known of any frauds connected with this business—what could be called frauds. I have stated to my brother-officers that I believed that upon investigation these facts would be proven in regard to the sale of the post-traderships.

Q. You had heard rumors?—A. Yes, sir; I had heard conversations.

Q. In relation to such sales. To whom did you believe those sales could be traced?—A. I believed that the purchase could be traced to some of the men that I knew occupied the positions. My belief was based upon the fact that men, in particular one gentleman who had been recommended by the council of administration, and approved by myself, as post-trader, was removed, and an entire stranger who had never been in that country sent down there to do the business.

Q. Had you any knowledge or information that led you to believe that these sales of sutlerships could be traced to the Secretary of War?—A. No, sir; I had not. I did not know that they could be traced directly to him, but, of course, as a man of experience, I believed that these things were sold, and that either he or some middle-man was selling them—that money was being paid for them. It is a matter of common conversation among officers in the West—at the western posts. I will except some cases. In that interview, I am charged with saying that "post-traders are thieves." I never used such language, because I know of some who are very nice gentlemen.

Q. Further on in this interview you are reported as saying, "Why should Fort Sill have been alone chosen for a transaction of the character alleged, when other posts may be as readily manipulated by those at the head of the War Department?"—A. I know nothing of that remark. I have no recollection of it at all.

Q. The interview proceeds: "These are all grave questions, no doubt, but, general, let me understand—do you believe that the doubtful transactions shown to have been engaged in by the Secretary of War extend to posts other than Fort Sill?" To which you answer: "Do I believe so? Yes, I do; nay, I think I might with propriety say that I know so.'

The WITNESS. I never made such a remark. That I believed so, there is no question, because I did believe it in my own mind; but that I knew so—I never made such a remark. Belief and knowledge are very different things.

Q. Farther on in the interview this occurs: "Do you know of any individual cases of 'farming out' that you can mention—that is, in addition to the case of Marsh, which has been made prominent?" "I should not have to go a great way—not outside of the city of Saint Louis. There is a man resident here who lives upon the proceeds of a sutlership which he is presumed to hold at Fort Union. He had friends powerful enough to reach the Secretary of War, and he was appointed. But he prefers the comforts of civilization to a rude life in camp; therefore, he farms out his position and receives a goodly share of the spoils."

The WITNESS. I never made such a remark as that.

Q. Nothing that was in substance that?—A. There was a matter that was discussed there, but I don't think it was in the presence of this interviewer. I didn't know the man to be a correspondent when he came into the office.

Q. Did you make any remark such as is attributed to you here?—A. Not to my recollection. The fact of this gentleman living in Saint Louis was discussed and talked about in the office.

Q. Did you know that fact?—A. No, sir; I did not; nor did I know the gentleman referred to. I never saw him.

Q. Did you make any statement of that character to this correspondent?—A. I did not, to the best of my recollection.

Q. State to the committee, if you desire to, the circumstances under which this interviewer came into your office, and what you did say to him.—A. After the news of General Belknap's resignation reached Saint Louis, there was considerable excitement there, as I presume there was all over the country. We had numerous people come to headquarters to make inquiries in regard to the post-traderships. I have received several letters upon that subject myself. General Sherman, I think, has received some. He has been appealed to in person by others, and there were numbers of people come there to make inquiries in regard to this post-tradership business. I would answer questions civilly that were put to me. I was at the desk, in charge of the adjutant-general's office, and when this young gentleman came in and had the conversation, he asked me, I think, three questions, according to my recollection only three, and I answered them. He inquired about how many posts there were; whether post-traders were appointed at all, or rather I told him that there were about one hundred and ninety-five stations in the Army; that included all in different parts of the country; and I think he asked me about how many of those post-traders were appointed to. I remarked that I supposed about three-quarters or one-half. He then inquired if I had ever been stationed on the frontier. I told him I had; that I had been stationed in Texas. He asked me if I had ever known of anybody being sent to those posts not recommended by the officers. I said this, in substance, as I recollect the questions that were propounded to me: I told him that in two instances I had, one at Ringgold Barracks, the other at Fort Concho. At Ringgold Barrracks we had a man named Thomas Gilgan, well known to the officers on that frontier as a gentleman. He was elected post-trader there, and his appointment was approved, and my recommendation was approved by the commander of the department. He was displaced. The first notification that I received was that B. F. Grafton was appointed. He never made his appearance. Then a man named Tackeau came there, a stranger to everybody, and had with him an appointment as post-trader. The other instance was at the Fort Concho post. Mr. Conrad had been in partnership with Mr. Wallack, but for some reason I don't know (they were both gentlemen) had dissolved the partnership. Mr. Conrad came to me and asked me to recommend him for the position of post-trader at Concho. I replied that I had nothing to do with that post, but if he wanted it, and received a recommendation of General Merritt and the officers stationed there, that I, knowing him for the last eighteen months, and his efficiency as a post-trader, would most certainly give him my recommendation. He tried to get the appointment, but failed. A gentleman named Joseph Loeb got it. I saw him once, I think, in San Antonio, and think his residence was there.

By the CHAIRMAN:

Q. You said he asked you three questions. What was the third?—A. The first was in regard to the number of posts. Then he asked in regard to these instances in Texas, and I told him, and I considered each case as a separate question. I didn't know that he was a reporter at the time. Gentlemen have come in there and made inquiries, and I have shown them the law for the appointment of post-traders; several persons came and inquired for information; but in regard to that publication, it was unauthorized in every way.

Q. Is there any information in your possession touching that subject that would be of importance to the committee?—A. No, sir; of my own knowledge, nothing.

Q. I think it would be within the purpose of the committee in their report to make some recommendations in regard to this system of post-traderships. What would be your view?—A. My recommendation is most positive, to return to the old system, to allow the council of administration at the post to select a candidate; and let that candidate be approved by the commanding officer and then by the superiors up as high as they see fit to carry it; but I think that the basis should be with the council of administration and the commanding officer.

Q. And that no man should be appointed without their recommendation?—A. Yes, sir; because those officers will select gentlemen for their post-traders with whom they can associate. Society is very limited on the frontier, and the officers would always desire to have gentlemen to occupy that position.

Q. You would have the law restored to what it was prior to 1867?—A. If I were a legislator I would vote to restore it at once. I have never heard any dissenting voice, and I don't think there is, from General Sherman down to the lowest lieutenant in the Army, in regard to that.

Q. What was the feeling generally in the Army in regard to this change of the law; was it that it would necessarily introduce corruption and fraud?—A. We had no right to prejudge the law.

Q. What has been the result, in your judgment?—A. I only know what I have heard, and the published testimony.

By Mr. ROBBINS:

Q. What time did Mr. Tuckeau come out there?—A. I think in 1870.

Q. What time did the other man you spoke of go to Fort Concho?—A. I don't know the time. It was in 1873, I think.

Q. Was he appointed by the Secretary of War?—A. No one else had the power to appoint.

Q. Then the Secretary of War declined to appoint those who were recommended by the officers, and appointed others?—A. Yes, sir; in those two instances. We had no opportunity of recommending Gilgan, as the other came there with the appointment.

By Mr. BLACKBURN:

Q. Were you not on duty in Texas in 1870 and 1871?—A. Yes, sir; I have been on duty continuously in Texas from April, 1867, until I was sent from Fort McKavett as a member of the equipment board, in 1874.

Q. Did you ever make any communication to the War Department while you were on duty in Texas, probably in 1871, in reference to the abuses existing in that department?—A. I called the attention of the War Department to some facts that I thought needed investigation down there.

Q. Do you know whether any action was taken upon it, or any attention paid to it, or whether it was pigeon-holed?—A. I don't know what became of the paper. I traced it through General Sheridan's headquarters, and I don't know what became of it after that.

Q. That was about the year 1871, was it not?—A. I think it was in that year.

Q. Do you remember what the abuses were to which you called the attention of the War Department at that time?—A. Very distinctly.

Q. Will you please state them?—A. I had been selected by General Halleck and appointed special inspector of the Division of the South. I was then in command of the post at Fort Brown, Texas, and my orders were to proceed up through Texas, to go anywhere that I thought my duties would require me to go, to make investigation in regard to the purchase of a lot of cavalry-horses. I made the investigation and made the report. There was a great deal of talk among the officers of the Army, and many citizens there, about the corrupt administration of the Department, especially the Quartermaster's Department, in regard to contracts. Reports had come to me that there were improper transactions going on there, which I considered the Department in Washington should know. I understood as to some of the officers of the Army who were stationed at Austin when General Reynolds's headquarters were there—that the citizens subscribed money to pay the rents of their houses there, and at the same time they drew commutation. I thought that was not a proper thing to do. I was also informed that money had been offered for the removal of the headquarters from Austin to San Antonio, Texas. I had heard that there had been or was going to be a meeting of citizens in San Antonio to subscribe for this money. I don't know who those citizens were, but I know who my informant was. It was also reported to me that two contractors there named Adams and Wicks had made General Reynolds a present of a house and a square of land in San Antonio. I went to the proper office and secured a copy of the deed of that land, which I paid for. The deed was a transfer of this property from E. D. L. Wicks to Mrs. Reynolds, "in consideration of $10,000 to him paid." The transfer was witnessed by H. B. Adams, the other partner of the firm. I called attention to the scandals that were circulating around there; I commented upon this subject of officers of the Army receiving presents from contractors, and said I believed that it would go down and have an injurious effect upon the subordinate officers. I reported it, because I thought the Department should know it, and I wound up my report by saying that these accusations, if false, should be put a stop to at once, and if they were not false they should be investigated. I had no authority to investigate them. I was there wholly in the official capacity of an inspector, and when I occupied that position, I would not have it said, either by my superior officers or by my juniors, that I ever failed to call the attention of the proper authorities to any irregularities that I knew anything about. I believe it to be the only rule of life by which to live.

Q. You say you communicated all these facts to the Secretary of War in 1871?—A. I sent them up to my division commander, General Halleck, and in the mean time General Halleck was transferred and General Sheridan took command. General Sheridan was a stranger to the evidence, and I understood that he simply forwarded the papers.

Q. No investigation was ever made?—A. Not to my knowledge.

Q. You continued there until what time?—A. I continued there until 1874.

By the CHAIRMAN:

Q. Did General Reynolds receive that house and occupy it?—A. He was living in it, and I have understood that he has since sold it. I don't know anything about it; I have been so informed.

Q. What kind of contracts had those contractors who made him the present of a house?—A. They were the freight contractors. They hauled supplies from the railroad and distributed them to the different posts.

Q. Is it a large contract?—A. Yes, sir; I don't know what amount of money was involved in it, but it was the transportation of supplies for the troops on the frontier of Texas. Their contract led to nearly all the posts.

Q. They were the great freight-contractors there, were they?—A. Yes, sir.

Q. You understood from General Sheridan that this report made by you had been forwarded?—A. No, sir; I did not understand it from General Sheridan at all. I wrote a private letter to the Adjutant-General to know what had become of that.

Q. What was the reply?—A. He reported that it had been forwarded to the War Department.

Q. In whose power, under the Army regulations, was the letting of that contract?—A. At that time I think the department commander had. I know the bids were always put in there and the department commander approved and sent the papers to Washington.

Q. General Reynolds was then the commander?—A. Yes, sir; General Joseph J. Reynolds. The bids were sent to the headquarters of the department to the quartermaster, I presume. I would like to have it appear in your record that I do not know where Mr. Blackburn got this information.

Mr. BLACKBURN. I certainly never got it from General McCook.

The WITNESS. It is quite a surprise to me.

By Mr. ROBBINS:

Q. Now and then there was occasion to sell property, such as mules and the like of that?—A. Yes, sir; condemned animals; property that was not of use. I believe at one time there was quite a lot of mules sold there.

Q. Do you know anything about the manner of advertising those sales?—A. I never knew any advertisements being made but what were in the regular way, posted round in different places through the country.

Q. Do you know of any of these advertisements ever being published in organs in Washington City so near the date of the sale that it was impossible for anybody to get there to buy?—A. I know nothing of that at all; neither have I heard of it.

Q. Do you know about the manner of advertising for contracts, too; do you know whether that is sometimes done in newspapers so remote that it is impossible for contractors to get there in time?—A. Of my own knowledge, I do not.

Q. Do you know of any means by which we could ascertain from anybody who has knowledge?—A. No, sir; I do not. The quartermasters understand that business.

By Mr. BASS:

Q. What evidence have you that this was a present from those men to General Reynolds? The deed expressed a consideration of $10,000. Did you have any evidence other than rumor, or hearsay, that it was a present?—A. Nothing at at all, sir; and I did not make the charge specifically; I only called attention to the fact that those scandalous reports were in circulation in Texas, and that they were either false or true, and if they were false they should be suppressed, and if they were true, they should be investigated.

Q. You thought you would suppress those scandalous rumors generally by showing that scandal existed in one place?—A. Well, there was a great deal of talk.

Q. You had no evidence whatever that this was a present?—A. No, sir, not at all.

Q. You knew from your copy of the deed, that he had a deed to a given house?—A. Yes, sir.

Q. That the deed of it came to his wife, from the wife of one of the contractors?—A. No; the deed came from one of the contractors, Mr. Wicks.

Q. And it expressed a consideration of $10,000?—A. Yes, sir.

Q. And from that fact you reported, upon general rumor, that it was a thing to be investigated by the War Department?—A. Yes, sir.

Q. Do you know whether the Department ever communicated with General Reynolds, asking his statement of the facts?—A. I do not.

Q. Where is General Reynolds now?—A. He is in the Department of the Platte somewhere.

Q. Still an officer of the Army?—A. Yes, sir.

Q. With the same rank that he held at that time?—A. Yes, sir; he has been transferred since then to another regiment; he is now colonel of the Third Cavalry, I think.

Q. Do you know whether there was anything fraudulent in connection with the contract held by those men?—A. Of my own knowledge, nothing, sir.

Q. Do you know whether or not that contract was awarded to them in the regular and usual way?—A. I think it was, excepting in one case. I have the papers upon which the report was based, at my home in Saint Louis, and I know of one instance where a contractor was charged——

Q. I am speaking of that particular contract. Had you any reason in the world to suspect that General Reynolds had been accepting a present of this house, other than the fact that you found the deed on file and that there were general rumors?—A. Yes, sir; I do suspect any officer of the Army who will accept presents from contractors, that he is not behaving in a proper manner.

Q. That is the very issue. Did you know of his aocepting any other present?—A. Not from the contractors.

Q. Then, was there anything with reference to this house and lot except these facts: in

the first place, that you found a deed on record which expressed a consideration of $10,000; and, in the second place, that there were general rumors that the house was a present?—A. Yes, sir; rumors that the house was made a present; and I have General Reynolds's acknowledgment to me that they did make a present of the house.

Q. Did you then report that fact to the War Department?—A. No, sir.

Q. Why did you not report it?—A. Simply because if an investigation had been ordered there, those facts would be produced.

Q. But you were so very anxious that you should not be found deficient in your work of reporting scandalous things to the Department. Now, that is the most material thing you have stated; it is the only circumstance that could indicate to your mind that the present was received. Why did not you state that fact to the Department?—A. I cannot think now whether he made that confession after the report was written or before.

Q. If he made it afterward why did you not report it?—A. Simply because I believed that my papers would bring about an investigation, any way.

Q. I suppose there might be a difference of opinion as to that, but don't you regard that as the only material fact that you knew?—A. No, sir; because I understood General Reynolds to be a poor man, like almost all officers of the Army that I have ever known——

Q. Like the large average of the community, too?—A. Yes; I have met poor people outside of the Army, but Army officers are generally poor.

Q. In connection with post-traderships, you came to the conclusion that money was being used, if I understand you, because after the law of 1870, the officers in command of the post, yourself and other officers, had recommended a man for appointment, and that man had not been appointed. Were those the facts which convinced you that money was being used?—A. The facts that convinced me were these: that officers recommended men for post-traderships, and did not succeed in getting them appointed, while strangers to the officers of the post were sent there who had not been residents of that part of the country.

Q. Men who did not live there?—A. Yes, sir; that was one reason; and then the common rumor over the whole country.

Q. Who did live at the posts that could be recommended; in the first instance, did not strangers have to go there?—A. No; Mr. Gilgan was a gentleman known on the Rio Grande for the last twenty-three years; he is not a stranger on either side of the river.

Q. Do you think it would have been impossible to pick up an honest man for post-trader off from the Rio Grande?—A. No, sir; I think there were plenty of them.

Q. It was simply a question with regard to the policy of the law. If men like General Reynolds, as you say he is, were inclined to be dishonest and corrupt, or other officers of the Army who were inclined to be so, were in charge of a post, there would not be any particular reason why they might not recommend a post-trader from dishonest and corrupt motives?—A. No, sir.

Q. Did you have experience under the old system?—A. I did, sir.

Q. Do you know whether or not there were complaints as to the working of that system?—A. I never heard any. I think I knew every post-trader in New Mexico, from 1853 to the latter part of 1857.

Q. And your standard of a post-trader would be that he should be a gentleman with whom the officers at the post could associate?—A. Yes, sir; and a good business-man.

By the CHAIRMAN:

Q. Did you know Colonel McKenzie out there?—A. Very well.

Q. Did you ever know of his refusing to obey orders of General Reynolds because he would not consent to some frauds?—A. I have had that matter reported to me in conversation. I have talked with General McKenzie on some matters of that kind, but my information in regard to it is not so positive that I could state it. General McKenzie is an officer, and he can be called and state what he knows of that himself. I was not present at the place where that affair occurred. That occurred at Fort Richardson, and was in regard to the delivery of corn, but the details of it I am not prepared to state. If I knew, I would not hesitate a moment.

Q. You have heard of such a thing?—A. Yes, sir; and I know that General Reynolds preferred charges against General McKenzie, and that General McKenzie wrote to Washington about it. I think he wrote directly to the Quartermaster-General.

Q. But you have no such personal knowledge of it as would enable you to detail it?—A. When the charges came against General McKenzie, he sent me a copy of them. He and I were stationed in Texas together, and we had had many conversations with regard to the matter.

Q. Can you state with any degree of accuracy the general charges?—A. No, sir; not specifically.

Q. Who were the contractors who delivered the corn?—A. Adams and Wicks, the men that had the contract, and that General McKenzie refused to receive the corn from.

Q. The same persons who gave the house to General Reynolds?—A. Yes, sir; the same.

Q. What was the name of the property given to General Reynolds?—A. I don't know.

Q. The Menger Hotel, was it not?—A. O, no; he never owned that.

Q. Do you know anything about that hotel?—A. Yes, sir.

Q. Did you live there?—A. Yes, sir.

Q. How was it supplied with its coffee and tea?—A. That I don't know.

Q. Do you know whether they came from the commissary or quartermaster's stores?—A. I don't know anything about that.

Q. Did you ever hear of that?—A. I think not. I have heard of such things at a boarding house—that an officer would go and get things from the commissary, and carry them there, and have them cooked for himself; but in regard to the Menger Hotel, I know nothing.

Q. Was General Augur down there at the time you were?—A. Yes, sir; and he is as pure a man as God ever made.

Q. Who were the quartermasters under him?—A. General Card first, and then General Holabird, now chief quartermaster of the Division of Missouri, at Chicago.

Q. Did you go through that department—were you well acquainted with it?—A. Yes, sir.

Q. What was the reputation of General Augur's surroundings there—I mean in the quartermaster's department?—A. Most excellent, I think. Holabird is as pure a man as I ever talked with, and he and I have talked often on this subject of what officers' duties are in such instances.

By Mr. ROBBINS:

Q. In answer to a question by Mr. Bass, you said something about one irregular contract, which Mr. Bass did not follow up; tell about that.—A. I will, to the best of my recollection. I have a written statement of it. When I made the report, I was prepared to substantiate all that was in it. A man named Henry B. Adams, of San Antonio, had a contract for corn at Fort Richardson. He is a member of the firm of Adams & Wicks. He sublet the contract to a gentleman named Stiff, I think. Mr. Stiff delivered the corn. When he came for a settlement, Mr. Adams had charged him, I think, twenty cents a bushel—had paid him all up but twenty cents on the bushel—and Mr. Stiff wanted to know why he did not pay him more, and Adams reported to him that the reason was he had to use the money to corrupt the people of the quartermaster's department, to get them to open a telegraphic bid from a gentleman in Waco, so as to let Adams know what this bid was, in order that he could come in and get the contract, which he did for a few cents lower. Mr. Stiff and Adams had a difficulty in the settlement; Stiff is a man that does not talk much, but he acts; he is a very determined man, and he got all his money.

By the CHAIRMAN:

Q. How did he get it?—A. He interviewed Mr. Adams; so I have been told.

By Mr. ROBBINS:

Q. Mr. Adams you say, procured a telegraphic bid to be opened?—A. I don't know that he did; that was the charge. I have a written statement to that effect, and I can refer you to the officer who made that written statement.

Q. That is the charge, that through paying twenty cents a bushel on this corn he got the bid improperly opened before the time for opening the bids, and paid the clerk in the quartermaster's department that twenty cents?—A. Yes, sir; that is what Mr. Adams reported to Mr. Stiff. Mr. Stiff is alive and he can be examined. That is the written statement that was handed to me.

By the CHAIRMAN:

Q. Have you ever presented that statement to the War Department?—A. I think those facts have been before them.

Q. When did you send them to the War Department?—A. I think they were embodied in that report.

Q. Was no notice taken of that?—A. Not that I ever heard.

By Mr. ROBBINS:

Q. Who was the quartermaster's clerk that did that?—A. I only know him from his name; that is Chaney.

By the CHAIRMAN:

Q. He is also a post-trader, is he not?—A. I believe he was at one time. He left and went to Northern Texas. I don't know where he is now.

By Mr. ROBBINS:

Q. Who was the quartermaster whose clerk he was?—A. James A. Ekin, now at Louisville. He was the quartermaster at San Antonio, Texas. That was said to have been in 1871.

By the CHAIRMAN:

Q. It was about five years ago you made this report?—A. I made it as soon as I could.

By Mr. ROBBINS:

Q. Do you remember the amount of corn in that contract?—A. No, sir.

Q. Nor the price of it?—A. No, sir; I think I have a written statement of the whole thing.

Q. That Mr. Adams was a member of the firm of Adams & Wicks?—A. Yes, sir.

By Mr. BLACKBURN:

Q. You have stated that he was the only subscribing witness to that deed?—A. He was the only one that I saw.

Mr. BLACKBURN. I wish to state that I never directly or indirectly received any suggestion or intimation about this matter, either from General McCook or any friend of his, and I have never spoken of it to any member of the committee.

The WITNESS. I do not know where the information came from, for I have not mentioned it since I have been in this neighborhood, nor anywhere where anybody could make use of it.

By Mr. ROBBINS:

Q. You thought you stated the facts amply enough in that report to call for an investigation, and that is the reason you did not state that particular fact?—A. I certainly believed that my report would bring on an investigation. I wanted the abuses to stop, or the slanders to cease, or the people who created them punished.

By Mr. BASS:

Q. The corn transaction was simply a corrupt transaction between Mr. Adams and the clerk in the Quartermaster's Department?—A. That is the only thing that came to me.

Q. A clerk on how much of a salary?—A. I don't know.

Q. About how much?—A. I think he got $150 a month.

Q. Do you know whether or not the clerk was discharged after that?—A. He was not.

Q. How long did you know of his continuance?—A. I don't know. I have heard that he is with Colonel Ekin now. I called General Ekin's attention to this report about Chaney, in person.

By the CHAIRMAN:

Q. What did he say?—A. He asked me to talk quietly and low, that Chaney was in the next room. I asked him to call Chaney in. I merely——

Q. Was he called in?—A. No, sir.

Q. Who is General Ekin?—A. He is a colonel in the Quartermaster's Department, stationed now at Louisville, Ky.

Q. Is he a West Point man?—A. No, sir.

Q. Is General Reynolds?—A. Yes, sir.

Q. I understood you to say that Mr. Chaney was holding a post-tradership?—A. No, sir; there is more than one Chaney. I think he is a clerk at the headquarters at Louisville. This man was known as Tom Chaney; he is not one of the Cheneys holding post-tradership. I understood that he had been appointed trader at Fort Griffin, but I don't know whether he was or not.

By Mr. BASS:

Q. Where is Mr. Stiff?—A. I think he lives at McKinney, Tex. He did at that time. I don't know his first name.

By the CHAIRMAN:

Q. Do you know James Trainor?—A. Yes, sir; very well.

Q. He was post-trader at Concho before Mr. Loeb came there?—A. Yes, sir; I have known him since 1867.

Q. Do you know why Mr. Trainor had to leave Concho?—A. No, sir; I do not.

Q. You have never heard him say?—A. No, sir; I have read the letters since then that he has published in the papers. That I don't know anything about.

Q. Do you know who got Mr. Loeb appointed?—A. No, sir.

Q. What sort of a character is he?—A. I don't know anything about him.

Q. A stranger to that country?—A. No, sir; I think he lived in San Antonio.

Q. Is he a German?—A. Yes, sir; a German Jew.

WASHINGTON, *March* 23, 1876.

ALEXANDER McD. McCOOK recalled and further examined.

The WITNESS. I would like to correct my former testimony where I have said that I think General Reynolds acknowledged to me that those contractors had presented him that house. On my first arrival in San Antonio I called on General Reynolds and we were walking down

the street in the evening. He then remarked to me about his condition financially, and said that he had informed General Sherman when on a visit there that that house had been presented to him. I thought at the time that the house had been presented by the citizens of San Antonio as a compliment to General Reynolds, and thought no more of it until I heard the reports about its being a present from the contractors Adams & Wicks. On the examination by Mr. Bass I am reported as saying General Reynolds told me himself, that he had been presented with the house. I mean my present statement to apply in that case also. I want my testimony corrected on this point. I said that I called upon Colonel Ekin and informed him of the stories in circulation about his clerk, Mr. Chaney; that he asked me to speak low, as Mr. Chaney was in the next room, and I told him that he could call him in if he wanted to. I do not think that I called Colonel Ekin's attention to the reports about Mr. Chaney's having opened that Waco bid. I spoke of his general bad reputation there in San Antonio. I wish to state also that the particular information in regard to the opening of that bid, telegraphic bid from Waco, I do not think was embodied in my report, but there was a general report made, stating that for the benefit of the Government of the United States the investigation should be made. I confidently expected it, and was prepared with evidence then, and I think I am now, to sustain the representations made in the report. My object in making that report was to put a stop to the continual slanders or statements that came to my ears in regard to the administration of affairs in the quartermaster's department there. As to General Reynolds himself, I always personally liked him, and wanted the Department to have an investigation there, so that he could have an opportunity to vindicate himself, and that a stop should be put to the evil practices, should there be any existing. I have no personal feeling in the matter in any way except to discharge my duty. I will also state that I have never seen the report which I made since it was mailed in Texas in 1871, I think. I have a copy of the report at home which I do not think I have seen for two or three years. I never expected the matter to come up. I thought it had passed and that it never would be again revived.

By Mr. BLACKBURN:

Q. Did you ever make any effort to see that report or to institute any inquiry about it?—A. No, sir; I don't want to see the report myself; I don't care about it.

Q. Did you ever make inquiry about it since you sent it?—A. No, sir. I did not consider that it would be proper for me to do so. As the facts had been laid before the Department. It was no business of mine to inquire why they did not pay attention to it. They might not have replied in a very pleasant way. I wish to state also that since I have been in this town, and previous to my coming here, I have never made any statements to any one in regard to this business, except that one day on the floor of the House, Governor Throckmorton, whose acquaintance I made at Houston, when he was governor of Texas, asked me where the report would be found that I made in 1871. I told him I supposed it would be found in the War Department.

By the CHAIRMAN:

Q. Yesterday you said you knew James Trainor?—A. Yes, sir; I know him very well.

Q. What is his reputation as a man of truth and veracity?—A. James Trainor's reputation is good as a man of truth and veracity. In ordinary conversation we used to joke him about blowing a little, but in any question of interest, I think, his testimony would be as good to me as almost any man's.

Q. How was he looked upon as a post-trader—as a business man?—A. He was not fortunate in his business, I was told, but he was a post-trader for a great number of years there with the Fourth Cavalry.

Q. He failed, I believe?—A. I understood that he did.

Q. Was not General Reynolds at one time military governor of Texas?—A. Yes, sir; during the reconstruction.

Q. Do you know the reasons why he moved his headquarters from Houston to San Antonio?—A. Only from what was reported to me; that was a part of the matter that I wanted investigated.

Q. The report was that he went there because he was given this house?—A. No; I did not understand that. It was not reported anything about the house about his going there. I stated in my testimony that there was to be a meeting of citizens, and that the proposition was to raise $25,000, and that that would bring the headquarters over.

Q. Do you know whether that money was raised?—A. I do not know anything about that.

Q. We have a great many complaints here with reference to the cost of Army transportation; have you any knowledge, official or otherwise, of abuses or frauds in connection with this subject?—A. I have heard that discussed there, but I am not prepared to give any testimony on that subject, as I have no statistics to base an opinion on.

Q. Do you know of any contracts being awarded in Texas where they were given to the highest bidder instead of the lowest?—A. Not of my own knowledge. I cannot call it to mind. The whole matter was a constant cause of talk and conversation and complaint until I got sick and tired of it.

Q. Do you know anything about a contract having been made with the Missouri, Kansas and Texas Railroad, which is the longest route from Saint Louis to San Antonio, instead of giving it to the Iron Mountain Company, which bid lower?—A. All I know about that is the publications made in newspapers.

Q. Did you ever have any conversation with Colonel Ellis about the matter?—A. I never have spoken a word to him about it.

Q. Has anything come through your headquarters with reference to it?—A. I have never seen it. It may have gone, because I am only at the desk when General Whipple is absent. I do not know what papers go through the headquarters.

Mr. BLACKBURN. The only information that I had which induced me to ask about this report was, that a gentleman said to me that he did not know that General McCook had made a report at all, but he had reason to believe that he did make a report in 1871, of the condition of affairs in the Army in the Department of Texas, and that knowing General McCook as well as he did, knowing him to be a thorough soldier, he was satisfied that if there was such a report made, it would prove damaging to the War Department. That was all the information I had inducing me to ask the question.

WASHINGTON, *March* 24, 1876.

C. P. MARSH recalled and further examined.

By the CHAIRMAN:

Question. You left Washington for New York the day the articles of impeachment were presented to the House—some three weeks ago—the 2d day of March, the same day that you left the committee-room?—Answer. Yes, sir; at 1.30, I think.

Q. You never saw or heard of me from that time till you returned to Washington in any way, did you?—A. No, sir.

Q. When you left that Thursday in the train for New York, did you at that time design leaving for Canada?—A. I did not.

Q. Had you any intention of so doing?—A. Not the remotest.

Q. If the evening before you came round to my lodgings and saw me for a moment, I wish you would tell what transpired there.—A. At your lodgings?

Q. Yes, sir; in the entry.—A. Well, sir, I came round to you and said, "Mr. Clymer, from something that has been said to me at the dinner-table at the Arlington, I fear that General Belknap is liable not only to impeachment, but to imprisonment, for this offense;" and you said, "O, no. He can be impeached, but not imprisoned." And then I went on and said, "If he is in danger, I may also be in danger;" and you said, "O, no; you are not in a particle of danger."

Q. Was not what I said that you were not in a particle of danger from anything that you had stated before our committee?—A. That part I do not remember.

Q. But I certainly did not attempt to alarm you?—A. Alarm me? On the contrary, you pacified me entirely.

Q. You were very much alarmed when you came there, were you not?—A. I was.

Q. I sent you back home feeling how?—A. Perfectly easy. You said that I was not in a particle of danger; that I could go home perfectly safe.

Q. When you got to New York what made you go to Canada?—A. Well, sir, something that I saw in the paper.

Q. What did you see in the paper?—A. That was Friday morning. Taking up the New York Times, there was all my evidence, which I did not read, but I read some remarks made on the floor of the House by some member—I think it was Mr. Bass—who said that the Secretary of War was liable not only to impeachment, but to imprisonment or other kind of punishment.

Q. What then?—A. That frightened me again. I thought that if he was in danger I might also be in danger as well, and then I concluded to have sense enough to go down town and consult a lawyer.

Q. Did you do so?—A. I did.

Q. What did he tell you?—A. Well, he made quite an exhaustive examination of the case, and told me that he did not think I could be indicted; or that if I was indicted he did not think I could be convicted; but he said there was some danger in the case. He said for his own part he would feel very much like fighting it; but he said I seemed to be very much alarmed and excited, and under the circumstances he could hardly advise me to remain. I told him that if I was in a particle of danger I certainly should not stay; and I left

Q. What time did you leave—that afternoon?—A. That afternoon.

Q. And went to Montreal?—A. Yes, sir.

By Mr. BASS:

Q. Was that my speech, delivered on the floor of the House?—A. Well, I have told all I remember about it.

Q. What was it that you remember; was it a report of my speech, delivered on the floor

of the House?—A. I recollect some remark, something of the preliminary proceedings, in the New York Times, and it strikes me it was something Mr. Bass said.

Q. In the New York Times, of the 3d of March?—A. Yes, sir; whatever the day was.

Q. You will find by looking at the New York Times of that morning that I said nothing whatever of that kind that was reported there, although I did say something on that subject.—A. Then I am mistaken about the gentleman.

Q. Was that the first time you knew that you had committed an offense for which you were liable to be sent to prison?—A. Yes, sir.

Q. Mr. Clymer advised you the night before that you were not liable to be sent to prison for your offense?

The CHAIRMAN. Wednesday night.

The WITNESS. Yes, sir.

The CHAIRMAN. In justice to myself, I wish to state what I actually did say, because I do not think Mr. Marsh recollects it fully. I said that he could not be sent to prison for anything that he had testified to before our committee; and I think the committee will justify me in having said that.

By Mr. BASS:

Q. What time did you leave New York for Montreal?—A. Four o'clock in the afternoon.

Q. The train left at 4?—A. Yes.

Q. When did you determine to go?—A. I determined to go after this interview with my attorney. I think it closed about 1 o'clock.

Q. Did you go to Montreal?—A. Yes, sir.

Q. When did you reach there?—A. The next morning about 10 o'clock or 10.30.

Q. Why did you use my name in connection with any statement in the New York paper, when you say that you cannot recollect whether it was made by me or not?—A. I had no reason for it at all. It is my impression that it was some remark made by Mr. Bass; that is all.

Mr. BASS. Well, I did make some remarks on the floor of the House stating what this crime was which you had committed and the Secretary also, but I was not aware that they were reported in the Times in full. I recollect that they were very brief.

By Mr. BLACKBURN:

Q. Did you ever hear anything of what purported to have been the determination of the authorities here in the matter of your prosecution or indictment?—A. Not if I remember right.

Q. Did you ever hear that it was the purpose of the authorities here to have you prosecuted as well as General Belknap?—A. No, sir; I never did.

Q. Did you ever learn, through newspapers or otherwise, that it was determined by the authorities here to have you prosecuted as well as General Belknap?—A. [Hesitating.] I am trying to think whether I saw anything of that kind in the newspapers or not. I am not positive of anything I might have seen, except as to this remark that I think Mr. Bass made. That would not be by the "authorities," I suppose.

Q. That was all that was known to you?—A. I don't recollect anything else.

Q. Did anybody go over from Washington to New York on Friday morning to see you?—A. No, sir.

Q. You had no correspondence with anybody who left Washington later than yourself up to your leaving for Montreal?—A. No, sir.

By Mr. ROBBINS:

Q. There was a report in the papers about a Cabinet consultation and some determination to have you punished. Did you see any such report in the papers? I am not asking whether it was a fact or not, but whether you saw or heard anything of that sort.—A. It seems to me that I saw something of that kind in the paper after I got to Montreal; certainly not before.

Q. It was said somewhere that you hesitated at some way-station—at Poughkeepsie or somewhere.—A. At Peekskill.

Q. And that you were undecided a little there, but finally concluded to go on. Can you state what it was that made you more decided there; what did you hear or think?—A. I heard nothing from anybody.

Q. But as you thought about it, you concluded to keep on?—A. Yes, sir. I was in great distress of mind. I got off the train. I thought I would come back. If I had offended the laws of my country it had been done through ignorance, but at the same time I felt like facing the music and suffering, if the laws of my country required my prosecution and punishment. I was in very great distress of mind, and I stepped off the train and determined to go back, and if there had been a train coming back I should have come back, but, as it happened, the first train that stopped at Peekskill was going north.

Q. You concluded to take the first one, whichever way it went?—A. Well, I concluded that I would get out of the country first and then think about it. I thought I would consult my friends and see my wife and see what she thought about it. If she thought I had better come back, I concluded I would come back; if she thought I had better stay away, I would stay away. I thought I would get under the paw of the British lion for a while.

WASHINGTON, *March* 24, 1876.

ALVIN C. LEIGHTON sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In Ottumwa, Iowa.

Q. You have been engaged in post-traderships?—A. Yes, sir.

Q. I perceive that you were appointed post-trader at Fort Griffin, in Texas, on February 3, 1871, and continued there until March 14, 1872.—A. Yes, sir.

Q. State under what circumstances you were appointed post-trader at Fort Griffin.—A. I don't know that I can explain the circumstances. I was appointed through the influence of a friend of mine, an Iowa friend.

Q. Who was your friend?—A. General Hedrick.

Q. Who else was interested with you at Fort Griffin?—A. Nobody but him. He was a partner of mine.

Q. Did he procure the appointment for you from the Secretary of War?—A. He went to the Secretary of War for me.

Q. What were the conditions of your agreement with General Hedrick?—A. General Hedrick and I are partners in all the business that I am connected with; we are still.

Q. Did he advance any money toward this post?—A. No, sir.

Q. You gave him his interest in this for having procured you the appointment?—A. No, sir; he had also a post in which I had the same interest that he had.

Q. Did he advance the money to run that post?—A. There was no money in it.

Q. Was there no money in Fort Griffin?—A. I put no money in it.

Q. You were also post-trader at Fort Buford?—A. Yes, sir; I went there in 1871. My appointment dates October 6, 1870.

Q. Did General Hedrick procure that appointment too?—A. No, sir; my friends in Nebraska were more instrumental in getting that.

Q. Did General Hedrick do anything at all?—A. Well, he represented me.

Q. Is he interested with you still at Fort Buford?—A. In all business that I am in.

Q. Are you interested in post-traderships anywhere else than Buford and Griffin?—A. Yes, sir; at Fort Fetterman. I am not interested at Griffin; I sold out there some time ago.

Q. Had you any interest at Fort Peck?—A. No, sir.

Q. At Fort Belknap?—A. No, sir.

Q. Or at Fort Lincoln?—A. I had at Fort Lincoln, but I have sold it out.

Q. General Hedrick was interested with you in all your post-tradership operations?—A. Yes, sir; we were partners in the business.

Q. Did you procure any of these post-traderships through Mr. Orvil Grant?—A. No, sir.

Q. Were you interested in any Indian post-traderships?—A. No, sir.

Q. Was any person else than General Hedrick interested; did he represent an interest belonging to the late Secretary of War?—A. I don't understand you.

Q. Was the late Secretary of War really interested with you in these posts?—A. No, sir; not to my knowledge.

Q. Is Mr. Hedrick a relative of the Secretary of War?—A. No, sir.

Q. Are they not brothers-in-law?—A. No, sir.

Q. I mean by the first wife of the Secretary?—A. No, sir; not at all.

Q. Had you any claim-agent here in Washington, employed to assist you in getting these post-traderships?—A. No, sir.

Q. You were a partner with Mr. Dickey at Fort Lincoln?—A. No, sir.

Q. I thought you said you were interested at that fort?—A. Yes, sir; but not with Mr. Dickey. I sold out there on the 1st of July. It was just a year that I had an interest there.

Q. Mr. Dickey was the trader up to May 24, 1874, when Robert C. Seip became the trader and is the present one; were you interested with Seip?—A. I was, until the 1st of last July.

Q. General Hedrick also had an interest there?—A. Yes, sir; and he still has. I simply sold out my own interest. I sold out to my brother-in-law.

Q. What interest had you there, one-third?—A. I represented three-fourths of it. General Hedrick never appeared on the books of the concern, because I represented him; he had one-third interest in the whole business; the balance belonged to Seip and myself.

Q. There is an article here from the Wells Minnesota Gazette, in which it says, "When Colonel Wilson and Major Dickey, and their silent partner A. C. Leighton, informed us that they were crowded out of their position, because they declined to pay a heavy percentage on their sales to the Secretary of War, we believed what they said, although Colonel did not, or affected not to, believe their statements." Was Hedrick the agent of the Secretary of War?—A. No, sir.

Q. Why was it, if he never put any money in the business, and never attended to it personally, that you gave him one-third interest in all your business?—A. Because he attended to the business East.

Q. What was your business East?—A. Well, we had several places we were trading at, and he looked after our interests.

Q. What were your interests?—A. Well, our interests were trying to keep our position.

Q. Why were you in danger of losing your position?—A. I don't know that we were, but that was our partnership arrangement, that he need not take part in the business unless he liked.

Q. He was given a third interest, then, in these different forts?—A. Well, we went into the business together, and he had the right to come in and take part in the business if he liked to, but if he did not like he needn't.

Q. He never advanced any money?—A. No, sir; although he has interests lying in the business that have accumulated.

Q. You advanced the money yourself?—A. Yes, sir; I advanced the money at my own place, Buford, and two other places where we were interested. I advanced the money with the other party who was appointed. These two other places are Fetterman and Fort Lincoln. At Fetterman the post-trader was Tillotson, formerly an officer in the Army, and at Lincoln the trader was Robert C. Seip. I advanced the money at Buford, I and my brothers, and at the other places we advanced a portion with the other partners.

Q. How much did the other partners at these other places advance?—A. They advanced one-half of the capital, and I furnished all money that was necessary to run the business outside.

Q. Then, as I understand it, they had one-half interest at these other places and you the other half, but in all your other places you had one-third?—A. Mr. Tillotson had one-third, I had one-third, and General Hedrick one-third. Mr. Tillotson and I put in the money at Fetterman, and Mr. Seip put in a certain amount at Lincoln, and I furnished the balance.

Q. Then, in all your business at the three forts, General Hedrick had one-third interest?—A. Yes, sir.

Q. What were the specific services he rendered for his one-third interest; first, in getting you the appointment?—A. Well, in the first place, we were friends, and proposed to go into the business before we had the appointment. We went into it. It was perfectly understood I was willing to do what I did.

Q. For what reason?—A. Well, we were friends, and he had a certain amount of influence.

Q. Who was he to exercise that influence with?—A. Well, sir, nobody in particular.

Q. Was it with the Secretary of War to get you the appointment?—A. Well, he was a friend of the Secretary.

Q. And it was because he was a friend of the Secretary and had influence there, besides other considerations, that induced you to say that you would advance money for the business and give him one-third interest?—A. Well, I could not say so. I would have gone into partnership with the general on those terms, even if I hadn't thought he had any particular influence, because he was a friend of mine. We have lived together all our lives, in the same town.

Q. What amount of money did you invest at Fort Buford?—A. I could not exactly tell you. In the aggregate, I suppose my brothers and I together had put in $25,000 to $30,000; not in the business proper, but in the contract-business.

Q. At Fort Lincoln how much had you in?—A. Well, we put in there originally, Mr. Seip and I, $3,000 apiece, but I advanced the balance. It took some $20,000 to run the place, and I advanced the balance; that is, I took care of the concern's paper, paid it, and carried it for the concern.

Q. How much at Fetterman?—A. We originally put in $3,000 apiece there—Mr. Tillotson and myself.

Q. What is your present investment there?—A. I think probably about $8,000 apiece.

Q. So that the whole amount of money that you have got invested is about $25,000, at Fort Buford?—A. We have more than that at Fort Buford. I said $25,000 to $30,000 there.

Q At Fort Lincoln you have about $25,000?—A. Not now. At one time I had, probably, about $20,000. I am credited on the books with but $3,200, but I had really advanced the money, but I was getting interest on it, all over the amount that I had put in with Mr. Seip. I agreed to carry the paper, and carried it at 10 per cent. interest. It was quite an investment at 10 per cent. It was in the neighborhood of $20,000.

Q. At Fetterman how much?—A. The original amount was $3,000 for each one of us—Tillotson and me. In addition to that, I advanced nothing that I can recollect. We ran the business somewhat on credit, as merchants do. We never put in any more money, actually, in the concern.

Q. Then, according to this, you must have had, really, in all your operations, about $50,000 invested?—A. No, sir; hardly so much.

Q. How much, then; you had $25,000 to $30,000 in one place?—A. I don't consider it an investment in this Lincoln matter, where I carried the paper. It was a loan to the concern.

Q. Did you charge General Hedrick any interest upon it?—A. Upon his proportion of what the concern paid.

Q. Before you divided the profits, you first charged him with interest on what wonld be his share in the concern?—A. Yes, sir; I charged it to the concern. The store paid its interest, and, of course, what was left would be the profits. He paid his portion of the interest.

Q. What amount of money did you divide yearly at this fort?—A. I could tell you about the total.

Q. Give the total—what did General Hedrick get for his interest yearly?—A. He did not get it yearly. He has drawn out money, but he has in all cases a portion of his interest on the books.

Q. What would be the value of his interest in those concerns?—A. I believe that the business at Fort Buford up to the 1st of January has cleared, counting everything there at what it is invoiced at, building and goods, about $35,000. That is about the amount of money that has been cleared at Fort Buford in five years. It is all in goods and buildings, at invoice prices. Fort Lincoln has not made much, if any, money in my estimation. Fetterman has paid $25,000 to $27,000 on the same basis as the other. We have a building on hand at Fetterman that cost $9,000, and at Buford a building that cost about $8,000.

Q. So that really the capital at Fetterman and Buford would amount to some fifty-odd thousand dollars?—A. Yes, sir; about $50,000.

Q. And of that General Hedrick owns one-third?—A. He does not own one-third now, because he has drawn out something. He owns one-third minus what he has drawn out.

Q. For that he never put any capital in the concern?—A. No, sir.

Q. Did he ever render you any service whatever, save to give you his influence? Did he ever come to New York, or elsewhere in the East, to make purchases for you?—A. No, sir; I did the purchasing myself.

Q. He never made any purchases for you?—A. I believe not.

Q. Did he ever come to the fort and represent you in the business there?—A. No, sir.

Q. Did he ever do anything in this world, then, save to get you the appointment?—A. Well, I believe not. He has attended to the collection of vouchers when we would have them. He has been my business partner.

Q. Have you ever had any difficulty with reference to your posts—any of them?—A. I have never had any difficulties myself.

Q. Have any of your partners?—A. No sir; I think not.

Q. Have any of the posts at which you were traders ever been called to account by the War Department or other authorities?—A. No, sir.

Q. Then all the service that he ever rendered was to procure your appointment, that you can recollect?—A. He did not procure my appointment at Buford; I procured that myself; that is, I had the recommendation of the best men we have there.

Q. But at Fort Lincoln he did?—A. He procured that appointment.

Q. Who got the one at Fetterman?—A. Mr. Tillotson had recommendations from the Iowa men.

Q. As being as officer in the Army?—A. I thought he got it more on account of having been an officer of the Army.

Q. What is General Hedrick's business now?—A. I think a supervisor of internal revenue for several States.

Q. Who was post-trader at Buford before you were appointed?—A. I think that Messrs. Durfee & Peck where there. I don't know in whose name it was.

Q. Why were they removed from Fort Buford?—A. I cannot tell you.

Q. What induced you to try to get that?—A. I don't think I made any application for that direct, except for a post. I had been in the business for some eight or ten years.

Q. To whom did you make that application?—A. To the Secretary of War.

Q. Was it a personal application?—A. I presume it was.

Q. Did you make it through General Hedrick?—A. No, sir. It was made by my friends in Nebraska. Whether I made application or not, I cannot say. I presume the application is on file.

Q. Were you here in Washington when you got it?—A. No, sir.

Q. Had you any person here to represent you?—A. I don't know whether General Hedrick was here or not. He had the promise of a post from the Secretary of War.

Q. Wh re did you see the Secretary?—A. At the reunion in Iowa, and was introduced to him, and asked him if he had received my application and recommendations; he said yes, he had, and was going to give me a post.

Q. Was that all the conversation you had with him?—A. Yes, sir; every word.

Q. Had you ever known him before?—A. No, sir.

Q. You were just introduced to him?—A. Yes, sir; but my papers had been on for some time.

Q. Was General Hedrick at that reunion?—A. He was.

Q. Did you speak to him about the appointment at the reunion?—A. O, we had talked of it a good while before, a year or more.

Q. At the time you were at the reunion in Iowa, you had settled down upon getting Buford?—A. I cannot say whether I applied for Fort Buford or generally for a post. The Secretary told me that he was going to give me———my impression is that he said he would give me a post.

Q. Do you know whether General Hedrick had any conversation with the Secretary about this matter at that time?—A. I presume he had.

Q. He told you that he had?—A. I don't know whether he told me or not, and I could not say that he did, because he was my friend and——

Q. You had an agreement with Hedrick at that time that whatever you got he was to

have one-third of?—A. No, sir; that was not it. We went into partnership together and whatever we got we got together.

Q. When you got appointed at Fort Buford, were there any negotiations between you and Durfee & Peck with reference to the purchase of stock?—A. Yes, sir; I went to see them about it.

Q. Did you purchase of them?—A. No, sir; I did not.

Q. Why not?—A. Because Mr. Durfee and myself had a perfect understanding that he would just as lief that I would not buy them out.

Q. Did they have to abandon their buildings and sacrifice their stock?—A. I was to have the building for $1,000, or $50 a month, as I pleased. We had a verbal agreement to pay $50 a month, and I paid them about $1,000, or $850, for the buildings had to be removed. They sold them for wood, and they got about the same amount of money out of that that they would if I had purchased them. It was a perfectly satisfactory arrangement to Mr. Durfee, at his own suggestion.

Q. Who got you the appointment at Fort Lincoln?—A. General Hedrick got it.

Q. Did you see the Secretary of War yourself on the subject?—A. I did not.

Q. At Fort Fetterman, who got it?—A. Mr. Tillotson had recommendations from some persons at Sioux City, I think probably Congressmen; I am not positive; I did not see them; and his recommendation was presented by General Hedrick and he obtained the appointment through, I suppose, his own influence, and the recommendations that Mr. Tillotson had.

Q. You say you were never interested in any way at Forts Peck or Belknap?—A. Not myself.

Q. Was your partner?—A. My brother was.

Q. Were you often at those two forts?—A. I never was there.

Q. Have you ever been interested in any way with Mr. Orvil Grant?—A. Not myself.

Q. Has your brother?—A. He has.

Q. Have you ever paid to anybody, the Secretary of War, or to any other person, save to Mr. Hedrick, anything for your posts down there?—A. Not a cent.

Q. Mr. Hedrick is the only person?—A. He is the only man that has ever had any money out of my business. You asked me one question about any dealings I had with Messrs. Durfee & Peck. I did not state everything, but I answered your question.

Q. I wish you to state all about it.—A. I am willing to do it, sir; I had this kind of arrangement with them: When I was apppointed it was late, and the Missouri River closes in September or October, and I could not have gotten up there with goods, and I made an arrangement with them by which I was to let them run the store until spring in my name, by power of attorney, because, by permission of the department commander at that time, there were three traders there, and in order that they could control the business in their own hands I agreed to give them the power of attorney, and we there made a bargain that I was to take all the goods at 5 per cent. over cost, without freight, and the building for nothing, and Mr. Durfee was to go there and invoice them; and the reason that that was not carried out was that Mr. Durfee could not go, and he informed me at Sioux City that he could not go, and he would just as lief keep his goods as not, and we would call the whole thing off, which we did; and then we made the arrangements about the buildings, which I have stated, and he took his goods away.

Q. Have you been in the habit of paying any sum or sums of money for political purposes on your posts?—A. I think one assessment was made against us.

Q. When was that?—A. Several years ago.

Q. In 1872?—A. Probably.

Q. Do you recollect how much you were assessed?—A. I don't know that there was any amount stated; I sent it to Mr. Hedrick, and told him to do what was right about it, and to remit it. He told me how much it was. I think it was $100.

Q. Was that all you ever paid?—A. Yes, sir.

Q. Was that for Fort Buford?—A. Yes, sir; that was the amount; that was not the amount that I was assessed. They asked me for a contribution, and I referred it to him, not knowing anything about such matter, and he sent $100.

Q. Who wrote you about the matter?—A. It is my impression that it was Senator Harlan, and I sent the communication to General Hedrick, and told him to do whatever was proper, and I got the receipt from Mr. Harlan for the $100.

By Mr. DANFORD:

Q. You are an Iowa man?—A. Yes, sir.

Q. Is General Hedrick an Iowa man?—A. We lived in the same town.

Q. What conceivable reason could you have for giving him one-third of the profits of your investments out there?—A. Well, sir, as I have told the chairman, we entered into this arrangement before we had any business—any post, any appointment.

Q. You entered into the agreement that, if you got any post of that kind, you were to go into an arrangement by which you were to put in all the capital, and he was to receive one-third of the profits?—A. I could state to you a little further.

Q. Was that the arrangement?—A. It was.

Q. Why did you make it?—A. Because I thought it was to my advantage to do so.

Q. Why did you think it was to your advantage to do it?—A. I thought General Hedrick had considerable influence.

Q. With whom?—A. Well, with the Administration. I knew he was a personal friend of General Belknap's.

Q. Now, had you any reason to suspect anything more than influence on the part of General Hedrick with the Secretary of War?—A. I have not.

Q. Do you think you would know if there was anything?—A. I don't know that I would; I know nothing but about his matters and my own, together.

Q. You don't know whether he divided up any part of the profits with anybody else?—A. No, sir; I could not swear to it.

Q. How large profits has he got out?—A. Well, I have stated here that he has got out, and got an interest in those two places of about $50,000 altogether.

Q. How much has he got out?—A. I cannot tell you the amount.

Q. Half of it?—A. No, sir. Yes, I think he has got out half, or over half.

Q. Has he got $25,000 in cash out of this whole business, then?—A. His whole interest is only about that. He has only one-third of it. I think he has got over $10,000 in cash.

Q. You don't know whether he has divided that or not?—A. I do not. If you ask my belief, I believe he has not.

Q. You think it is all his own?—A. Yes, sir.

Q. You have no reason to believe that he has divided?—A. No, sir; not a shadow of a reason.

Q. He keeps it all?—A. I believe he does.

Q. And he is one of the supervisors of internal revenue?—A. Yes, sir.

By Mr. BLACKBURN:

Q. Did General Hedrick or anybody else ever tell you that the Secretary of War ever received any portion of this money?—A. No, sir.

Q. You used an expression just now that you could not swear to it.—A. I said I could not swear that he did not give anything or that he did. Of course, I don't know anything about it.

By Mr. DANFORD:

Q. Have you any reason to believe that he did not?—A. I say that I believe he did not.

By Mr. BLACKBURN:

Q. He never intimated to you that he did?—A. No, sir; on the contrary, he has always said that he did not.

WASHINGTON, *March* 24, 1876.

JAMES LEIGHTON sworn and examined.

By the CHAIRMAN:

Question. You were interested with your brother in these traderships at Forts Buford, Lincoln, and Fetterman; you were a third partner?—Answer. I was a partner with my brother at Buford and Fetterman, but not at Lincoln.

Q. He has stated the conditions on which you were partners with Hedrick; that Hedrick had a one-third interest?—A. Yes, sir.

Q. Were you and Orvil Grant interested in any forts or posts?—A. No, sir; not to my knowledge at all. Orvil's business was with my younger brother, Joseph Leighton.

Q. Where is he?—A. He is out West there yet, at Fort Buford or Fort Peck; I am not sure which.

Q. Were you interested at Fort Peck?—A. I was for a short time, not to exceed three or four months.

Q. Who were your partners there?—A. My younger brother, Joseph; no person else.

Q. When you went out, who became his partner?—A. I sold out to my younger brother.

Q. Who is his partner now?—A. He has not got any partner, to my knowledge.

Q. Where is Orvil Grant interested with him?—A. That is something that I don't know anything about. I might state what I have heard; but that is not worth giving here.

Q. Then it is your younger brother, Joseph, who is Grant's partner, if any of you?—A. Yes, sir.

Q. Are you certain that you are not a partner with Orvil Grant anywhere?—A. I am positive I never have been; not to my knowledge.

Q. Are you certain that you have not been his partner at any time at any one of these posts?—A. I am quite certain.

Q. Have you not been a partner of his at an Indian trading-post?—A. Well, I may have been at an Indian trading-post. There was something about $300 a month to be paid; but, as I was telling you, I was only interested for two or three months; then I turned it over.

Q. You were not interested with Grant, then, at that time?—A. Not to my knowledge.

Q. Could you have been without your knowledge?—A. Well, I could have been without my knowledge.

Q. To whom was that $300 a month paid?—A. To Orvil Grant.

Q. Was it paid by you?—A. No, sir.

Q. Whom was it paid by?—A. Paid by my brother, I understood. I never sent any money to him.

Q. Had you no interest in Fort Peck at the time the money was paid to Orvil Grant?—A. Yes; but I let my brother attend to it.

Q. But you knew that the money was paid to Orvil Grant?—A. I only understood that it was.

Q. Don't you know from the books of the concern that it was paid?—A. I did not examine the books very much.

Q. Did your brother tell you so?—A. I have told you that I understood it.

Q. That he paid Orvil Grant $300 a month during the three months that you were interested at Fort Peck?—A. I didn't say three months. I said two or three months.

Q. Is this the only fort or post in which you were interested from which Orvil Grant drew any money?—A. That is the only post I know of at all that he drew any money from.

Q. Do you know anything about the agreement between your brother and Orvil Grant with reference to that matter?—A. I think there was an agreement. I never saw it; but I understood there was an agreement in writing.

Q. That your brother was to pay $300 a month?—A. Something of that kind. Whatever the agreement was, it was in writing; but I never saw it.

Q. Did you ever offer to sell out an interest in your post-traderships to Durfee & Peck?—A. No, sir; I never had a post-tradership to sell.

Q. You are interested with your brother in a post-tradership?—A. I was a partner with my brother. I thought you supposed that I was a post-trader myself.

Q. I understood that you were not, but you were interested?—A. Yes, sir; I was.

Q. Was there not an offer made by you to sell out to Durfee & Peck?—A. No, sir.

Q. Was there no offer made by Orvil Grant to purchase your interest?—A. No, sir.

Q. Had you ever any trouble with the Indian agent at Fort Peck?—A. No, sir.

Q. Had your firm any trouble with him?—A. No, sir.

Q. You never heard of any trouble there?—A. Not to my knowledge at all.

Q. Was it not on account of trouble with an Indian agent there that you retired from the business at Fort Peck?—A. No, sir; it was not.

Q. What was the cause of your retirement?—A. I will tell you; it was because my mother came up there and wanted me to come home.

Q. Where do you live now?—A. At Ottumwa, Iowa.

Q. You don't go out to the posts at all now?—A. I left there last fall; I have not been there since.

Q. Where was your headquarters when you were on the Missouri?—A. At Buford.

Q. Do you know the mode in which Hedrick procured these appointments for your brother and yourself at Buford, Fetterman, and Lincoln?—A. I do not.

Q. Did you ever have any conversation with him about that?—A. I never did.

Q. Your brother did the business?—A. I presume he did; I don't know.

Q. Did Joseph ever have anything to do with Hedrick, that you know of?—A. Not to my knowledge; I don't think he did.

Q. You say you were never interested in any trading-post except Fort Peck?—A. I was, in 1869.

Q. I mean since 1870?—A. That is the only post I have been interested in since then.

Q. You are not interested in any now?—A. No, sir.

Q. Neither directly nor indirectly?—A. No, sir; I am not; I sold out to my brother last June or July.

Q. What Indian posts were you interested in prior to June or July last?—A. Nothing but Fort Peck. Fort Peck was what you might call a depot, and there were several subordinate posts that my brother built.

Q. Give us their names.—A. They are not licensed posts. Fort Peck is the licensed post.

Q. Give us the posts that you were interested in besides Fort Peck, and to which you distributed goods from Fort Peck.—A. Wolf Point (I don't know whether that is the name of it or not) and Medicine Lodge, about seventy-five miles from Fort Peck. That is all.

Q. You were interested in those with your brother?—A. Yes, sir.

Q. Who else was interested besides you and your brother?—A. No person else.

Q. Then this $300 a month paid to Orvil Grant was to cover what you did there as well as at Fort Peck?—A. I did not pay any $300 to Orvil Grant.

Q. Your brother did. You are evidently trying to evade answering, but I am determined that you shall not.—A. I beg pardon; I thought you meant that I paid it.

Q. What is the name of your clerk at Fort Peck? Thum, is it not?—A. No, sir; Thum never was a clerk of ours; he used to be in the employ of Durfee & Peck.

Q. You did not continue him?—A. No, sir; I did not.

Q. Didn't your brother?—A. No, sir.

Q. Did your firm?—A. Not to my knowledge, I am satisfied they didn't.

Q. Did you ever hear of a row at Fort Peck raised by reason of the fact that you or your brother, or somebody interested there, was engaged in sending off supplies from that fort illegitimately?—A. No, I never did.

Q. Did you ever hear of Thum taking affidavits to prove that you did?—A. No, I never did; only what I might have heard.

Q. That is exactly what I want to know.—A. Well, you have seen the same article.

Q. Did you never hear of it there at Fort Peck?—A. I might have heard; there was a reporter up there.

Q. But didn't you know it on the spot?—A. No, sir.

Q. You never knew there was such a row there?—A. I had my ideas that there was such a thing going on.

Q. And yet you knew nothing of it? Tell us exactly what you know about that.—A. I don't know anything about it.

Q. Did you never talk to Thum about the matter?—A. No, sir.

Q. Nor to your brother?—A. No, sir.

Q. Did you never talk to any one about it?—A. No, sir.

Q. Then how could you have known anything about it, as you say you did?—A. I saw him land there from the boat.

Q. Who landed from the boat?—A. The reporter.

Q. What had the reporter to do with it?—A. I don't know; get the New York Herald and you will find out.

Q. Were his statements false or true?—A. They were false, so far as we were concerned.

Q. Then all you know of this subject is what you got from the New York Herald?—A. I didn't claim to know anything.

Q. You do know something about it, you say. Tell me if your only source of information is the New York Herald, about the sending off of those supplies illegitimately.—A. No, I don't know anything about any supplies being sent there; the New York Herald never reported that.

Q. Do you know Thum at all?—A. Yes, I have met Thum.

Q. Where is he now?—A. I cannot tell; I think he is at Fort Belknap. He was there last I heard of him.

Q. When you bought out Durfee & Peck, at Fort Peck, Thum ceased to be in your employ?—A. We never bought them out there. I believe that after I was out of the business there might have been some arrangement with my younger brother, between him and Thum, but that I don't know anything about.

Q. Do you know what amount of money Hedrick has drawn out of your firm for his interest in it?—A. He has drawn about the same that we have drawn.

Q. How much is that?—A. Well, when I sold out I received about $25,000 or $26,000.

Q. Profit?—A. No, it is not all profit. I put in about $15,000, used, and what I drew out included the $15,000 I put in, and I was four years in business.

Q. Did Hedrick draw out about the same amount?—A. I believe he did. I cannot answer about that, because I didn't take care of the books at all. My brother was the man that handled the books.

Q. Hedrick had no money at all in the concern, had he?—A. I cannot say whether he had or not. He was a one-third partner.

Q. Did he ever advance any capital of any kind?—A. I cannot say whether he did or not; I know he was a third partner.

Q. Do you know whether he is credited on your books with having put anything into the capital stock?—A. I cannot answer that, because, as I said before, I didn't take care of the books.

Q. Did your brother tell you that Hedrick had ever advanced any money?—A. No; I never asked him.

Q. How did Hedrick ever get to be your partner?—A. That is something I cannot answer. I don't know anything about it.

Q. Are you in the habit of going into partnership with men when you don't know whether they put any money into the firm or not?—A. I am with my brother, and I am willing to trust him.

Q. Your brother has just sworn that Hedrick never did put in a dollar.—A. Well, I don't know anything about it.

Q. What did Hedrick ever do in your firm?—A. I don't know anything about that.

Q. Do you ever see Hedrick?—A. I have met Mr. Hedrick.

Q. When did you last see him?—A. I guess it must be something over a year ago.

Q. Did he ever do any business in your firm?—A. No, sir; not to my knowledge.

Q. You put some money into the firm, didn't you?—A. I did.

Q. And your brother did?—A. Yes, sir.

Q. Then, if you know that you and your brother put some in, how does it happen that

you don't know whether Hedrick put any in or not?—A. I was willing to trust my brother, as I told you before.

Q. You are very certain that you don't know that Thum, who had been a clerk of Durfee & Peck, caught somebody there, either your brother or his agent, carrying off supplies, and that then he compelled Leighton (your brother Joseph, I suppose) to sell out, but that Orvil Grant would not allow them to do it?—A. I don't know anything about that.

Q. You never heard of that?—A. No, sir; I don't know anything of the kind.

By Mr. DANFORD:

Q. When you spoke of drawing out $25,000 or $26,000, and of Hedrick getting the same amount, did you mean that he got out of it that full amount, or that he got out that amount less the $15,000 capital?—A. Did I say that he drew out the same amount? I said that that was what I drew out. He is still a partner there, so far as I know.

Q. But he had drawn out something up to the time when you came away?—A. As I said before, whatever he has drawn out has been drawn out through my brother.

Q. But he drew out one-third of what—the profits?—A. I don't know anything about what he drew out. I said that before.

By Mr. ROBBINS:

Q. Were you ever asked to contribute from these posts for political purposes?—A. No, sir; not to my knowledge. I don't know what my brother might have received.

Q. Did you hear any rumors that he had received such a demand?—A. No, sir.

Q. You never heard of such a thing?—A. No, sir; never. I am one of the most innocent men you ever met.

WASHINGTON, *March* 24, 1876.

SETH J. ARNOLD sworn and exemined.

By the CHAIRMAN:

Question. Where do you live?—Answer. Rochester, N. Y.

Q. Were you at any time a partner in the firm of L. M. Bates & Co., in the city of New York?—A. Yes, sir.

Q. Did you know Mr. A. E. Reynolds, who was a trader at Camp Supply? He was appointed November 14, 1870, and his commission sent to L. M. Bates & Co., New York. Were you then in the firm?—A. That I don't remember about; that was his headquarters; his mail came there.

Q. Had he been a post-trader at any other post prior to that?—A. I think he was, at Fort Lyon, Colo.

Q. Was he not in New York at the time he got this appointment, or at the time he was applying for it?—A. I cannot say whether he was in New York or here; he was East.

Q. You saw a great deal of him at that time?—A. I did.

Q. If you know of Reynolds paying, or saying that he paid, any money for that appointment at Camp Supply, state your knowledge.—A. He told me that he paid General Hedrick $5,500 for the post, or that he agreed to pay that.

Q. Do you know whether, after a year or two, he went back on the arrangement and refused to pay anything more?—A. I understood so from him.

Q. Did Hedrick threaten to turn him out if he didn't pay?—A. I understood so.

Q. What did he say?—A. That he thought he should risk it.

Q. He seems to have risked it successfully, for he is there yet.—A. Yes; I believe so.

Q. Then he has declined to pay for the last few years?—A. So I understood; I have not seen him for the last two years.

By Mr. DANFORD:

Q. Did he tell you that he paid Hedrick that amount, $5,500, or that he had to pay him that amount?—A. I think he told me that he had agreed to pay him that amount per annum, and that he had paid him $1,000 or $1,500 to commence with.

Q. Did you know how long he continued to make his payments according to the agreement?—A. I think it was about two years.

Q. Then he paid $5,500 a year for two years, according to your information?—A. I think he kept falling behind gradually; did not pay promptly.

Q. Do you know from him how much he did pay in all?—A. No, sir; I don't remember.

Q. Where did Reynolds live?—A. He lived at Camp Supply at that time. He was from New York—Niagara County.

Q. Do you know where he became acquainted with Hedrick?—A. I think at Ottumwa.

Q. He went out there to see him and make the arrangement?—A. Yes, sir.

By the CHAIRMAN:

Q. Do you know General Hedrick personally?—A. I have met him.

Mr. DANFORD. You have met Hedrick?

The WITNESS. I think I have met him in New York.

Q. A business man, is he?—A. I didn't have much acquaintance with him. I think I was introduced to him by Mr. Reynolds.

Q. Had you ever any conversation with Hedrick about Reynolds?—A. No, sir.

WASHINGTON, *March* 24, 1876.

J. S. HAMMER sworn and examined.

By the CHAIRMAN:

Question. You were appointed post-trader at Fort Gibson, Indian Territory, on the 15th December, 1870, and you are still post-trader there?—Answer. Yes, sir.

Q. State the circumstances under which you were appointed to that post—A. I had been in the Army for eight or ten years. I resigned my commission under an act of Congress of 1870, and I came here to settle up my accounts, and I concluded I would apply for a post-tradership. I went to see the Secretary of War and sent in my card; I went two or three times before I had an interview with him. I let him know my business, told him that I wanted a post-tradership, and he said I could not get it; that there were about twenty or thirty applications for every post in the United States. I told him I had no doubt of that, but I thought I was as much entitled to it as a great many others who were applicants. He asked me what influence I had. I told him I had none, except my Army record, and that I might probably get a petition signed by all the officers in the city. He told me that Army officers could not get a position then; he said that if I had every officer in the Army from General Sherman down to second lieutenant, it would not get me one of those positions. I told him that I had no political influence; that I had been in the Army since 1861, and didn't know where to apply, but I could probably get the delegates from my State. He asked me what State that was. I told him it was Kentucky; and he said that, unfortunately for me, the more of those men I had the worse off I would be. I hung on, though, and I afterward got Senator McDonald, whom I knew, (I had served at Little Rock with the Nineteenth Infantry,) and he went and asked the Secretary of War, as a personal favor, to give me an appointment, and I got it.

Q. Did you ever pay any consideration for receiving that appointment?—A. Not a dollar, sir.

Q. Was any person a partner with you?—A. No, sir.

Q. You have never paid, then nor since?—A. No, sir; not as a trader.

Q. In any other way have you paid?—A. I have been assessed for political purposes.

Q. In what way were you assessed?—A. It was a letter from Mr. Harlan, then secretary of the national republican committee in Washington. I received a circular which stated that I had been assessed as post-trader $100, and asked its remittance, and I sent $100.

Q. Have you ever had any opposition at Fort Gibson?—A. No, sir; not as a post-trader. There are several stores at Fort Gibson, and there is a little town of six or seven hundred inhabitants there.

Q. Who commands that post?—A. Major-General Upham. General Hazen was in command when I went there.

Q. Do you know Lieutenant Lawton, of the First United States Cavalry? Was he ever there?—A. No, sir.

Q. You say you never did pay anything to any one from that post except for this political assessment?—A. Not a thing.

Q. You have never had a partner there?—A. No, sir.

Q. How many troops were there?—A. When I went there there were four companies infantry, and the headquarters of the Sixth Infantry. It amounted to about five companies of infantry. It has dwindled down now. It has been abandoned part of the time.

Q. Was it a profitable post when you were there?—A. Yes, sir; it was worth something. I made a good living and made a little money.

Q. You are still living there?—A. I am.

Q. You are certain that you paid no one in Washington to secure you that post?—A. I never did.

Q. Have you ever seen General Rice here?—A. I have seen him here.

Q. Did you ever have any conversation with him about this matter?—A. No, sir; I never had a conversation with any one except as I have told you, with Senator McDonald. I may have got Senator Ames, of Mississippi. I knew him as an Army officer, inspector of our department of Arkansas; and I may have asked him, as he was then a Senator here, but I would not be certain whether he was an indorser on my application or not.

Q. Do you know anything about the system of giving out contracts at Fort Gibson?—A. Nothing irregular, sir.

Q. Are they all properly advertised?—A. Yes, sir.

Q. And given to the lowest bidder?—A. Yes, sir; ever since I have been there.

Q. Has any one ever attempted to have you removed?—A. Not that I know of.

Q. You never have required any influence to keep your place, that you know of?—A. No, sir; the post has not amounted to anything. There could not anybody have wanted it since the first year I was there. There have been only a few troops there since that year, and, as I said before, there is a little town with a number of stores there.

WASHINGTON, *March* 25, 1876.

JOHN W. CHARLES sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. I reside at Sioux City, Iowa. I have resided there since 1856.

Q. Have you ever been engaged in any Army trading-posts or any Indian-supply posts on the Upper Missouri?—A. I never had an appointment that originated from the Army. I did have at one time a license to trade with the Cheyenne Indian agency.

Q. Mr. Peck, of Durfee & Peck, stated in his testimony that when they were removed from a number of posts on the Upper Missouri, in order to prevent great loss to them by their removal they had endeavored to make some arrangement with you to have you appointed to those posts, and for you to make an agreement with Orvil Grant to be appointed. Please state in detail all about that transaction.—A. The facts were these: I saw Mr. Peck's evidence, and in the main it is just as I understand the matter, save and except that I had an additional inducement for securing their stock on the Upper Missouri, which amounted to between $50,000 and $100,000; they owed me a large amount of money, and they were anxious that I should take an assignment of the goods and use them as if they were my own, and make application for a license to trade at, I think, six posts, (that is my recollection,) which I will name: Cheyenne, Grand River, (or Standing Rock, as it is now called,) Fort Berthold, Fort Peck, Fort Belknap, and Fort Turney. My recollection is that I took a written assignment of those goods. I made application at once to the Indian Department for the license, through the agent. The license originates through the agent; the application is made to the agent, and he forwards it to the Department. The agent at Cheyenne accepted my application at once, granted the license, so far as I was concerned, and forwarded it, and my recollection is now that the Department in the first place approved it and sent it back. My impression is that I have got the license now; if I have I will send it to you. But when I made the application, so far as the agency was concerned I was the trader, had the goods in my name, and was selling them. At the other posts I never obtained a license, for some reason or other. I made inquiry, after this license at the Cheyenne agency was canceled, why it was done. I had assumed that I was perhaps of good moral character, and I did give bonds as the law required. I did not know of any other reason; the law was plain, but I could get no answer to my letters. This one that was canceled I think I kept, and have got it to-day. I did not get any answers to my letters. I came here to Washington, and my recollection is that I went into the office of Mr. Smith, the Commissioner of Indian Affairs, and asked him why he did not answer my letters, and he evaded and did not say why. I pressed the question, and asked him why I was not entitled to a license, and why he did not issue a license to me. "Well," said he, "you understand that as well as I do. So far as I am personally concerned I would grant you the license." That was all the explanation he gave. Of course I did not get the license, but at most of those posts I kept on trading.

Q. Under whose authority did you trade?—A. Well, sir, it was in violation of law, I suppose. I had the goods, and I wanted to get out of them at least $25,000 or $26,000, or $27,000, and I sold them, or my agents sold them. Whenever an Indian came along that had anything to sell we exchanged goods for his furs; but in the mean time there was some correspondence between Orvil Grant and myself. This correspondence resulted in Orvil Grant's coming to Sioux City to buy certain of those posts—the goods at those posts, and the buildings, machinery, agricultural implements, &c. He came to Sioux City, and I made an agreement with him for the goods at Forts Peck, Turney, and Belknap. I incorporated the proposition that he accepted in a letter. I gave that letter to him and asked him to proceed at once to those posts and take an inventory. He was to pay the original *cost* and 15 per cent., I think. At all events the price was fixed at which he was to take them. For such things as buildings he was to pay whatever we could agree upon. There was nothing special about that in the agreement. If I could sell the goods, that would be enough to let me out. Still, I would get for the buildings all I could. He proceeded to Fort Peck, and the man I had in charge at that place, to whom this letter was directed, took that letter and commenced invoicing at once. This statement that it should be the original cost and 15 per cent. was the basis on which it was made. He went there and inventoried until, toward the last of it, there came up some old agricultural implements, a mower, for instance, and a wagon, perhaps, or something of that kind—some implements

that had been used—and, I think, some old-style guns. Grant objected to paying cost for those; and my man took the written instructions and stood by the instructions I had given him; and they split right there. Grant said he would not take them, and dropped the thing, and came back and bought some new goods, I understood, (he did not buy any of me.) Then my man sold whenever he could. He kept right along.

Q. Then you never did make any agreement with Grant other than that?—A. That was all the agreement, and you understand the ground on which the split was made. It could have been adjusted easily, if I had been there myself.

Q. Were you in this matter acting for yourself, or for Durfee & Peck?—A. Well, I acted absolutely for myself, although the excess over what they owed me would go to them.

Q. For whom did Grant understand you to be acting?—A. For myself, I think. I never stated a word otherwise to him. I had absolute control of the goods and sold them as my goods. There was one other stock at Cheyenne that I sold to Mr. Felt, and I did it in the same way. I gave him a letter to George H. Durfee, who was acting as superintendent at Fort Sully and Cheyenne. (I had nothing to do with Fort Sully, however.)

Q. Mr. Felt was already appointed at Cheyenne?—A. When my license was canceled Mr. Felt obtained his, and I sold out to him in same way—cost and 15 per cent.

Q. What was the result of your enterprise up there; did you come out whole, or did you lose heavily?—A. Well, so far as money matters was concerned, I got pay for all my things, and I got pay even earlier than at one time I thought I would.

Q. What was the result on Durfee & Peck's interest?—A. I have no doubt they lost money. They could not get out whole.

Q. Did Orvil Grant really have control of these posts, he and Bonnafon and Casselberry?—A. As I understand it; but this is only as I gleaned it from other sources, (the records would show better.) My impression is that Bonnafon or Casselberry, one of those Philadelphia gentlemen, got a license to trade at Standing Rock. By the way, I also sold Standing Rock in the same way as I had sold Peck, Belknap, and Turney—giving Mr. Grant a letter, stating conditions, terms, &c. This letter was addressed to William Harmon, who was acting as agent for me at Standing Rock. Harmon agreed with Grant on the value of worn and damaged property, and the sale was consummated.

Q. Here is a letter that was addressed to the President of the United States:

(Copy.)

"WASHINGTON, D. C., —— , 187 .

"To the PRESIDENT:

"SIR: Regretting very much that circumstances compel me to trouble you with the subject-matter of this letter, I only do so because my all is at stake; and as I have failed to obtain just relief from your subordinates, the President and Congress are the only tribunals left to which I can appeal for justice, and as this lies within your jurisdiction. I was granted licenses to establish trading-posts at certain points on the Missouri River. Under those licenses I went on, purchased stocks of goods, erected or purchased the necessary buildings and warehouses, and prepared for trade. While prosecuting my business, without a single charge having been preferred against me, my licenses were revoked and Mr. Orvil L. Grant was given the sole right to trade on the river. The law nowhere contemplates that this right of trade shall be made a monopoly. I was and am still willing to withdraw from that country and give up the trade, provided that Mr. Grant will pay a reasonable price for my buildings and stock on hand; we to agree upon the prices wherever we can, and to leave the prices of all things upon which we cannot agree to be settled by arbitrators, appointed in the usual manner.

"To such an arrangement I was and am willing to agree, and to break up my business and withdraw from trade in that country, upon any basis that will not involve my total ruin.

"If Mr. Grant, coming in with exclusive powers and privileges, will not do this, then I hope and entreat that as a matter of fairness and justice you will order the Secretary of the Interior to carry out the law, to renew my licenses, withdraw the interdiction on my trade, and allow me to carry on my business in fair and honorable competition.

"Very respectfully, your obedient servant,

"JOHN H. CHARLES,
"Per THUM."

Q. Did you write that letter?—A. I did, sir.

Q. You sent it to the President of the United States?—A. My impression is that I handed that to the President myself; I may have sent it by mail.

Q. How do you know that he did get it; do you know that it was referred to Orvil Grant by the President?—A. Have you got the envelope that it was in?

Q. No, sir; I have not.—A. I don't recollect. I went up to see the President; I think, however, that I had that letter taken up by somebody else.

Q. Do you know that he just referred it to his brother Orvil?—A. I do not know that he did. It is possible that he did; I think he did. In fact, it would be a matter that I would expect him to refer to Orvil.

Q. Did he ever do anything that you know of to save you?—A. The President?

Q. Yes, sir.—A. No, sir; I think not; he never renewed those licenses.

Q. Mr. Smith, the Commissioner, told you that you could not get them for reasons that you knew?—A. Well, he intimated as much as that; if he had the simple saying of it——

Q. What were the reasons that you understood?—A. Well, I inferred that the President did not want him to give them.

Q. Why did he not want to give them?—A. Well, I suppose, perhaps, he wanted to give these agencies to some person else.

Q. Who were the other persons that he wanted to give them to?—A. Well, sir; it was Bonnafon and Orvil Grant and Casselberry, and perhaps Mr. Felt. Mr. Felt, [perhaps] had the license at that time. What is the date of that letter?

Q. It is a copy of the letter, and I have not dated it.—A. If you have a copy of the original letter, the trade for the Cheyenne agency was made by me with Felt, I think, in the first of December or the last of November, 1874, but still we had already spoken about it some time before.

Q. Did you call the attention of the Commissioner of Indian Affairs, Mr. Smith, to the fact that the law was imperative, that you had a right to trade at Indian posts if you furnished bonds and were of good moral character?—A. Well, I talked to him about the substance of that letter.

By Mr. ROBBINS:

Q. Did you tell the President also the substance of that letter in your interview with him?—A. Yes, sir; Senator Allison was present when the interview took place.

Q. What did the President say?—A. Well, he said he had fixed that thing, and was not going to change it, and he bit the end off his cigar, as if he didn't like me a bit.

Q. You said you had a license for Cheyenne?—A. Yes, sir; that license came back approved, and the license for Standing Rock had been granted by the agent, but it never returned from Washington.

Q. Was not your license at Cheyenne revoked by telegraph?—A. I think I got notice of it by telegraph.

Q. From whom?—A. I think it came from the agent, through the regular channel.

Q. What authority had the agent for doing that?—A. Well, it came from the Department of the Interior, of course.

Q. Didn't you come to Washington at once, as soon as you got that telegraphic dispatch?—A. Well, I didn't acknowledge the receipt of it, and about that time I came to Washington.

Q. And that was about the time that you came and saw the President?—A. Yes, sir.

Q. Had you any interview with General Belknap about this thing, at about the same time?—A. I think Mr. Allison addressed him a note or telegraphed in my behalf, asking him to assist me in this matter, and he replied by telegraph that it was not in his Department; that it belonged to the Department of the Interior; that he could do nothing; that it was not a matter with which he had anything to do.

Q. Try to recollect if you had a personal interview with General Belknap about these matters generally, about licenses out there?—A. I called upon General Belknap when I was in the city, but this first correspondence was earlier than that.

Q. Did you call upon General Belknap and discuss this whole question with him, and did he not then in general terms say that he was compelled, or that they were compelled, to revoke this license by order of the President of the United States?—A. I went up to the War Department office, but I think that was later.

Q. Well, when was it that he said this thing, if he said it at all?—A. My impression is that when I came here and had an interview with the President, it was about the 1st of December, 1874, about the time that Mr. Felt was at Cheyenne, invoicing the goods at that place. My recollection is that I got here ahead of some of my friends who were expected to assist me, and I telegraphed for them; Senator Allison, for instance, for one man; and my impression is that I did not go to see General Belknap until in January.

Q. In January, when you called upon him, what conversation took place between you and him?—A. In January (it must have been along about the 25th of January, of last year) I called upon him, and my impression is that he said the law was clear, and that there was not any other way.

Q. What was not any other way?—A. That I ought to have a license.

Q. Did not he tell you that the President himself compelled them to cancel this license? Didn't he state so to you, roundly?—A. I think not.

Q. What did he state about the President?—A. After he expressed himself that it was not in his Department, he did not give much advice. He was not very talkative on that subject, and I do not think he said anything very pointed or of much comfort to me.

Q. Would it have been a comfort for you to know that the President had ordered these things to be done?—A. It would have been a sort of satisfaction to know that the enemy was so that I could reach him.

Q. Are you certain that he did not say that it was by order of the President that this thing was done?—A. I had understood that, I think, from other sources already.

Q. Had you understood that from the Interior Department?—A. Parties that seemed to be posted said so, and then my interview with the President satisfied me that whatever was done, he had "fixed that." Those are the words he used, "I have fixed that." There was something said about Durfee & Peck being bad men for Indian traders, or something to that effect, and that that nest ought to be rooted out. He said that in the conversation. Mr. Allison spoke up and said, "I have known this man for a great many years; knew him when I was a boy."

Q. He gave you a good moral character, did he?—A. Yes, sir; he did.

Q. And then you had given bonds, hadn't you?—A. I had.

Q. What was there under the law why you should not have an appointment?—A. That is a question for some of you lawyers to decide.

Q. I am extremely anxious for you to recollect what General Belknap did say about the direct interference of the President.—A. General Belknap was a personal friend of mine and would do anything that he could, consistently, for me, but I think you are mistaken about that. I have no recollection about that thing. I remember distinctly my going up there and having a talk with him.

Q. Did he tell you that he could not help you?—A. Yes, sir: that he could not help me, that it was out of his Department entirely. That was pointed. I think he would have done anything he could for me.

Q. Standing Rock you did sell out to Orvil Grant and Bonnafon and that crowd?—A. Yes, sir; just as the terms were.

Q. Cheyenne you sold out to Mr Felt?—A. Yes.

Q. And at Fort Berthold you could not agree?—A. No; we made no sale at all. The goods were taken the following spring to Fort Benton, by Mr. Marsh.

Q. In your efforts to be permitted to trade on that river, did you ever offer anybody any sum of money to be permitted to trade?—A. Not a cent.

Q. Did anybody ever demand any sum of money from you for that privilege?—A. No, sir; I suppose if I had taken Orvil Grant in as a partner at the time, I could have gone on and traded.

Q. Did he ask to be taken in as a partner by you?—A. No, sir; he did not. We did not meet in that kind of spirit at all. There was not any room for any pleasant, sociable talk on that occasion.

Q. What was the reason that you were not sociable?—A. Well, we were aiming to get hold of the same chestnut.

Q. And he beat you, and got hold of it?—A. Yes, sir; he got hold of it.

Q. How was that agreement between you and Orvil Grant; did he sign it for himself or for A. L. Bonnafon & Co.?—A. I think he signed it for Bonnafon & Co., he acting as partner. I remember that I reserved the right to decide upon such paper that he should give me, whether it was good enough or not good enough; he was to give that that was entirely satisfactory to me.

Q. Do you know of Bonnafon and Grant going over to Bismarck, and there starting up the river for Fort Stevenson and Fort Peck and Fort Turney in a Government ambulance?—A. No, sir; I do not.

Q. You do not know whether Mr. Grant went up and inspected all those posts that fall?—A. Yes; he went up. He left my place and went right up there. He went clear up to Fort Peck. He did not go to Fort Turney or Fort Belknap.

Q. It was at Fort Peck that he attempted to take that inventory, and where he and you agent split?—A. Yes, sir.

Q. After that he went down to Fort Buford, didn't he?—A. Yes, sir; he would go right by Fort Buford going down.

Q. Did he stop there?—A. I understood he stopped there, but I could not tell.

Q. You know nothing about an agreement that he made there with Joseph Leighton?—A. No, sir.

Q. Did not Leighton afterward become the trader at Fort Peck?—A. He did, and I believe he is the trader there now.

Q. Who were the goods and building at Standing Rock sold to?—A. I do not know who the papers were made to. It is possible that those were made to Casselberry. They divided up their interest in some way, but it was the same concern.

Q. Did not a man named Van Valkenburgh have a license for Standing Rock?—A. Yes, I think he did. He told me he did. He went up there to take a view of the country and see what the prospect was.

Q. Before he could get started the license was revoked, was it not?—A. I do not know whether it was revoked, or whether he simply threw it up. My recollection is that his license was revoked; that is, that I heard so.

Q. Do you know about Mr. Raymond, who was a trader at Fort Berthold?—A. I know of him and have seen him, and understand that he was the trader there.

Q. He made terms with Grant and Bonnafon, didn't he?—A. There was a report of that kind; that he was Grant's man, or something of that kind.

Q. You do not know about Grant's telegraphing to the Secretary of the Interior, saying, "Raymond is our man, have his license renewed?"—A. I heard of that at the time, but I never saw the telegram.

By Mr. DANFORD:

Q. You became interested on the river there in the first instance for the purpose of securing a debt due you from Durfee & Peck?—A. That was one of the objects.

Q. How long had they been trading up there?—A. My recollection is that they went up there about 1865 or 1866.

Q. What business were you in?—A. Wholesale groceries.

Q. How long had you been in that business at Sioux City?—A. Well, sir, I have been in the grocery trade (but then it was on a small scale) since 1860.

Q. You undertook to get hold of those posts that Durfee & Peck had, and did get a license from the Interior Department for one of the posts?—A. Yes, sir.

Q. You had no connection with the War Department?—A. No, sir.

Q. You never were sutler?—A. No, sir; I have never been a sutler, nor made application for it.

Q. Nor a post-trader?—A. No, sir; my business was with the Indian Department entirely.

Q. You had none whatever with the War Department?—A. No, sir.

Q. You went up there, and finally found that somebody else was after the same thing that you were after, and that somebody beat you?—A. Yes, sir.

Q. Is not that about all there is in this thing?—A. That is all there is, so far as I understand it. He had influences that I had not.

Q. Influences that you could not bring to bear, and it required influence to get those places. Has not that always been so, so far as you know?—A. I suppose it has, to a certain extent.

Q. You came on here and interviewed the Commissioner of Indian Affairs?—A. I did.

Q. Did you see the Secretary of the Interior upon that subject?—A. I think he was gone to Ohio.

Q. The Assistant Secretary?—A. I saw the Assistant Secretary.

Q. Could he give you any help?—A. He would not.

Q. What did he do—referred you to the Commissioner?—A. He told me that the best plan would be to go over and see the President, and I did so.

Q. The Commissioner told you he could not do anything; the Assistant Secretary of the Interior told you he could not do anything, and he suggested that you go and see the President; you did go and see the President, and he told you that the thing was fixed, and told you in a way that you understood that he meant it was fixed?—A. Yes, sir; I quit it right there. I said, "I am going home to set my house in order."

Mr. DANFORD. I am glad to find that you did not lose very much.

The WITNESS. I did not lose a cent.

Q. Although you had written to the President that you were likely to become bankrupt?—A. Well, the parties I represented did lose.

Q. That was Durfee & Peck?—A. Yes, sir.

Q. When you were invoicing those things to Orvil Grant, how did you do it?—A. I invoiced in my own name.

Q. But the goods were in their name?—A. No, sir; the business was done in my name at this post.

Q. How long had it been done in your name?—A. From some time about the 1st of September, until—it must have been in October that he was up there.

Q. You had the goods prior to that time?—A. Yes, sir.

Q. Then, if you had bought the goods from them, how did they suffer?—A. Because I took out what was due me first, and the rest went to them.

Q. Then you had not bought the goods?—A. I have explained to you what the circumstances were.

Q. Had you bought the goods—did they belong to you?—A. It was a conditional sale.

Q. It was not a sale?—A. I considered it a sale.

Q. Then, if it was a sale, why didn't you lose what was to be lost there?—A. Because I did not agree to.

Q. Then it was a sale by which you did not agree to lose anything, but you could make anything that was to be made?—A. No, sir.

Q. You were perfectly safe?—A. No.

Q. If it was a conditional sale it was not a sale, was it?—A. You are a better lawyer than I am; I have told you the facts.

Q. And finally the thing went back upon them, and they lost by reason of your not getting the posts? It was they lost, and not you?—A. Yes, sir: I did not lose, as it was, but there might have been circumstances in which my little $25,000 would have gone.

Q. You would not have liquidated your claim against them?—A. No, sir; but it would have been hard work to collect it.

Q. They are not worth anything now, are they?—A. O, yes; I guess they are.

Q. I understand you, then, to say that this purchase of goods from Durfee & Peck was a sale to the extent that you were to pay yourself the debt that was due you from them out of the proceeds of the sales of the goods; the remainder, carrying with it either profit or loss, you were to return to them?—A. Well, sir, if I had got those licenses that business

would to-day be conducted in my name. That is the way that would have been. The possibility is that we would have made some new arrangement. It was a shipwreck anyway, and we would have done the best we could to save ourselves. I was exceedingly anxious to do the best I could for them, not only to get my money and to help them as well as I could—and I went into this venture to save myself—but anxious at the same time to do the best I could for them.

Q. The goods were actually under your control, and you were selling them in your own name?—A. Entirely so. I bought the goods and shipped them up as though they were entirely my own. Whether that was a valid sale or not, you can decide better than I can.

By the CHAIRMAN:

Q. In your interview with the Commissioner of Indian Affairs, did you call his attention to the act of Congress approved July 26, 1866, which provides that any loyal person and citizen of the United States, of good moral character, shall be permitted to trade with any Indian tribes upon giving a bond to the United States in the penal sum of not less than $5,000 or more than $10,000?—A. I called his attention to that law.

Q. That is the law. Had you been loyal during the whole war?—A. Well, I think I had been loyal all my life-time. I hired a man to go into the service, and was willing that he should be killed if he wanted to, and if he got to be a brigadier-general I was willing.

Q. There was no objection to you on that ground. Had you furnished a bond at the Cheyenne agency of $5,000?—A. I had.

Q. Were you prepared to furnish them at the other posts?—A. The bonds were filed. The bond accompanied each application I made.

Q. And yet, in defiance of this law, the President told you that the matter was fixed and you could not have the positions?—A. Yes, sir.

Q. Had you ever known of licenses ever being refused to any person prior to this time, who came within the provisions of the law?—A. I do not think I had, but it may have been done.

Q. Have you known of more than one Indian trader at these posts formerly?—A. Yes; I have known agencies where there were two traders. I did not ask to be the exclusive trader at any of the posts. Of course I would rather have been the exclusive trader, but I did not ask that. I would have been willing to have had my license even if it was not for any longer time than to sell out the goods I had there.

Q. Were not some of those posts part military and part Indian; which were they?—A. Yes, sir; there were soldiers at Cheyenne and Standing Rock; there were none at Fort Berthold. The nearest there is at Fort Stevenson.

By Mr. DANFORD:

Q. You were not licensed to trade with them?—A. Well, we expected to trade with them, because there were no other traders, but they could have appointed somebody else for that purpose.

WASHINGTON, *March* 25, 1876.

SIMEON CHENEY sworn and examined.

By the CHAIRMAN:

Question. You were appointed post-trader at Fort Davis, in Texas, on the 6th of October, 1870, and you resigned, or your appointment was revoked, on the 5th of November, 1874?—Answer. Yes, sir.

Q. Through whose influence were you appointed post-trader down there?—A. I believe Judge Loughridge and Senator Wright indorsed me.

Q. Where did you reside when you were appointed?—A. Ottumwa, Iowa; I reside there still.

Q. Did you reside at Fort Davis?—A. I was there most of the time.

Q. I notice that A. W. Cheney was appointed in 1874, and resigned in November, 1875; was he a brother of yours?—A. Yes, sir.

Q. He succeeded you in that post?—A. Yes, sir.

Q. How many companies were at that post, generally?—A. Part of the time there were three, sometimes four, and sometimes less. When I went there, however, there were more. It was at one time a seven-company post. It was reduced after that.

Q. What were your profits a year at that place?—A. I did not make any profits there. I lost money all the time.

Q. How did that happen?—A. Well, it was a small post, and there was not any reservation, in fact. The Government, I believe, has a section of land there, but the post is built right on one corner of it, so I had opposition all round.

Q. Had you any influence from any other person than Judge Loughridge and Senator Wright?—A. When I made application for the post, which I did by mail, some of my neighbors signed, recommending me; Mr. Merrill, Mr. Styles, and one or two others.

Q. Were you ever in Washington, yourself, to get it?—A. No, sir; I wrote and made application for the post, and received the appointment at that post, Fort Davis. I did not know anything about the trader business, and did not know but what it was a good post when I received it, and I thought it was, in fact.

Q. Did Mr. Hedrick help you to get the appointment?—A. I do not know but what he did. I do not recollect whether he signed my paper or not.

Q. Here in Washington, did he?—A. No, sir; I do not know that he did.

Q. Had you any agreement with Mr. Hedrick, with reference to this post?—A. No, sir.

Q. Had you any agreement with any one else with reference to the profits of it?—A. No, sir; not any. When I went there, I bought out a stock that belonged to a man named Heidelwiel, and the two Kellys; and the Kellys staid with me for six months, and we divided the profits.

Q. You have never had any agreement with General Hedrick about this matter?—A. No, sir.

Q. And with no other person besides the Kellys?—A. No, sir; except Mr. Heidelwiel, who had this post when I went there.

Q. Had they any agreement with any other persons that you know of?—A. No, sir; not that I know of.

Q. Did you pay any money to any one for securing your appointment?—A. No, sir.

Q. Were you personally acquainted with the Secretary of War?—A. I was.

Q. Had you known him long?—A. Well, I knew him before he went into the Army, and met him very frequently afterward, before he became Secretary of War.

Q. How far is Ottumwa from Keokuk?—A. Seventy-five miles, connected by rail.

Q. And you used no undue influences to secure your appointment?—A. No, sir.

Q. And paid no money to anybody to get it?—A. Not a cent. It cost me a postage-stamp to get it, and if I had known what it was worth, I should not have paid that much for it.

Q. You never paid anything for political purposes?—A. I did.

Q. How much?—A. About $100.

Q. How did you pay it?—A. I think I received a notification to contribute some from Mr. Harlan.

Q. Was that in 1872?—A. It was.

Q. Did you send the money?—A. Yes, sir.

Q. If your post was worth nothing, why did you send it?—A. Well, I had been in the habit of contributing a little any way. I did not send it entirely on account of having the post.

Q. Do you know anything about Fort Duncan?—A. No, sir.

Q. Fort Griffin?—A. No, sir.

Q. Fort Stockton?—A. Yes, sir; that is one of our nearest posts.

Q. Friedlander was there, and Gallagher. Do you know on what terms they held their post?—A. I do not. I was acquainted with both Friedlander and Gallagher.

Q. Do you know anything about Fort Bliss?—A. No, sir. I knew the trader there at one time.

Q. Fort Concho?—A. I have been at Fort Concho, and knew the trader there.

Q. Do you know Mr. Loeb?—A. Yes, sir; I knew him at San Antonio; not at Concho.

Q. Do you know anything about the terms on which these people held their posts there?—A. I do not.

Q. Did you never hear anything about it?—A. Not a word. Well, I have heard these rumors.

Q. Were you a contractor for supplies to the Government down there?—A. I believe at one time we had a contract for a small amount of hay.

Q. Nothing else?—A. No, sir; my brother may have had a contract for wood, but I don't recollect.

Q. Are you any relation of the Cheney who is a clerk in the Quartermaster's Department, spoken of by General McCook?—A. No, sir; none whatever.

Q. Do you know General Hedrick well?—A. I do.

Q. What business is he engaged in?—A. He is now supervisor of internal revenue, I believe.

Q. Is he a post-trader?—A. I understood that he and Leighton were post-traders, or had a post.

By Mr. ROBBINS:

Q. You say you had been in the habit of contributing money for political or party purposes?—A. Somewhat.

Q. As a private citizen?—A. Yes.

Q. Was that circular addressed to you by Mr. Harlan as a private citizen?—A. Yes, sir.

Q. And not as a post-trader?—A. No, sir. I knew Mr. Harlan, however, before I went there.

Q. He was chairman of the republican campaign committee, was he?—A. Yes, sir.

Q. Did he address a circular to other private citizens there at your post besides you?—A. Not that I know of. Private citizens were very scarce at our post, except Mexicans.

WASHINGTON, *March* 25, 1876.

B. GORDON DANIELS sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. Temporarily in Washington.

Q. In 1874, on the 23d of November, there appeared in the New York World the following letter.

"GRANT AND POST-TRADERSHIPS.

"NOVEMBER 20, 1874.

"*To the Editor of The World:*

"SIR: In connection with the appointment of the President Grant's brother, Orvil Grant, to several valuable post-traderships, I desire to call your attention to the fact that he is not the only member of the Grant-Dent family who has been the recipient of positions of this kind. Early in his administration the President appointed his brother-in-law, John Dent, military post-trader at Fort Union, New Mexico Territory, the largest military post west of the Missouri River, and a tradership worth $30,000 per annum. In addition to this it is well understood on the frontier that Dent obtained the appointment of friends of his to similar positions at four or five other posts, from which he is receiving a large income. If the real facts were made known to the country, it would be shown that the Grant-Dent family are receiving from this source alone in the neighborhood of $100,000 per annum.

"Very respectfully, yours,

"B. GORDON DANIELS."

"MARCH 3,

"My DEAR SIR: Referring to the astounding disclosures connecting the Secretary of War with the sale of post-traderships, I beg leave to call your attention to the inclosed letter I addressed to the New York World, in November, 1874, with reference to the Grant-Dent family and post-traderships. I spent a year or more in New Mexico, and some time in Colorado. I could furnish some facts bearing upon this subject which would aid the committee in their investigations.

"Very truly, yours,

"B. G. DANIELS,
"1549 *Columbia Street.*

"Hon. E. R. MEADE."

Q. Are you the B. Gordon Daniels who signed this letter?—A. Yes, sir.

Q. Did you ever reside in New Mexico?—A. Yes, sir; in 1870 and 1871, during portions of those two years.

Q. What were you doing there?—A. I was assessor of internal revenue.

Q. Who was the post-trader at Fort Union during those years?—A. Mr. John Dent.

Q. Who is he?—A. He is a brother-in-law of the President.

Q. How many troops were stationed there?—A. Thirteen companies of cavalry—the Eighth Cavalry—and if I remember rightly, three companies of infantry. That would make eleven companies. I think the Eighth Cavalry was more than a minimum regiment.

Q. About how many men would there be?—A. It was understood that there were about thirteen hundred troops there.

Q. Was it considered a valuable post?—A. Yes, sir; the most valuable post, with the exception probably of Fort Sill and one or two others, in the country—so understood. It had a large trade outside of the post.

Q. Did Mr. Dent reside there?—A. Yes, sir; a greater portion of the time.

Q. Is he there still?—A. I do not know.

Q. I see by the record that he was appointed October 6, 1870, and there is no record of his resignation. His appointment was sent to the care of General Dent at the Executive Mansion. In this letter you speak of four or five other posts on the frontier and of persons who received their appointments at the instance of General Dent; what are they?—A. I can only answer that by stating that I made up my mind to leave the country; that is, in an official capacity, and I thought I would look about to see if there was an opening for business there and I began to investigate the worth of several post-traderships, and in doing so I had my attention directed to Fort Stanton, in Southern New Mexico. It was not a large post, but there were several productive valleys about there which added a great deal to the value of the post. I was satisfied that there was about $125,000 worth of goods sold there a year, and I made up my mind that I would get that post for a friend of mine, and in doing so I learned incidentally from persons to whose statements I attached credit, that Mr. Dent was interested indirectly in Fort A. D. Russell, Fort Lyon, and several other posts up and down the Rio Grande as far down as El Paso.

Q. Did you make any efforts to get Fort Stanton?—A. Yes, sir; I procured the appointment for a man named Frank T. Bliss.

Q. That was on the 1st of April, 1871, and he remained there a year, until March 19, 1872?—A. Yes, sir; he was to have given me one-half.

Q. Whom had you removed there—Stevens?—A. No, sir; I was instrumental in getting Mr. Bliss removed. After he got the appointment he repudiated the arrangement with me. Then a man came on here from Saint Louis, named Tracy, an old post-trader, and said he would give me $3,000 if I would get him the appointment in Mr. Bliss's place. I told him I would do it. I secured his appointment, not directly, but indirectly. He went back on me and I got him out.

Q. Then you had Mr. Dayton appointed, did you not?—A. No, sir; I gave it up then.

Q. What means did you use to get Mr. Bliss appointed in October, 1871?—A. Well, sir; I came here to Washington, and I went to a friend of Senator Carpenter's, and I stated to him that Mr. Bliss, in addition to making me an equal partner in the concern, had promised to give $1,000 cash for the place, and that if he would get the place I would see that Mr. Bliss paid it.

Q. Who was this friend?—A. Alexander T. Gray.

Q. What happened?—A. Mr. Bliss was appointed.

Q. Did he get Senator Carpenter's influence?—A. Yes, sir.

Q. Did Senator Carpenter have the appointment made?—A. Yes, sir; Senator Carpenter had the appointment made, and the commission was sent to Bliss.

Q. I see that it was sent to "Hon. M. H. Carpenter, United States Senate."—A. Yes, sir.

Q. Did you pay Gray the $1,000?—A. No, sir; he did not get anything. Mr. Bliss served him as he did me.

Q. I see that he held on for a year, from April 1, 1871, to March 19, 1872. He did not make you a partner. Then you got hold of Charles Tracy. How did you get him appointed?—A. He was appointed at the request of Senator Sawyer, of South Carolina.

Q. How did you get him at work for Tracy?—A. I went to a friend of his.

Q. What did you promise his friend?—A. Five hundred dollars.

Q. Did Mr. Sawyer get the appointment for you?—A. Yes, sir.

Q. Well, Mr. Tracy does not seem to have held it but about three months. Who was this friend of Mr. Sawyer?—A. His name was Closs; he is well known here.

Q. Did you pay him the $500?—A. No, sir.

Q. Why did you not?—A. Because Mr. Tracy was to pay me $3,000, and from time to time he paid me $500 in small sums, and made out a memoranda, in his own handwriting, that he had paid me so much. I knew that he had drawn out of the Treasury, on a claim of his, some $14,000 or $15,000, and was about leaving the city, and I stated that I wanted the balance, from which to pay Mr. Closs. Mr. Tracy said he would not do it until he had made it out of the post. "Then," said I, "you have got to go." He went up to the Secretary of War the next morning and stated that he never had agreed to pay anybody, as Mr. Sawyer informed me, and that he never had any understanding with me, and I was simply trying to force money out of him, and I took out the memorandum in his own handwriting, and showed it to Senator Sawyer, and he asked me to let him take it to the Secretary of War, which he did, and on the Secretary's seeing that he removed Tracy forthwith.

Q. So you never paid Mr. Bliss nor Mr. Closs anything?—A. No, sir; I would have done so if the other men had paid me.

Q. Have you ever procured appointments for any other persons as post-traders?—A. No, sir.

Q. Never have held a post-tradership yourself?—A. No, sir.

Q. Do you know of any other persons paying money for post-traderships?—A. I could not state absolutely of my own knowledge that I do.

Q. What do you know about it in any way?—A. There were numbers of persons whose statements I would believe, and did at the time believe, who informed me that all those posts down on the Rio Grande were purchased; Craig and Wingate, and, in fact, every post that was there.

Q. Do you know of your own knowledge about it?—A. No, sir; I do not.

Q. Did you hear any post-traders there say that they had paid any money?—A. Yes, sir.

Q. Whom did you hear?—A. A man who held a tradership at Bascom for a time. That is a dismantled post now. I forget the man's name.

Q. Have you heard of any other?—A. I don't know of any other of my own knowledge?

Q. Do you know of any such sales made in Colorado?—A. No, sir.

Q. Did you see any other persons in Washington with reference to securing those appointments for the parties of whom you have spoken?—A. No, sir.

Q. Did you ever see General Rice here about it?—A. I never saw him, but I heard of him frequently as a party to go to.

Q. You never applied to him yourself?—A. No, sir.

Q. You never did apply to any other person than those you have named?—A. No, sir.

Q. And they never had other recommendations that you know of, save those of Mr. Carpenter and Mr. Sawyer?—A. No, sir.

Q. Who was Mr. Bliss?—A. He was a clerk and cashier and book-keeper for his uncle, a hardware merchant in Chicago.

Q. Who was Mr. Tracy?—A. He was an old post-trader, I think, at Fort Dodge, and he was interested in several other posts.

Q. They had no other recommendations save what Senator Carpenter gave to Mr. Bliss, and what Senator Sawyer gave to Mr. Tracy?—A. That is all; at least, they so stated to me.

Q. Now, you wrote a letter in which you stated you could furnish facts bearing upon these subjects that would aid the committee in their investigation; I wish you would state what they are.—A. I think it was these facts which I have just stated.

Q. Do you know of no other facts relating to this subject at all?—A. I know that those traderships were procured from time to time for a consideration—for money.

Q. The trouble is, you don't seem to have any personal knowledge?—A. No, sir; nothing beyond what I have stated of these two instances.

Q. You only know of one instance in which the post-trader himself told you he had paid money?—A. Only that instance.

Q. What did he tell you?—A. He told me that he had paid a certain man for the post—for getting it.

Q. To whom. I made a memorandum of the fact at the time, and I have that among my papers somewhere. It is a German name, I think.

Q. Would you recognize it if you were told it, do you think?—A. I think I would.

Q. Did the person who got it for him live here in Washington?—A. Either in Washington or in New York.

Q. Was it Simon Wolf?—A. No, sir.

Q. It was not Hawkins Taylor, was it?—A. No, sir.

Q. It was not Bates & Co.?—A. No, sir.

Q. Kilburn Knox?—A. No, sir; it was not Rubenstein, but the name sounds something like that. He has been on the frontier a long time, engaged in trade.

Q. Did he tell you how much he paid?—A. It was under $1,000.

By Mr. DANFORD:

Q. You were in the internal-revenue business in New Mexico?—A. Yes, sir; assessor of internal revenue.

Q. How long did you hold that position?—A. A little over a year.

Q. How did you come to quit that business?—A. Well, sir, I made up my mind that I could not be induced to stay in the Territory under any circumstances, and I asked to be relieved, and came into the States; mainly on this post-trader business.

Q. That is you made up your mind that there was more money in bartering these post-traderships than in the internal-revenue business?—A. Not in *bartering* them; because I was to have been a partner with Bliss in the concern.

Q. How much money were you to put in?—A. He was to give me a half interest for getting the place, and he to furnish all the capital, and the goods.

Q. He was to furnish the capital and do the business, and give you half of the profits?—A. Yes, sir.

Q. That is what I call bartering post-traderships; you concluded that was a better business than the internal-revenue business?—A. Yes, sir.

Q. So you came up here and commenced operating?—A. Yes, sir.

Q. And the first gentleman you met was a friend of Senator Carpenter's?—A. Yes, sir; Mr. Gray.

Q. Is he still in the city?—A. He is a clerk in the Attorney-General's office.

Q. You told him how much you were to get out of this business?—A. Yes, sir; I explained the whole thing to him.

Q. At that time you had determined to take just $3,000?—A. No, sir; that was another matter.

Q. Then you were to have one-half of all the profits, and put in no money and run no risks?—A. Yes, sir.

Q. And Mr. Gray entered upon the business of procuring you this post?—A. Yes, sir.

Q. Do you know anything about his interviews with Mr. Carpenter, as to how he approached him?—A. No, sir; I do not.

Q. Did you and he talk as to how the Senator was to be approached upon the subject?—A. Yes, sir.

Q. What way did you agree upon?—A. He said he would ask it as a personal favor to him.

Q. Was Mr. Gray a Wisconsin man—one of Mr. Carpenter's constituents?—A. No, sir; he had, years before, lived in that State.

Q. And he said that he should approach Senator Carpenter and ask him as a personal favor to give Mr. Bliss that appointment?—A. Yes, sir.

Q. Was the matter of the money that Mr. Gray was to have, to be mentioned to the Senator as an inducement?—A. I have not the least idea. I never spoke to the Senator about it myself.

Q. Do you know whether Mr. Gray mentioned the money consideration or not?—A. I do not.

Q. Was that talked over, that he would mention that consideration to the Senator, so as to make him do it?—A. No, sir; my arrangement was with him. Mr. Bliss promised to give Mr. Gray $1,000.

Q. And Mr. Gray said he would approach the Senator and ask it as a personal favor, and he did so, and the Senator succeeded in getting the appointment?—A. Yes, sir.

Q. Who was the post-trader at that time?—A. A man named Murphy.

Q. He had no particular friends to back him, I suppose?—A. I cannot say that he had.

Q. How long did Mr. Bliss hold the place?—A. Seven or eight months.

Q. And then you had him turned out?—A. Yes, sir.

Q. And the way you did that was to approach the friend of another Senator?—A. O, no; I just came on here and stated, through Mr. Gray, the facts that this man had promised to make me a partner and had repudiated the whole thing.

Q. To whom did you state the facts?—A. To Gray.

Q. Did Gray go with you to the Secretary?—A. No, sir; he did not go with me.

Q. You told Gray the fact that this man had promised to make you a partner, and what your capital was, and what Bliss's capital was to be, and you explained that Bliss had repudiated, and then Gray had him turned out. To whom did he go to get him turned out?—A. Senator Carpenter.

Q. Did you have to give Gray anything to have him turned out?—A. No, sir.

Q. Gray never got his $1,000, and he was just as willing as you were to turn him out?—A. Yes, sir.

Q. You never got anything out of the affair?—A. No, sir. On the contrary, I was out.

Q. The next operation was to go to the friend of another Senator?—A. The next operation was that Mr. Tracy came to me for the same post.

Q. He took you in, too?—A. He was to give me $3,000 if I could get that post.

Q. For him?—A. Yes, sir; $3,000 in cash.

Q. And you went to a friend of Senator Sawyer. What was his name?—A. Closs.

Q. Is he living here yet?—A. Yes, sir.

Q. What is his business?—A. I believe he is a lobbyist.

Q. He was to go to the Senator and have this thing done, and he was to get $500 for the job?—A. Yes, sir.

Q. And he succeeded?—A. He succeeded.

Q. Did you and he talk together about what influence was to be brought to bear upon Senator Sawyer to get him to do this?—A. Mr. Closs said that he could get Mr. Sawyer to do it.

Q. He did not tell you what kind of influence he was going to bring to bear on Mr. Sawyer?—A. No, sir. But he said he could get him to do it.

Q. And he did; and then Mr. Tracy went back on you—or did you get something out of him?—A. From time to time he gave me $500.

Q. That was all that he gave you? Did you get him turned out?—A. Yes, sir.

Q. You quit then?—A. Yes, sir; then I stopped.

Q. And that is all you know about post-traderships?—A. Yes, sir; except the general information that I have received.

Q. You considered, however, that you ought to tell about this thing?—A. I considered that my making this arrangement with Bliss was a legitimate transaction.

Q. Now, Mr. B. Gordon Daniels, what do you think of that kind of business, as far as you have got—do you think it is a fair and honorable business?—A. I never looked upon those traderships as political at all.

Q. John Dent, you say, was appointed in 1870?—A. Yes, sir.

Q. Those are appointments issued by the Secretary of War?—A. Yes, sir.

Q. Are they for a term of years or for a specified time?—A. They are like this: "You are hereby appointed post-trader at" so and so. I was appointed under the present law. Prior to that law, I understand, they were appointed by the councils of administration at the posts.

Q. Was not Mr. John Dent a post-trader prior to 1870 and before his brother-in-law became President?—A. No, sir.

Q. Do you know that to be a fact—are you willing to swear to it? My information is that he was post-trader there long before his brother-in-law became President.—A. Certainly not long before; for he had just got his first stock of goods, as he told me, when I saw him. That was in 1870.

Q. In June, 1870, the law passed, and his commission at Fort Union was dated October 6, 1870; but my question was whether, under the old system, he was not a post-trader or sutler before his brother-in-law became President?—A. I am not sure. I do not know.

Q. What business are you in now?—A. I am buying and prosecuting claims and buying cheap farms for people where I used to live, in Maryland and Virginia. I live in Washington.

By the CHAIRMAN:

Q. Who appointed you revenue collector?—A. General Grant.

Q. When were you appointed?—A. In the spring of 1870.

By Mr. ROBBINS:

Q. As internal-revenue collector did you ever contribute any money for campaign purposes?—A. I was called on to do so by parties in the Territory, but I declined.

Q. You never paid any for that purpose, then?—A. No, sir.

WASHINGTON, *March* 25, 1876.

GEORGE W. FELT sworn and examined.

By the CHAIRMAN:

Question. You were appointed as Indian trader at Cheyenne agency, which is partly military and partly Indian, in 1874?—Answer. I was.

Q. About what time?—A. I cannot state exactly. I made the application for it in August, I think, and the appointment came about the 5th of September.

Q Who was the occupant of the place at the time you made application?—A. John H. Charles.

Q. Who gave you the appointment?—A. It came directly from the Commissioner of Indian Affairs.

Q. Who ordered the Commissioner of Indian Affairs to appoint you?—A. I do not know, sir.

Q. Had you any conversation with the President on that subject?—A. I had.

Q. What did he say to you?—A. He said I should receive an Indian appointment.

Q. You got it?—A. I did.

Q. Had you any negotiations with Mr. Charles about sending lumber or purchasing the Durfee & Peck building there?—A. I had negotiations with him concerning the purchases of this building and the stock.

Q. What did that result in?—A. I purchased them. The terms were agreed upon before I went up, and, on examining the stock, I assented to the purchase, and fulfilled my part of the contract. They appeared to be glad to sell out to me, too.

Q. Who was interested with you—Fred Evans?—A. He was at first, but eventually I had to go through with the matter myself.

Q. After you had made the attempt to purchase Durfee & Peck's building, through Mr. Charles, you went back to Iowa, didn't you?—A. I came back to Sioux City.

Q. And there you met Evans?—A. Yes, sir. I had seen Evans before.

Q. From Sioux City you came on to Washington, didn't you?—A. No, sir; I returned in a very short time to Cheyenne.

Q. You had your appointment at that time?—A. Yes, sir. My license came shortly after my return in the first place, and then I returned to the post.

Q. At the time you were negotiating with Mr. Charles about lumber, or about purchasing Durfee & Peck's buildings at Cheyenne, Evans was to have been with you, was he not?—A. Yes, sir.

Q. Then, after you got the license yourself he was not in any longer?—A. He was not.

Q. You put him out?—A. I did not put him out. He went out of his own volition; that is to say, he did not give me the aid he had promised.

Q. Do you know how Mr. Charles's license was revoked?—A. I know nothing positive. I know these rumors concerning the matter.

Q. Do you know that it was revoked by telegraph?—A. I know nothing about it positively. Mr. Charles told me it was revoked.

Q. That was revoked by telegraph?—A. He told me it was revoked.

Q. You are trader there still?—A. Yes, sir.

Q. What is the value of that tradership a year?—A. I have invoiced, myself, but once since I took hold, and that invoice took in the business for the fall, which is the busiest season of the whole year, and of the entire spring collections. I was very fortunate that year. I got upwards of a thousand robes—a thing that does not occur every year—and up o the 1st of July my profit and loss account showed about $8,300.

Q. Have Bonnafon & Co. or Orvil Grant any interest with you in any way?—A. None, at all.

Q. You received it direct through the influence of the President of the United States, and it is your own?—A. My own.

Q. You dispossessing Charles, who was the trader?—A. Yes, sir. Not dispossessing him.

Q. Well, he was turned out to make room for you, was he not?—A. Well, I cannot say that that is the case altogether. I had understood that they were desirous of selling out there.

Q. That is, Durfee & Peck?—A. Yes, sir.

Q. You knew, at the time you made application for Cheyenne, that Mr. Charles had the license?—A. I did not.

Q. You did not know who had it?—A. I knew that Durfee & Peck were the traders there, and I made the application.

Q. Is there any other trader at that post but yourself?—A. There is not.

Q. Did any other person ever try to be trader there save you?—A. Not since I have been there, that I know of. A. The agent has a record of all the applications of that sort. I do not think there have been any applications. I think I would have heard of it. I am at that post very little myself. I go up to stay a month and see how the thing is running, and give directions concerning its management. My agent was first J. C. Robb. He is the man that was formerly in the employ of Derfee & Peck.

Q. You see it then once a year, about?—A. O, oftener than that. I was up three times within six months, I think. Last summer I went up in May and staid until July.

Q. You paid nothing for your privileges there?—A. Not a cent.

Q. What did you pay for political purposes?—A. Not a cent. No demand ever has been made upon me. I am not a politician.

Q. Where do you reside?—A. At Sioux City. I am engaged in business there also. I am a grocer.

WASHINGTON, D. C., *March* 28, 1876.

ALEXANDER T. GRAY recalled.

By the CHAIRMAN:

Question. I understand you wish to make an explanation before the committee. Make any explanation which you please, as you appear here voluntarily for that purpose.—Answer. I simply wish to say that in the latter part of the summer of 1870, perhaps in the month of September or August, Mr. Daniels, who at the time was an assessor of internal revenue in the Territory of New Mexico, was in Washington. I had been acquainted with him for some years. He had latterly been in Wisconsin. He stated to me that Mr. Bliss, in Chicago, who was a young man of good business connections there, would like to have a post-tradership at Fort Stanton; that he was to go into partnership with Mr. Bliss. He asked me if I would not attend to the matter and try to procure the appointment. I told him I would. At the same time he said that if the appointment was procured I would receive a fee for it—a thousand dollars, I think, was the amount. I stated the matter to Mr. Carpenter, the then Senator from Wisconsin, whose constituent Mr. Daniels was, and who had procured him that appointment of assessor in New Mexico, and asked him if he would recommend Mr. Bliss to the Secretary of War, which he did at my suggestion, I having satisfied him that Bliss was a respectable person, that is, having satisfied him by stating what Mr. Daniels said of him. I had no reason to doubt it, and the fact is he was a man of respectable business connections there and is yet. The appointment was procured. I afterward procured, myself, an extension of the appointment for ninety days, Mr. Bliss not being ready at the proper time to go out there and take his goods out. Mr. Carpenter knew nothing of this transaction further than I have stated, and since the transaction he has known nothing of it further than I have stated. And I never received the thousand dollars. The whole thing had passed out of my mind until it was brought up here by this investigation into Secretary Belknap's transactions.

Q. Had you an agreement to receive any sum of money from B. Gordon Daniels?—A. I do not know what you would call an agreement. He stated that I should receive that fee.

Q. He never paid you?—A. It was never paid. I would have done the same thing without any promise. I desire to state further that I was not in the Attorney-General's Office at that time, or in the Government service, and not for some time afterward, until as much as a year afterward, or about a year afterward.

Q. Are you now in the Government service?—A. I am now in the Department of Justice, connected with that branch of it which attends to business in the Court of Claims.

By Mr. DANFORD:

Q. What did you say to Senator Carpenter when you went to him about this matter?—A. I cannot recollect the words of my communication with him; but I can state to you generally, this: that I told him who this young man Bliss was; told him what sort of a person he was, &c.

Q. Were you a constituent of Senator Carpenter?—A. Yes, sir; a constituent and an old friend of Senator Carpenter.

Q. From what State?—A. From his State, and intimate with him for the last twenty-five or thirty years.

Q. Where was B. Gordon Daniels from?—A. I only know his history from what I have gathered from him from time to time. I believe that as many as twenty years ago he was employed in this Capitol as a clerk on the House side.

Q. He was not from Wisconsin?—A. He was not from Wisconsin at first, but he had been living in Wisconsin. He had been living in Milwaukee, and had married a young lady in Milwaukee, and was well known to Mr. Carpenter. His wife was an intimate acquaintance or at least an acquaintance.

Q. Did you tell Senator Carpenter that you were trying to get Bliss the appointment in the interest of Daniels?—A. Well, no, sir; I do not suppose I did. I spoke both of Daniels probably, and Bliss to him.

Q. What do you think is the fact?—A. I had no concealment or artifice about it.

Q. What do you think is the fact as to whether you spoke to Senator Carpenter of Daniels?—A. I think it is entirely probable that I did.

Q. Do you think you told him that Daniels and Bliss were to be in partnership?—A. I think I did. I do not know. I do not recollect; it was not necessary for me.

Q. This was a Chicago man, was he?—A. Mr. Bliss was of Chicago.

Q. Senator Carpenter had no notice that there was any promise of reward to you?—A. I have just said that the only thing he ever knew of it was my application to him for a recommendation for this man Bliss and what I stated to him.

Q. In that application did you make any reference to any reward?—A. None whatever, sir; nor did he ever know of any such thing, nor has he ever known of any such thing until this publication in the New York papers of Sunday.

Q. It was done by him because of his friendship for you?—A. Yes, sir; I was on good terms at the time with Mr. Daniels, and I suppose I am now. I do not know any reason why I should not be.

Q. After Bliss got the appointment he went back on his promise if he ever made one?—A. I do not know what promise he did make. I only know from Mr. Daniels that there was an arrangement between him and Mr. Daniels.

Q. Daniels told you that there was an arrangement?—A. Yes, sir; the idea was that Mr. Daniels was to go into partnership with him.

Q. But Bliss did fail to pay any money to you?—A. Both Bliss and Daniels. I never got any money out of it.

Q. Did you interfere to have Bliss turned out?—A. No, sir; not that I recollect. I did not do anything whatever that I know of. I know the fact that there was an application or movement to turn him out, but I had nothing to do with it.

Q. I believe you have stated that you were not in any Government employ here at the time?—A. I was not.

Q. What were you engaged at?—A. I was at the time a clerk here in the city office.

R. T. JACOBS sworn and examined.

By the CHAIRMAN:

Question. What is your rank in the United States Army?—Answer. I am second lieutenant Sixth United States Infantry.

By Mr. BLACKBURN:

Q. Where have you been stationed in the military service for the last year?—A. I have been stationed for the last eight and a half years in the Indian Territory, Kansas, and Dakota.

Q. Do you know anything about the management of the military posts in that section of the country during that time?—A. Yes, sir.

Q. State in your own way what you know about that matter. You understand the object of this inquiry. The question is as to any abuses which may have existed there that have come either within the scope of your personal information, or from the general estimate put upon it by the officers of the Army there as to the manner in which the War Department has been handling and directing the military posts.—A. I would like to ask one question—as to whether you mean purely military or everything connected with the post.

Q. State everything connected with the post in the shape of abuse or irregularity.—A. I heard of the Evans affair; that he was paying $12,000 a year.

Q. That was at Fort Sill?—A. Yes, sir; and afterward that it was reduced; that he was paying it to a gentlemen in New York, whose name I do not know, nor do I know of any further connection in the matter than that. I understood that a petition to the Secretary of War for the appointment of Mr. Evans was signed by officers, and that no attention was paid to it.

Q. Give the date of your getting this information out there, as near as you can.—A. I think in 1871. I think I heard of it when I was stationed at Fort Dodge, which was in 1871 or 1872.

Q. That he was paying $12,000 a year, and afterward $6,000 a year, to a man in New York, whose name you do not know?—A. I do not know it, and I do not know what became of the money. I also spoke to General Hazen last fall, in the month of October, 1875. We were going on a trip in an ambulance, and, in talking to him, he spoke of this thing, and said he had letters, and I understood him to say that he also had letters and communications from other traders to the same effect. I asked him then, as near as I can recollect, whether he supposed there was any connection with the Secretary of War. His reply I do not remember. I think, however, that he said he did.

Q. Was this information shared by the officers of the Army, generally, there at that time?—A. Yes, sir; to the best of my belief, it was.

Q. It was generally known?—A. It was generally known at these places that they were bought.

Q. Do you know anything about any letters written from the post by the commander of the post, General Grierson, or others, to the Secretary of War, in reference to this matter?—A. I do not.

Q. Do you know anything about the management of affairs at Fort Abraham Lincoln?—A. I know something about that from general information.

Q. State whatever has come within the scope of your personal information, or what was the general information of the Army officers there in reference to it.—A. As near as I can recollect, it was the impression of the officers belonging to the post that the post belonged to Leighton, though it was held by a man named Sipe. Sipe turned out a man named Dickey; that is, he took his place there as trader. What the cause was I do not know. Sipe has since left the place, and a gentleman named Jordan, I believe, has it. Whose name it is held in I do not know. As to whether there was any bargain for that post I do not know.

Q. Do you know of any abuses or improprieties or irregularities in any of the other posts, either in Dakota or Montana?—A. I hardly know what you would call irregularities. I do not know of any direct stealing on the part of anybody.

Q. Do you know of any moneys being paid or improperly used in the matter of securing traderships at those posts?—A. I only know this, that Mr. Grant came out there, I think in 1874.

Q. Which Mr. Grant?—A. Orvil Grant. That was in the fall of 1874. He came to the post at Fort Buford, and from there went to Fort Peck, and on his return he made some bargain with Joseph Leighton, but I do not know what it was, and Leighton went up there as trader at the posts of Forts Peck and Belknap. Tourney was also in that. It was under the same post there as Peck. It was a detached post. I also understood, and it was the general understanding of all of us there, that Bonnefan and Mr. Grant had also Fort Berthold, an Indian trading-post, Fort Stevenson, a military trading-post, and Standing Rock. I do not know what Standing Rock was.

Q. How many posts did that give to Mr. Grant and his associates?—A. That would make five, counting the detached post as belonging to Fort Peck, and six if it was a detached post.

Q. That is, if you count Fort Tourney as an independent post?—A. Yes, sir; that was our understanding there—the impression of the country. Fort Stevenson was a military post, but I do not know whether Standing Rock was a military post or not.

Q. I think the records show that it was a mixed post?—A. I think it is. It is an agency. There are troops there, at any rate.

Q. You say the Army officers all understood that Mr. Grant and his associates had six posts; that is, if Fort Tourney is to be counted as a post?—A. Yes, sir; that was my impression, gathered from the party that came up with Mr. Grant.

Q. In that conversation which you had with General Hazen, did he state to you or not that he had ever had any communication with the War Department in reference to these abuses out there, or these charges of black-mail?—A. I do not think he did. I could not be positive as to that. He mentioned to me letters that he had written to the New York Tribune, in 1872, upon that subject.

Q. Is there anything else, in addition to what you have stated, that you know in regard to any irregularities or improprieties in the management of these posts upon the frontier during your term of service there?—A. Only one thing, I believe. That was at John Tappan's. I have forgotten his middle name. He was Indian agent at Fort Berthold. He was relieved there in 1873 or 1874, but I cannot remember which, positively. He put in vouchers then for $40,000 worth of stores. I was told that by William Courtney, who was clerk there. The account was disallowed. He did not get it through. He claimed that he had to buy stores to support these Indians, but that the stores had never been delivered. That was what Mr. Courtney said. The claim was disallowed.

Q. The claim was put in for $40,000?—A. Vouchers were given, I think, to John H. Childs, of Sioux City.

Q. That is, the vouchers for $40,000 were given to Childs, of Sioux City, and the claim was disallowed on the ground that the supplies had never been furnished?—A. Yes, sir.

Q. That was at Fort Berthold?—A. Yes, sir. Then there was the fact of an agency having been burned down there last fall—1875. There was a row raised about it and published in the New York Herald, and Sperry went out and another agent was appointed.

Q. In consequence of the burning of the buildings at the agency?—A. Yes, sir; that and the purchase of supplies.

By Mr. ROBBINS:

Q. When was that application of the officers of Fort Sill for the appointment of Evans made?—A. I understand it was made to the Secretary of War, I think, in 1870 or 1871.

Q. Was it at the time when the post was first filled with a trader after the Secretary of War had the power to appoint?—A. I do not know. Evans had been trader, and they were making new appointments. I do not know what was the cause of it.

Q. The cause was that the law was changed, giving the Secretary the power to fill all these posts. You say that the application was made about that time?—A. I say I understood it was made. I was not at that post at that time.

By Mr. DANFORD:

Q. What fort are you at now?—A. Fort Buford, Dak.

Q. Do you know of any money being paid out there by any of these post-traders to any party for the purpose of keeping them in their places?—A. Nothing except what I have stated, at Fort Sill. That was the only one that I had heard of directly.

Q. Do you know of any other place?—A. Nothing except what I have read in the papers.

Q. All the information you have to give the committee is what is in the newspapers?—A. Yes, sir; except what have stated.

Q. In relation to Fort Sill, you have that directly?—A. Yes, sir.

Q. You say that Orvil Grant was out in that country. How many post-tradership do you know of his controlling?—A. Only the general understanding there, that he controlled the five that I spoke of, or, if Turney is counted as a post, six.

Q. You do not know anything except just from the general understanding and rumor?—A. From that and from what his party stated when he passed through Fort Buford. He came up in a wagon with three or four others. I only remember the name of one, Clark.

Q. Who were those parties?—A. I only remember one named Clark.

Q. Where is he?—A. I think he is at Fort A. Lincoln. He is a hunter, a frontiersman, and interpreter. He was going up there in that capacity, as I understood, with Mr. Grant.

Q. Going up there as trader or hunter?—A. Interpreter. They have interpreters at all these Indian trading-posts.

Q. You know nothing directly, of your own knowledge, in relation to these matters?—A. Nothing more than what I have stated.

By Mr. BLACKBURN:

Q. At the time you speak of Mr. Grant being out there, making the tour of inspection of these posts that he had, how was he traveling?—A. He came from Bismarck to Fort Buford in a spring-wagon; from Fort Buford to Fort Peck and return he used a four-mule Government ambulance. They were Government mules and a soldier driver.

Q. By whom was the Government transportation furnished to Mr. Orvil Grant for the inspection of these posts?—A. I suppose by the commanding officer, Major Moore, of the Sixth Infantry.

WASHINGTON, *March* 28, 1876.

ROBERT G. CARTER sworn and examined.

By the CHAIRMAN:

Question. What rank do you hold in the United States Army?—Answer. First lieutenant, Fourth United States Cavalry.

Q. Have you ever been stationed at Fort Richardson?—A. Yes, sir.

Q. When were you there?—A. I was there in 1871, 1872, and 1873, and afterward was stationed at Fort Clark, on the Rio Grande.

Q. E. W. Rice and Lewis M. Gregory were the post-traders at the time you were there?—A. Lewis Gregory was the post-trader. I do not know of any other post-trader.

Q. E. W. Rice appears by the record from October 6, 1870, to February 20, 1872. Gregory succeeded him February 19, 1872. Did you ever know a person named Rice there?—A. I never knew him personally; I have heard of him. Gregory was personally in charge all the time I was there.

Q. General McCook spoke the other day about some contract at Fort Richardson, in Texas. If you know anything about that, I wish you would give us your knowledge on the subject.—A. I know nothing about it except in my official capacity as post-adjutant there for General Mackenzie, Colonel of the Fourth Cavalry. I know that some time in 1871, about April or May, while I was post-adjutant, General Reynolds, colonel of the Third Cavalry, then in command of the department, sent up an order to General Mackenzie to receive a certain lot of corn contracted for by Adams & Wicks, contractors, at San Antonio; that General Mackenzie protested against receiving it on the ground that the corn was unfit for use, and that there were other contractors who had offered to put it in at a less price, and better corn; then that General Reynolds sent a positive order for him to receive it. General Mackenzie had a board of survey appointed to inspect the corn, and found it badly wevil-eaten and musty and unfit for use, and he still protested against receiving it, sending a communication this time, over General Reynolds's head, to the division headquarters, commanded by General Halleck. I wrote or copied the communications and letters in regard to it. That is all I know as to the matter.

Q. Was the corn accepted or not finally?—A. It was finally accepted. It was lying in the store-houses at Fort Richardson for over a year, I should say, and was finally issued to the horses, and was wasted; the horses would not eat it.

Q. How much corn was it, if you recollect?—A. I cannot recollect the exact amount. It has been five or six years ago; but it is my impression that it was somewhere between fifty and seventy-five thousand bushels.

Q. What price was the Government to pay for that corn?—A. That I do not recollect.

Q. You say it was a higher price than other contractors had offered it for?—A. Yes, sir; Mr. McComey was another contractor.

Q. Was it materially higher, to your recollection?—A. Yes, sir; it was.

Q. Amounting to as much as 10 cents to the bushel?—A. Yes, sir; I think it was 15 or 20 cents a bushel more than other contractors would furnish good corn for.

Q. General Reynolds insisted upon its being received?—A. Yes, sir. General Mackenzie stated in this communication that Adams & Wicks were, in his opinion, bad men; that they controlled the contracts in the State; that it was a common rumor at the post there that Adams & Wicks were in command of the department—that they ran the department; that they had cornered this corn—gone all over the country and done that, so that the other contractors had no chance whatever—Mr. McComey and others; and this is what he protested against; that, being an officer of the United States, he was compelled to be a party to the swindle.

Q. And yet General Reynolds insisted upon it?—A. Yes, sir.

Q. A board of survey declared the corn was not fit for use, and sent their report to General Halleck, who was then in command?—A. Yes, sir.

Q. Have you ever heard what became of that report?—A. No, sir; I never have.

Q. Do you know whether it was ever forwarded to headquarters here?—A. I do not. It was forwarded from the post of Fort Richardson.

Q. To Washington?—A. No, sir; through the proper channel.

Q. Would it be the duty of General Halleck to forward a report of that kind to the War Department?—A. Yes, sir; I think it would. I am speaking now of General Mackenzie's report.

Q. Notwithstanding this, you say that you were obliged to receive the corn?—A. General Mackenzie was obliged to receive it.

Q. It was used about a year afterward?—A. Well, sir, it was used along from that time up to a year from that time, and the horses eat a part of it, but most of it was wasted, and during that time General Mackenzie had to make arrangements for other corn to be put in to supply its place—new corn.

Q. Why was it wasted; on account of its unsound condition?—A. Yes, sir; being weevil-eaten and musty.

Q. General Reynolds was fully informed of these facts, was he?—A. Yes, sir. He preferred charges against General Mackenzie for willful disobedience of orders. That was one of the charges. There were a number of charges against him.

Q. Whatever became of those charges?—A. I reckon they were pigeon-holed somewhere.

Q. They were never tried, were they?—A. No, sir.

Q. Is it not general, when charges are preferred against an officer, to have them tried?—A. Yes, sir; if there is any ground for trying them.

Q. Would not there be strong grounds, if the facts were stated as Reynolds put them, that Mackenzie absolutely disobeyed his order?—A. I should think so.

Q. You never heard any more of it?—A. No, sir; I read a copy of the charges, and I know that he was not brought to trial.

By Mr. DANFORD:

Q. Did General Mackenzie ever demand a trial upon those charges?—A. I think he did; yes, sir.

Q. Of whom did he make the demand?—A. I think he wrote directly to the Adjutant-General.

Q. Are you confident of that?—A. No, sir; I would not swear positively as to that.

Q. An officer generally gets a trial when charges are preferred?—A. I think General Mackenzie received a communication stating that it was not advisable to bring him to trial.

Q. Where is General Mackenzie?—A. I do not know, sir, now.

Q. He is still in the Army?—A. Yes, sir; I saw the other day that he was on his way to Fort Sill, to join his post, from Saint Louis or from Leavenworth.

Q. What is his rank?—A. Colonel of the Fourth Cavalry and brevet major general.

By the CHAIRMAN:

Q. You say this occurred in 1871?—A. Yes, sir; about April or May. The charges were not preferred until later, however. They were preferred during 1871.

WASHINGTON, *March* 28, 1876.

J. E. BARROW sworn and examined.

By the CHAIRMAN:

Question. Were you post-trader at Fort Union, New Mexico, in 1868?—Answer. Yes, sir.

Q. By whom were you appointed?—A. I was appointed by General Grant.

Q. At that time he was General of the Army?—A. Yes, sir; and General Smith was the commander of the department. The application was sent to General Grant direct. I received my appointment, however, through General Smith.

Q. Had you the influence of any one to help you?—A. Yes, sir; I had the influence of

W. D. W. Bernard, the brother-in-law of John C. Dent, eldest brother-in-law of General Grant.

Q. What arrangement was there between you and Mr. Bernard in case you got the post?—A. I will give you the particulars of how I got to Mr. Bernard first: In the fall of 1867 I sent a large stock of goods to New Mexico from Saint Louis: after getting out there with them I found that I had no opportunity to sell them, trade being dull and no business going on, and I returned to Saint Louis for the purpose of applying for the tradership at Fort Union. At that time the law had been changed, giving the General of the Army the privilege of appointing one trader. I used some influence—went and saw Mr. Campbell, of Saint Louis, and also Mr. Thomas, who was then quartermaster in Saint Louis, to use their influence in getting the appointment, but found out I could not succeed in that way, and so was induced to apply to Mr. Bernard, knowing he was a brother-in-law of John C. Dent and an intimate friend of General Grant. I was induced, for that reason, to apply to him to obtain his influence in getting me this appointment, in order to enable me to get clear of my goods which I had out in that country, as I had no market for them. After making the application to him he advised me to give him my own application in writing for that post, which I did, and he wrote a letter, which he submitted to me, to General Grant, stating the terms which I proposed to give him, that is, one-third of the profits, if he would get me the appointment.

Q. You say that he showed you the letter which he submitted to General Grant?—A. Yes, sir.

Q. Were the terms of the agreement between you and Bernard stated in that letter?—A. Yes, sir.

Q. State what they were.—A. I was to give him one-third of the profits yearly for his influence with General Grant in getting me the place at Fort Union. It was a long letter. I read it carefully, and he read it. My application was contained in this letter and forwarded to General Grant. After some month or six weeks I received the appointment.

Q. Whom did you receive the appointment from?—A. It came from General Smith, but my application was made to General Grant direct.

Q. Go on and state all the facts.—A. After getting the appointment I removed my goods from Las Vegas, where I had them, to Fort Union, in the winter of 1867-'8, built my house, and opened my goods for sale. Mr. Moore was at the same time, also, sutler there. After being there some eight months, I was removed while I was absent at Saint Louis. Mr. Bernard, in the mean time, was out there, and proposed to take his share of the profits and stay in the house, which he did for some time. After I went to Saint Louis, in the fall of 1868, without any notification whatever I received a dispatch from my clerk, stating that my permit was revoked, and that Mr. Bernard was appointed in my place. I had a large stock of goods on hand, probably fifty or sixty thousand dollars' worth; my buildings cost me several thousand dollars. It was a thing unexpected to me, and placed me in a very peculiar situation, as I owed many thousand dollars at Saint Louis, to my creditors. I did not know what to do to give them satisfaction. I tried to make arrangements to sell out; I did not know whom to sell to; I could not take the goods away, as they were not adapted for any other place than a sutler's store. I then met Mr. Dent; Bernard had telegraphed Dent to see me, and to arrange about buying the stock of goods. I was not disposed to let Bernard have anything to do with it. He was considered a profligate and a man of very reckless habits, and a spendthrift. I took Mr. Dent down with me to the fort, and when I got there Bernard had charge of everything. I made the sale there to him, and went to Saint Louis to consummate it, and after I got there he refused to accede to the terms that he had made at the fort.

Q. Who refused?—A. Mr. Dent; but after two or three weeks I had to accept his own terms, which subjected me to a loss on the debts I had out there of $16,000 or $18,000, and a loss on my goods of between $30,000 and $40,000.

Q. You sold out then to John C. Dent?—A. Yes, sir.

Q. He was the brother-in-law of the President?—A. Yes, sir. There was at least sixteen or seventeen thousand dollars of debts owing me there, and I sold out to Dent at a loss of twenty-five or thirty thousand dollars.

Q. What were your total losses in the operation?—A. Between thirty and forty thousand dollars. I sold on long credit, and compromised with my creditors at fifty cents on the dollar.

Q. When you were supplanted by Bernard did you make any efforts to be retained?—A. I wrote to General Grant and told him the facts of the case, but got no answer from him.

Q. What did you tell him?—A. I told him that Mr. Bernard was a profligate, that he had got my things in his hands out there, that he had no money and no credit, and I was afraid to let him have charge of them, and of course I preferred to sell out to Mr. Dent or some one else and save myself.

Q. You received no reply from the President, who was then General of the Armies?—A. No, sir.

Q. In the letter which you sent to General Grant, making application for the post—it was written by Bernard in the first place, and in that all the terms of your agreement were fully set forth?—A. Yes, sir.

Q. That in case you were appointed Bernard was to have one-third of the profits?—A. Yes, sir.

Q. Was he to put any capital in?—A. No, sir.

Q. What was he to have that one-third of the profits for?—A. For his influence with General Grant in obtaining the appointment for me. I knew nothing of Mr. Bernard only what I had heard—that he had been intimate with him, been drunk with him, given him a horse, and all that kind of thing, and I concluded I would apply to him for my permit.

Q. Bernard, you say, is married to a sister of John C. Dent?—A. No, sir; Dent and Bernard married sisters.

Q. So that Bernard is not a brother-in-law of the President?—A. No, sir; he is a brother-in-law of John C. Dent. Bernard was appointed in my place, and then Dent was afterward appointed, and Bernard was then appointed inspector of banks in Saint Louis, which he is now. He is bank-examiner there.

Q. Has his character improved any since then?—A. I do not know. Gentlemen of Saint Louis will be apt to know better than I; they have seen him for years, and know his reputation. He is considered a profligate and a man of reckless habits.

Q. By whom was Dent appointed post-trader at Fort Union?—A. By General Smith.

Q. I see on the 6th of October, 1870, John C. Dent was appointed post-trader, according to the records of the War Department; that was under the new regulation?—A. Yes, sir.

Q. He had been under General Grant before that, under this appointment of which you speak?—A. Yes, sir; Mr. Moore was trader there some twenty-odd years; he was an old trader, and was removed at that same time.

Q. At the time you made your agreement with Bernard first, and when you got your appointment through him, was Dent interested in the third of the profits of Bernard, if you know?—A. I do not think he was.

Q. Was Dent appointed to any other post-tradership?—A. He was appointed to Camp Supply, through his brother, General Fred. Dent; I saw the letter stating when he would have the appointment made for him.

Q. He does not appear to be the post-trader there, [referring to the records from the War Department.]—A. I think the firm was Dent & Waters. That was the firm-name under which they bought goods. I think, probably, Mr. Waters might have been appointed. Mr. Dent and himself were in partnership.

Q. By the record here it appears that Edwin C. Latimer was appointed October 20, 1870?—A. This was in 1868 or 1869 that this man I am speaking of was appointed.

Q. The General of the Army appointed at that time?—A. Yes, sir; before the law was made giving two traders or three at a post.

Q. How long did you hold the post out there under General Grant's appointment?—A. Eight or nine months.

Q. Had you made any profits there?—A. No, sir; not at that time; we were in the way of making profits. I had spent a large sum of money in improving, and had built a house.

Q. What was your real investment?—A. The first stock of goods I took out there was thirty-seven thousand dollars' worth.

Q. What did your buildings cost you?—A. Seven thousand dollars.

Q. That would be $44,000 that you had invested there; and on that Bernard was to have one-third of the profits for the influence that he used with General Grant in getting your appointment?—A. Yes, sir.

Q. And General Grant knew of that fact?—A. The letter was read to me. My application was sent to him. I read the letter myself. It was addressed to General Grant.

Q. And shortly after that letter was sent to him you did receive the appointment through General Smith?—A. Yes, sir; he was the chief commander of the department.

Q. Would that have been the proper channel for it to come through, if the General of the Army appointed you?—A. Yes, sir.

Q. He would send it down through the commanding general of the department to the appointee?—A. Yes, sir.

Q. Where do you live?—A. In New York.

Q. What is your business there?—A. I am in the commission business.

Q. What is your place of residence in New York?—A. 35 West Thirty-seventh street. I lived in Missouri, however, twenty-two or twenty-three years previous to that.

Q. Did you ever have any communication, personally, with General Grant in reference to this matter?—A. No, sir; I never spoke to him in my life.

Q. You say that you wrote to him after Bernard superseded you?—A. Yes, sir.

Q. Did you appeal to him for protection?—A. I did; and I told him the facts in the case. I appealed to him for another post. I told him the way I had been treated by Bernard, but I got no reply from him.

Q. You never were appointed to any other place?—A. No, sir.

Q. Do you know of any cause for your removal?—A. No, sir.

Q. Were any complaints made against you?—A. No, sir; I had probably the best sutler's store in America, and the best stock of goods at that time.

Q. Was there no complaint on the part of the officers of the post against you?—A. Not at all; I had the entire good-will of everybody. General Brooke was then in command; he

is, I think, lieutenant-colonel of one of the regiments; his name was John R. Brooke. He gave me permission, and staked off my grounds for the buildings.

Q. At the time Bernard superseded you were there any efforts on the part of the officers of the post to have you retained?—A. Not at all; they knew nothing of it.

Q. You were in Saint Louis when you heard of it?—A. Yes, sir.

Q. And had left Bernard down there in charge?—A. He was not in charge. He had been spending my money and destroying my property in different ways, and I told my clerk not to let him have anything to do with it.

Q. But he was on the spot?—A. Yes, sir.

Q. Do you know how he got his appointment?—A. I do not; he got it through General Grant, as a matter of course. He seemed to take charge of everything at Fort Union. General Grier was commander after General Brooke left there. He seemed to have control over him, and in fact talked about having the post-commander appointed, and talked about the old man as if he was almost Secretary of War himself, and could accomplish everything. That was the way in which he conducted himself around the post and all through the Territory.

Q. You say he is now in Saint Louis, as bank-examiner?—A. Yes, sir; Mr. Dent is at Fort Union still, as sutler.

Q. You say for some time you made negotiations with Dent?—A. Yes, sir; that was after I had made the sale to him at Fort Union. We agreed to return to Saint Louis and consummate it. When I got there he refused to make the sale as we agreed upon before leaving New Mexico, and I consulted with my creditors. They advised me to sell out at his terms and take what he offered me. The goods were not adapted to any other place, and it was too far away to haul them back, and I had to take what I could get.

Q. You say that you had an agreement with Dent as to the terms before you left New Mexico?—A. Yes, sir.

Q. Would the terms that you had agreed upon there have left you out whole?—A. Yes, sir. I also had an agreement that he was to collect my debts, which he never did. Mr. Bernard collected them, and he had nothing to do it. I had his (Dent's) obligation to collect all that was coming to me at Fort Union, which was about $17,000.

Q. When you left New Mexico you say your agreement would have let you out whole if he had collected your debts?—A. Yes, sir.

Q. You got to Saint Louis, and then Mr. Dent refused to perform the contract?—A. Yes, sir.

Q. What were the grounds of his refusal?—A. That Mr. Bernard was his brother-in-law, and that he was a profligate man and would ruin him. That was one of the grounds. We had made the agreement, however, before we left Fort Union.

Q. Was it a written agreement?—A. Yes, sir; it was not signed, however. It was a memorandum agreement. We had just got through taking stock as the stage came up.

Q. You say you were in negotiation with him for some time, in Saint Louis?—A. Yes, sir; two or three weeks.

Q. Did anybody assist you in the negotiations?—A. Nobody.

Q. How much less did he finally agree to give you than he had contracted to do when you left New Mexico?—A. The cash payment was what he refused to do. I had to take two lots in Saint Louis, that were not of great value at that time, at a very large price. I sold the lots at $4,500 and took them from him at $10,000 in order to make the trade.

Q. What else did he pay you?—A. He was to give me $5,000 in cash. I think he paid me about $2,600, and the balance was paid out of my property at Fort Union, making the $5,000 in cash in that way.

Q. How much was the sum total that he did pay you?—A. I got his notes for $27,000—one at two years. I got $5,000 in cash, these two lots at $10,000, and I think another note, probably of $1,700. I think the whole trade amounted to about $54,000 in that way, taking the lots at $10,000.

Q. Which you were obliged to sell at $4,500?—A. Yes, sir; it was a very hard trade, but I consulted with my creditors, to whom I owed a great deal of money, in Saint Louis at the time, and they advised me to do it.

Q. You were obliged on account of this settlement to compromise with them at 50 cents on the dollar?—A. Yes, sir; for less than that.

Q. How much did you settle with them for?—A. At 40 cents on the dollar.

Q. Did you turn over the proceeds of this sale to them?—A. Yes, sir; I turned over $27,000 of notes—in fact all my debts due out there—at the same time. Mr. Dent's notes on one or two years' credit he compromised with for 50 cents on the dollar. He told them that the goods were too high when he bought them from me. That was about two years after. He had no property in Saint Louis. He had property in New Mexico. They settled for 50 cents on the dollar for that $27,000 worth of notes that he turned over to my creditors.

Q. Is Dent a man of property?—A. Yes; but I do not think he has got anything that you can get at. It is supposed to be in money.

Q. He had no property in Saint Louis?—A. He had these lots which I got, and he owned a portion of one of the large elevators there.

Q. This transaction ruined you financially?—A. Yes, sir; altogether. General Grant

knows it as well as I do myself. Mr. Bernard set forth in his application to General Grant his poverty and impecuniosity, and he told him that it would probably be the means of having him make some money. He also showed me a letter that he wrote to Mrs. Grant on the subject, calling her Julia. Bernard did this. It was asking her influence.

Q. Do you know whether those letters were sent?—A. I read them. My application was sent in the one in which he requested and begged it for me in his own way.

Q. Did you ever make any other application, save in this communication sent forward by Bernard?—A. Never.

Q. Therefore you judge from that that General Grant must have received it or you could not have been appointed?—A. Yes, sir; I did not know General Grant. Bernard wrote to him. Bernard showed me all the letters he sent before that. He read them to me.

Q. Do you know that General Grant received them, and how do you know that fact?—A. I got the appointment; that is the only way I know that.

Q. You made no other application?—A. No, sir. My application was sent direct to General Grant through Mr. Bernard.

Q. When you wrote the letter to General Grant, protesting against your removal, did you recall any of those circumstances?—A. Yes, sir; I wrote all the particulars about being removed from there without any cause.

Q. I mean did you recite the circumstances under which you received the appointment?—A. No, sir; I did not in my letter to him. I only spoke of being ruined on account of his removing me from the sutlership at Fort Union.

By Mr. ROBBINS:

Q. You say you got General Grant to appoint you through Mr. Bernard?—A. Yes, sir.

Q. What sort of a man did you say Bernard is?—A. At that time he was considered a very reckless and profligate man; that was in 1867-'68.

Q. And such a man as that, you say, had influence with General Grant?—A. Yes, sir; unbounded.

Q. What means had you of knowing that he had influence with General Grant that caused you to apply through him?—A. General Grant had been with Mr. Bernard. He lived with him when he was a poor man in Saint Louis, for a number of years.

Q. When who was a poor man?—A. General Grant.

Q. Was he ever a poor man?—A. I presume so. That was the understanding in Saint Louis, that he was a poor man. I think Mr. Bernard lived on the Gravois road. General Grant lived probably eight or ten or twelve miles from Saint Louis, on the Gravois road, as it was called.

Q. How did you happen to be in Saint Louis when Bernard was at the time in charge of your matters?—A. I was in Saint Louis to buy goods.

Q. Leaving Bernard in charge?—A. No, sir; I had objected to his having anything to do with it at the time. He was in Santa Fé when I went away.

Q. Who was in charge when you came after the goods?—A. Mr. Mickels, the clerk.

Q. How came Bernard to get in charge of it while you were gone?—A. When I was relieved from my appointment, and Mr. Bernard was appointed, he took possession.

Q. Do they appoint a man down there to other men's property as well as to their post?—A. No, sir; he was presumed to have the whole thing in his own charge after I left there.

Q. That did not give him the ownership of your goods?—A. Not at all.

Q. Did he take control of them as if he had owned them?—A. Yes, sir.

Q. Are there no courts of law out there?—A. There was not much at that time in Fort Union except the military. General Grier was commander there.

Q. Suppose a man takes possession of another man's house out there, where do you get your remedy?—A. I wanted to get a remedy by selling out as soon as possible.

Q. But suppose a man takes deliberate possession of another man's goods, is there any opportunity of getting redress?—A. It would depend upon the place that he was situated in.

Q. Is there no court?—A. Yes, sir.

Q. Why did you not bring suit?—A. I would not have had anything to bring it about if I had waited to get the courts in operation; he would have squandered it all. They got two wagon-loads of my sugar and coffee while I was in Saint Louis, before I was removed. Bernard did that. He bet it off on the election, betting that Grant would carry New York by 20,000.

Q. Did he lose it or win it?—A. He lost it.

Q. And it was your sugar?—A. Every dollar's worth of it was mine. He did not have credit enough to buy a shirt.

Q. Who gave Mr. Bernard countenance in taking possession of your property in that irregular way?—A. He was there, I suppose. He was appointed, and being around in the house sometimes, Mr. Mickels, the clerk, did not know what to do.

Q. What sort of a man is Mr. Mickels?—A. He had been in the Army for some time as quartermaster's clerk; he was brother-in-law of General Bradley, who was quartermaster at the post. He was a very excellent man, and a good business man.

Q. What effort did he make to prevent Bernard from taking control and possession of your property?—A. None at all. He just turned it over to him after he got the appointment.

Q. I do not understand this. When they appoint a man to a post and remove another, do they appoint the last man to the stores, house, and goods, also, of the first man?—A. This was under peculiar circumstances and with a peculiar man. Bernard assumed to have control of the whole post, General Grier and all.

Q. I suppose they did not allow him to exercise control because he assumed it?—A. He did it when he took possession of my property and goods, and squandered off a portion of them while I was absent.

Q. Was Mr. Dent responsible for him?—A. No, sir; not at that time.

Q. Did he become so in any way?—A. No, sir; not afterward. After I sold out to Mr. Dent he took possession of the property.

Q. Did you sell the goods while Bernard was betting them and wasting them in that way?—A. Yes, sir.

Q. You spoke about Dent's making a bargain, and then afterward not standing to it. When he made the first bargain, Bernard had not squandered the goods, had he?—A. Yes a good many of them.

Q. I suppose that Bernard was squandering goods all the time, so that Dent found it necessary to change the bargain?—A. When I found out that he was squandering too many I prohibited him from entering into the house at all.

Q. But you have implied here that Mr. Dent flew from a bargain?—A. He did.

Q. But if Bernard was squandering your goods in the meantime, while that bargain was being consummated, was not it right for Dent to have a rehearing on what he was to pay you?—A. It was after he went to Saint Louis that he declined to accede to my terms.

Q. Did he take charge of the goods at that place?—A. Bernard had charge of them when I made the bargain with Dent at Fort Union.

Q. Did you turn over the goods to Dent?—A. Bernard had charge. There was nothing said about it until we got to Saint Louis—about his having anything to do with it. He was then sutler at the post. I presumed they were Dent's goods until we got to Saint Louis, and then I found out they were not. He declined the terms that we had made at the post. He was then 900 miles away from Fort Union. It was hard to tell who had charge of them except Bernard. Dent declined acceding to the terms.

Q. I still do not understand how it was that you and Dent came away and left such a fellow as Bernard there, tearing things around.—A. I presumed that the trade was already made, and that I had nothing to do with it—that it was Mr. Dent's property at that time.

By Mr. BLACKBURN:

Q. Was this letter that you speak of, written by Mr. Bernard to Mrs. Grant—was it written before your appointment was given?—A. Yes, sir; it was written in October or November preceding. I received the appointment on the first of January, 1868.

Q. What was the character of that letter?—A. Well, it was just telling Mrs. Grant, also, what my terms were, and he plead his poverty.

Q. Saying that he was to have a third interest if he could get you the appointment?—A. Yes, sir.

Q. And making an appeal to her on that account?—A. Yes, sir. The facts were presented as they were to General Grant in the letter that he wrote to General Grant submitting my application.

Q. And fully explained?—A. Yes, sir. Bernard wrote my application in his own handwriting and submitted it with this letter to General Grant.

Q. Do you know whether Bernard ever had personal interviews with Mrs. Grant or General Grant on that subject?—A. I do not.

Q. Did he never tell you?—A. No, sir.

Q. Do you know whether he ever received any replies from either one or the other, other than the appointment which you got?—A. I do not think I ever saw any replies. I left for New Mexico. My goods were out there; I had $37,000 or $38,000 worth of goods at that time. I did not wait here for the appointment.

Q. Where do you live?—A. In New York.

Q. How long have you been there?—A. Between three and four years.

Q. How long did you stay in Saint Louis after you compromised with your creditors at 40 cents on the dollar?—A. For a year and a half or two years.

Q. You took down $37,000 worth of goods?—A. Yes, sir.

Q. You got notes from Dent for $37,000?—A. No, sir; $27,000.

Q. You turned them over, dollar for dollar, to your creditors?—A. Yes, sir.

Q. How did it happen, then, that it was necessary to compromise with your creditors at 40 cents on the dollar?—A. It was some several months after that before I did that. I turned over all my assets.

Q. You turned over $27,000 of Dent's notes, and turned over these two lots in Saint Louis at $10,000 for the two, making $37,000?—A. Yes, sir.

Q. If you only took $37,000 worth of goods out to New Mexico, why was it necessary——

—A. In the mean time I had bought $50,000 or $60,000 worth of goods from January until October or November. I had bought a great many more goods than that.

Q. You had sold them out. What had you done with the money?—A. I had it in my business.

Q. You had all the money which you had turned into your business?—A. Yes, sir. I took out there in the first place, not for the posts, but goods that I had of my own in Saint Louis, $37,000 worth.

Q. Then, as you sold you replenished your stock?—A. Yes, sir; two or three times.

Q. How much capital did you finally put into the business out there?—A. When I first went into New Mexico I had $37,000 worth—not for that post, however. I had been out there frequently before; I had traded out there in 1861, and sold out my goods to different parties.

Q. You got $27,000 in notes from Dent, $10,000 worth of lots, and compromised with your creditors at 40 cents on the dollar. Now, about this letter. You say Grant was then General of the Army?—A. Yes, sir.

Q. Where was his headquarters?—A. Washington City.

Q. You say that Bernard sat down and wrote to him a letter; how did he address him?—A. General Grant.

Q. And he went on to say: "Here is a friend of mine, Mr. Barrow, who desires to get the sutlership at Fort Union, New Mexico, and he proffers that for my influence in getting that appointment he will give me one-third of the profits." You say that was sent to him?—A. Yes, sir; I read it myself, and he sent it inclosing my application.

Q. And in substance that thing was contained in it?—A. Yes, sir.

Q. You did not consider that to be an insult to the General of the Army at all?—A. I did not know anything about it.

Q. It was a straight business transaction in your eye, was it?—A. Bernard and General Grant were peculiarly situated, and had been for years. I knew that very well from what I had heard.

Q. They must have been.—A. That was the fact.

Q. You never heard of that letter afterward?—A. Not at all.

Q. Where were General Smith's headquarters at that time?—A. Saint Louis or Fort Leavenworth, and I have forgotten which; I think probably Saint Louis.

Q. Then any letters or papers on file in that case would be at the headquarters, wherever they are?—A. Yes, sir.

Q. Why was it that it was necessary for him to write to Mrs. Grant the same kind of letter that he wrote to General Grant? Can you conceive any reason for that?—A. They were intimate friends and relations.

Q. Mrs. Grant and her husband are supposed to be intimate friends, also, are they not?—A. You do not know Mr. Bernard as well as I know him.

Q. Was Mrs. Grant with her husband at the headquarters of the Army at that time?—A. Yes, sir; in Washington.

Q. Can you conceive any reason why it was necessary to write a letter to her embodying the very same things which were embodied in the letter to her husband?—A. I do not know as I can give any particular reason.

Q. You read that letter too?—A. I read both of them.

Q. Who was it addressed to?—A. Mrs. Grant.

Q. How was it addressed?—A. I do not recollect. I recollect he called her Julia instead of Mrs. Grant.

Q. That is, Bernard did?—A. Yes, sir.

Q. And that letter was sent at the same time that the letter was sent to the General?—A. Not the same day.

Q. I understood you to say it was?—A. No, sir.

Q. How many days afterward?—A. I do not recollect. It was before I left for New Mexico.

Q. Was it sent before or afterward?—A. It was afterward.

Q. Where were you at the time?—A. I was in Saint Louis, at the house of Julius H. Smith & Co.

Q. Was this letter addressed to Mrs. Grant before you got your appointment, or afterward?—A. Before I got it.

Q. You do not know how long after the letter was addressed to the General?—A. I got the appointment on the 1st of January, and the letter was written in October, I think.

Q. That was directed to her at Washington?—A. Yes, sir; I read them both.

Q. I believe you have stated that you have never seen either of those letters since?—A. No, sir; they were private letters; they were not official letters at all.

Q. What had the General to do with the appointment of a sutler at Fort Union at that time?—A. I know nothing about that, only I applied to him. I applied, I think, to General Smith, and sent my application to him. I think that was probably the way.

Q. Where did you send your application?—A. To Washington, in this letter of Bernard's.

Q. You sent your application direct to General Grant?—A. I think it was sent to General Smith—sent to General Grant by Mr. Bernard.

Q. Where did you send your application?—A. It came to Washington City first.

Q. Whom to?—A. It was sent to General Grant—it was directed to General Grant. My application, I think, was directed to General Smith, of the Army, but the application was sent to General Grant by Mr. Bernard.

Q. Your application was directed to General Smith, but sent to General Grant; is that what you say?—A. Yes, sir; I did not send my application to General Grant at all; Mr. Bernard did.

Q. How did you say that it was indorsed?—A. I do not know how it was.

Q. In fact, you do not know whether General Grant ever saw the application or not, or had anything to do with your appointment?—A. The letter was sent to him and read to me.

Q. How do you know it was sent?—A. I saw it. Bernard wrote the letter, and my application was with it.

Q. What did you do with that letter?—A. I did not do anything.

Q. You left it in Bernard's hands?—A. Yes; I presume it was put in the post-office; he wrote it and read it to me, and he wrote my application and inclosed my application to General Grant.

Q. Was it put in the envelope before you parted with it?—A. Yes, sir.

Q. And addressed?—A. Yes, sir; I saw the whole letter.

Q. Was it sealed up?—A. Yes, sir.

Q. And stamped?—A. Yes, sir.

Q. Who put the stamps on?—A. Bernard. It was written in the office of Mr. Smith, where he was a clerk.

Q. Did you not see it mailed?—A. I did not; it was put in the box, I presume.

Q. What was the last you ever saw of that application in the letter to General Grant; where was it the last time you ever had your eyes on it?—A. In the office of Julius H. Smith & Co., in Saint Louis.

Q. You got down to your post and were finally superseded by Bernard?—A. Yes, sir.

Q. He was your partner?—A. No, sir; he was nominally a partner; he was a partner in the profits and nothing else; he did not own a dollar of my goods or property whatever.

Q. And paid you no interest whatever on any investment?—A. Nothing. He received one-third of the profits for his influence in obtaining the appointment.

Q. When he was appointed he went down there and took charge of your goods and everything?—A. He did not go down till several months afterward.

Q. But I say when he was appointed post-trader he went down and took charge of your goods and everything else?—A. He was there when he was appointed; and I was absent. He did not have charge of my goods, however. He was in Santa Fé when I went to Saint Louis from Fort Union.

Q. But he got charge of everything, and you were compelled to sell out to somebody else to keep him from wasting your goods?—A. Yes, sir; that is it exactly.

Q. How long is it since you have known Bernard?—A. The first or the second time I ever met him, I think, was at that time in Saint Louis.

Q. He is of a particularly profligate character?—A. He was known so in New Mexico and also in Missouri.

Q. That is, his reputation about Saint Louis was that of a particularly profligate man?—A. Yes, sir.

Q. Did you ever say anything to the Secretary of the Treasury or to anybody else about having such a profligate man as bank-examiner?—A. Not at all.

Q. You never made that your business?—A. No; it was none of my business. I knew Mr. Bernard had influence with General Grant, and I went to him and made the application to him and proposed to pay him so much. That was written to General Grant, and the letter was read to me and my application was inclosed to him.

Q. You have no knowledge that the general got it?—A. I got the appointment for a very short time—long enough to ruin me.

Q. Through General Smith?—A. Yes, sir; I got the appointment through him.

By Mr. DANFORD:

Q. I expect you were ruined but I declare I cannot see how it was.—A. I can give you the data.

Q. You had only $37,000 worth of goods down there and I understand you to say that you turned over $37,000 to your creditors?—A. I had $17,000 worth of debts there for goods that I had already sold. Mr. Dent only paid $14,000 out of the $27,000 to my creditors; you do not understand that I had brought a great many other goods down there. Thirty-seven thousand dollars was the original amount I had when I went to New Mexico, but not to Fort Union. My creditors in Saint Louis have a statement of my affairs; I gave it to them when I turned over to them this property consisting of Dent's notes and other things.

By the CHAIRMAN:

Q. When did you first send those $37,000 worth of goods to New Mexico?—A. In the fall of 1867.

Q. Between the fall of 1867 and the time you made this arrangement with Dent, had you

added to that stock of goods by purchase of other goods?—A. Yes, sir; I suppose $75,000 and probably more.

Q. You had increased it up to $75,000?—A. Yes; in my different purchases.

Q. So that instead of having only $37,000 invested you had over $60,000 certainly?—A. Yes, sir.

Q. And that is accounted for by the fact that you had made large purchases in the interval?—A. Yes, sir.

Q. General Smith was department commander; your application, however, for the post, was sent directly, you say, to General Grant?—A. Yes, sir.

Q. Why did you not send that application to General Smith, who was then in Saint Louis or at Leavenworth?—A. I understood that there was no use doing so. Mr. Moore, who was then trader out there, had been there for twenty years. He had a great deal of influence with the military, and I knew that there were a great many persons who had tried to get the appointment and who had not succeeded. I was advised by different parties to apply to Bernard as having more influence with General Grant than any other man in Saint Louis.

Q. So that, instead of sending your application to General Smith, you had it mailed directly to General Grant?—A. Yes, sir.

Q. Then you received the appointment through General Smith?—A. Yes, sir.

Q. Had you ever in any way applied to General Smith?—A. No, sir.

Q. The only application you ever made, then, was the one which you made through Bernard to General Grant himself?—A. Yes, sir.

Q. Your application, however, inside was directed to Smith?—A. Yes, sir; and I got it in that way—my appointment from General Smith.

Q. Then you had never known Bernard in Saint Louis until about the time you got him to intercede with Grant for you?—A. No, sir.

Q. You got him to intercede because you understood that he was related, distantly, by marriage; by reason of his supposed influence with the then General of the Army?—A. Yes, sir.

Q. When did you leave Saint Louis?—A. In 1870.

Q. Was Bernard bank-inspector at the time you left?—A. I do not think he was at that time.

Q. So that you have not been there to know what his character is since that time?—A. No, sir.

Q. And you have had no interest in the character of the man who might be a bank-inspector there?—A. None at all.

Q. You have resided in New York since then?—A. Yes, sir.

Mr. ROBBINS:

Q. How long were you a trader under that appointment?—A. Eight or nine months.

Q. You say Bernard was appointed when you were turned out?—A. Yes, sir.

Q. And then Dent was appointed soon afterward?—A. Yes, sir.

Q. And in turning around in that way Dent managed to get into you pretty deep?—A. Bernard knows it.

Q. I say that is what you state.—A. Yes, sir.

Mr. DANFORD:

Q. You had purchased goods during the nine months that you were sutler at Fort Union, to a very considerable amount?—A. Yes, sir.

Q. You had been selling goods there all that time?—A. Yes, sir.

Q. What had you done with the money?—A. Seventeen or eighteen thousand dollars was due me when I was turned out.

Q. What was done with the rest?—A. At the time that I turned this property over to my creditors I still had some money—my partner's money, who was interested at that time with me at Fort Union. I then went to the plains, to Utah, with some other property.

Q. And went into business?—A. Yes, sir. This property was turned over. I gave them all of my assets at Fort Union to pay the debts that I owed there.

Q. When you sold goods down there, did you take money and purchase goods at Saint Louis?—A. Yes, sir; I might probably have purchased as high as $75,000 to $100,000 worth of goods when I was there, with what I had on hand when I went. The goods I took there in the first place were not anything for the fort. I had sent them out there before I applied for the appointment.

Q. Do you sell at a pretty big profit down there?—A. We did not at that time; we had competition. Moore was an old sutler, who had been there for twenty years, and had a large trade, and the only way I could do anything was to sell at a much less profit than he did.

Q. Where did you go in business next, after you left the fort and went out on the plains?—A. I went to Corinne, which was then the terminus of the Union Pacific Railroad.

Q. In any Government or Indian capacity?—A. Not at all.

Q. You are now doing business in New York?—A. Yes, sir.

WASHINGTON, *March* 28, 1876.

J. D. WOOLAY sworn and examined.

By the CHAIRMAN:

Q. You are the post-trader at Fort D. A. Russell, in Wyoming Territory?—A. Yes, sir.

Q. Were you appointed March 11, 1871?—A. I was appointed in 1867 first, as sutler.

Q. But subsequently you were appointed as post-trader in 1871?—A. Yes, sir; in March, 1871.

Q. Who procured you the appointment as sutler in the first place?—A. It was by recommendation of the officers of the garrison.

Q. Was it on their recommendation that you were continued as post-trader?—A. Partially, I suppose. I brought a petition of that kind here.

Q. Have you ever paid any person for your appointment to that post?—A. No, sir.

Q. Have you ever paid to any department commander, or any member of the staff, any premium in any way for being permitted to continue there?—A. Never, sir.

Q. Do you know Governor Thayer?—A. Yes, sir.

Q. He was United States Senator from Nebraska?—A. Yes, sir.

Q. How long have you known him?—A. Some ten or eleven years.

Q. Are you an intimate friend?—A. Yes, sir.

Q. Did he assist you in getting your last appointment as post-trader?—A. He recommended me, with other Senators and Congressmen.

Q. Do you know Posey S. Wilson?—A. I do.

Q. Does he reside at Cheyenne?—A. Yes, sir.

Q. Have you ever had any conversation with him regarding the post-traderships?—A. Not that I remember. I presume likely I have in relation to my business there.

Q. Have you not had a conversation with him during the last month—March?—A. No, sir; I do not think I have seen him in three months. He is out of business now.

Q. How long is it since you did see him?—A. Really, I cannot tell. I have seen him but very few times in the last five or six months, since he has failed.

Q. He used to be a banker out there, did he not?—A. Yes, sir.

Q. Did you keep your accounts there?—A. I have kept an account there, but not of late years.

Q. Did you ever have any business transaction with Senator Thayer?—A. Yes, sir.

Q. Of what nature were they?—A. I employed him two or three times since he was Senator to come on here to Washington to explain matters where there was some complaint made against me.

Q. Did you pay him for his services?—A. I did.

Q. What sums did you pay him?—A. I cannot tell. I think the highest was $350 that I paid him for coming on. I think I paid him somewhere from $800 to $1,000; I do not remember the exact amount. It cannot exceed a thousand dollars but a very little, if it comes up to that amount.

Q. What kind of business had you here for him to attend to?—A. At one time there was a complaint, or at least an attempt made by parties in Omaha to have me removed; also parties in Cheyenne at another time. I was ill and away from home. I wrote to him at Lincoln when I was residing there, to ask him to go on. He did. In another instance we were trying to get the sutlership part of it placed back on the old line; that was, to have the council of administration examine the goods and put the prices on, and take a lien on the soldiers' pay to a limited amount, by order of the company commander. I wrote to General Thayer then, asking him to come on and I would pay his expenses, with other parties with me. He came on. I paid him myself. I think that was the time I paid him $350; I won't be positive.

Q. Other parties paid him?—A. No, sir; they were to pay with me, but did not; I paid him myself.

Q. That is all the money you ever paid him?—A. I think that is the amount. I could not say within a hundred dollars, or two hundred dollars, but I never paid him much more than that, if I have over that.

Q. Had he ever any interest in your post-tradership?—A. Never; no, sir; not a dollar in it.

Q. Was he Senator of the United States when you paid him these sums of money?—A. No, sir; I think the first payment I made him was in August, 1872. I am not positive of that, however.

Q. Do you know who it was that proposed the amendment to the bill of 1870 giving the appointment of post-traders to the Secretary of War?—A. I am of the impression that it was Senator Thayer.

Q. Did you ever have any conversation with him about that?—A. No, sir.

Q. How did you happen to know that Senator Thayer had proposed this amendment to the act of 1870?—A. Really I cannot tell; but I think it was generally known, particularly by post-traders. They watched those points very closely in relation to their own business. Probably from newspapers. I do not know otherwise.

Q. Did Senator Thayer ever claim from you any credit for having put these appointments into the hands of the Secretary of War?—A. No, sir; I do not remember that he has.

Q. Had you not a conversation with him in which he claimed that he was entitled to some privileges for that reason? I mean with yourself as an individual or with post-traders generally?—A. No, sir.

Q. Are you certain of that?—A. I am very positive of it. I do not remember anything of the kind.

Q. Have you ever had any conversation of that kind with Posey S. Wilson?—A. No, sir.

Q. Are you quite certain?—A. I am very positive. I may have had a conversation with him, that Senator Thayer had proposed that bill, or something of that kind, but not that there was any claim from him for it. Very likely I have talked to him on that subject.

Q. Did you never say to him that you could testify that for years you had been obliged to pay him money there on your post-tradership—I mean that you were obliged to pay money to Thayer for your post-tradership?—A. I never made a statement of that kind to any human being. I never was obliged to pay him a dollar.

Q. You have no recollection of any such conversation with Mr. Posey?—A. I have not.

Q. You are quite certain that you were not in the habit when you were sutler or post-trader of paying premiums to the department commanders or their staff for their influence in keeping you in place?—A. Never in my life.

Q. Did you ever do anything in the shape of giving them goods at cheaper prices than other people?—A. No, sir.

Q. You charged them the same prices that you did the soldiers?—A. Exactly. I have given an officer, I suppose, a bottle of whisky or a bottle of wine when he was going away, or something of that kind, but that was not for influencing my post, however.

Q. You think it was about 1871 that Senator Theyer came here for you?—A. No, sir; 1872.

Q. When did he leave the Senate?—A. That I do not know. I think his time must have been out in March, 1871.

Q. Did Mr. Hitchcock succeed him?—A. Yes, sir; I think he did. I think it was in March, 1871, that his term expired.

Q. And it was in 1872 that he came on here to Washington?—A. Yes, sir.

Q. Once you paid him $300, and then at other times you paid him other sums amounting in gross to about $1,000?—A. Yes, sir; I should think it might have been that. It might have run a few hundred dollars over it.

Q. It may have been $1,500?—A. No, sir; I think not.

Q. Would it be $1,400?—A. I cannot remember the number of times that he was here; it was somewhere from $800 to $1,200 as I have stated. I could not come any nearer than that. Possibly it will run over $1,200 and possibly under it.

Q. Have you some account of it on your books?—A. I think I have.

Q. Did he ever render you any other service than coming here to Washington for you?—A. Not except for this purpose.

Q. Why did you send Senator Thayer here? Whom did he have influence with here?—A. I sent him because he was one who recommended me, and the Senator nearest to my Territory. He was a gentleman I had known for a number of years, and I was on very pleasant, friendly terms with him.

Q. You have been in the habit of contributing money for political purposes?—A. Yes, sir.

Q. How much were you taxed, if any amount?—A. I never was taxed. I sent here at the present presidential election, I think, either three or four hundred dollars. I sent on two different checks.

Q. Did you ever get a letter from Senator Harlan on that subject?—A. I think not; I do not remember. The first draft was sent immediately after General Grant was nominated, and before there was any circular. I think the circular came in my absence; I never have seen it. It came after I had sent the first draft.

Q. Then you sent $300 or $400 during that canvass?—A. Yes, sir; I think about that.

Q. There was no fixed amount for you to pay, was there?—A. I was not asked for any fixed amount. I think the circular may have stated the amount. I did not see it. The book-keeper told me a circular came.

Q. Did you pay in full?—A. I do not know whether I did or not; I do not remember the amount. The first draft, as I say, was for about $250, I think.

Q. That you sent voluntarily?—A. Yes, sir; then I sent another one, but I never saw the circular.

Q. But you heard it was about, did you not?—A. Yes; I knew that, but I sent mine before I heard anything of the kind. I sent it because I considered it was my duty to do it. Of course, I paid for my own territorial elections there.

Q. Is that the habit of other post-traders?—A. I do not know, sir; I simply considered t my duty to sustain my party, and I did so with the amount of money I felt I was able to put up.

Q. That is the only sum of money that you ever paid in any way to anybody for your post-tradership—your political contributions?—A. Yes, sir.

Q. You had Senator Thayer engaged as counsel to protect you?—A. Whenever I was in

any difficulty, I got Senator Thayer to come here and explain away the matter to the Secretary of War.

Q. He and the Secretary of War were friends?—A. Yes, sir; I supposed they were. I never met them together. I never met the Secretary of War, I think, but twice in my life.

Q. Did you ever have any conversation with him about your post?—A. Yes, sir; when I first came on.

Q. You received your first appointment, when?—A. I came here in July or August, I think, 1871. Then I came in February again. The appointment followed me home.

Q. Did you see the Secretary of War then?—A. I saw him in the summer. I do not remember whether I saw him in the winter or February of 1871 or not. I remember seeing him in the summer. When I came here, I brought my petition. It was signed by the officers of the post, the governor of the Territory, and the chief-justice. Several officers here went with me to the Secretary of War.

Q. That was in February?—A. No, sir; that was in the summer. I came on here after Congress adjourned, either in July or August. I did not get my appointment from the Secretary of War then, but I came on in February again.

Q. You are mixed a little about dates?—A. I mean in 1870 I came here.

Q. And you then did not get your appointment until March, 1871?—A. That is it.

Q. You saw the Secretary of War during the summer of 1870?—A. Yes, sir.

Q. And in February, 1871, you came on with your credentials?—A. Yes, sir; I brought my first petition in the summer of 1870.

Q. What was the reason you were not appointed then?—A. I do not know.

Q. Whom did you present them to?—A. The Secretary of War.

Q. What did you say to him?—A. I applied for the post. He told me that he did not feel disposed to make an appointment at present; neither would he remove me at present—he would wait until Congress convened. I came on myself then again, and got what political influence I could get to bear from personal friends. I was told before I left here that I would be appointed, and my appointment was sent to me.

Q. What was the reason that he would not appoint you at first?—A. I do not know.

Q. Did he assign you any reason?—A. No, sir.

Q. Did you hear of any from anybody here?—A. I never heard of any reason.

Q. Were you asked to call upon any persons around this town to help you?—A. No, sir.

Q. Did you ever go to anybody?—A. No.

Q. Do you know General Rice?—A. Yes, sir; I met him.

Q. Did you talk to him about it?—A. No, sir.

Q. You did not talk to anybody here in Washington about it?—A. I presume I did to some of my friends, but I never asked for any influence. I considered that I had enough political influence of my own without asking.

Q. It did not seem that you had?—A. In 1870, of course, there was no one here. I came on with the petition signed by the officers in the summer.

Q. That was not enough to get you the appointment?—A. It appeared not.

Q. Then in February, 1871, when you came on here you had about the same petition?—A. Yes; with letters from other parties.

Q. Did Governor Thayer go with you that time?—A. No, sir.

Q. Who did in 1871?—A. General John E. Smith, who was in the War Department, and General William Meyers recommended me, and the petition was signed by the officers of the garrison—Colonel King.

Q. Who went up with you to see the Secretary in February, 1871?—A. I do not think I went up there in February; I do not think I saw him.

Q. You just filed your papers?—A. Yes, sir; I do not remember seeing him in the winter when I came here.

Q. You are certain that you did not have any counsel in that matter there?—A. I had no counsel at all.

Q. You only employed counsel subsequently when you got into slight difficulties about your post?—A. That was all.

Q. General Thayer was your standing counsel, was he, in these matters?—A. In these matters when I wanted him I wrote to him and he came on.

Q. Who was your general counsel in your other law business?—A. I have had Mr. Steele, our Delegate, at one time, and Mr. Corlett.

Q. Then Senator Thayer was only your counsel in these matters with the War Department?—A. That was the only matter that he ever did for me.

WASHINGTON, *March* 28, 1876.

EDWARD WELCH sworn and examined.

By the CHAIRMAN:

Question. Are you a post-trader?—Answer. I am.

Q. Where?—A. At Fort McPherson, Nebr.

Q. You were appointed post-trader April 25, 1871, and you hold the appointment now?—A. Yes, sir.

Q. Do you reside at Fort McPherson?—A. Yes, sir.

Q. Where did you reside when you were appointed?—A. I had been with the Army for about eleven years. Previous to that I had been in the sutler business as a sutler and in the employ of a sutler.

Q. Where was your home prior to that?—A. Iowa, at the beginning of the war.

Q. Whereabouts in Iowa?—A. Iowa City.

Q. Are you a relative of the late Secretary of War?—A. No, sir.

Q. Who procured your appointment?—A. I filed several papers. In the first place I had the signatures of all the officers of one regiment and about half of the officers of another regiment, and some scattering officers of other regiments, and Governor Kirkwood's signature and also Senator Harlan's.

Q. You have an interest in Camps Sheridan and Robinson?—A. No, sir; not in Camp Robinson. I had in Camp Sheridan.

Q. What is the name of your partner at Camp Sheridan?—A. A. T. Fay.

Q. When was Mr. Fay appointed at Camp Sheridan?—A. I forget the exact date. I know I left immediately after receiving it.

Q. Do you mean after he received it?—A. Yes, sir; the only date that I recollect was on leaving the railroad with the stock of goods on the 15th of November, 1875.

Q. He was appointed the first of October, 1874, as the War Department record shows?—A. Yes; I was mistaken as to the dates. I went over there in November, 1874.

Q. Is any person interested with you at Camp McPherson?—A. Yes, sir.

Q. Who is it?—A. Mr. R. F. Bowers of Keokuk.

Q. Is he not related to the Secretary of War?—A. Yes, sir; a brother-in-law, I believe.

Q. Has he been interested with you from the beginning?—A. Yes, sir.

Q. Did he get the appointment for you?—A. No, sir.

Q. How much money has he invested there? Did he ever put any money into your concern? I desire to know what his interest is in it. How much did he put in?—A. Four thousand four hundred dollars.

Q. Did you put in a like amount?—A. No, sir; $2,200.

Q. Then he has two-thirds interest and you one-third?—A. Yes, sir.

Q. You say that he did not get you the appointment?—A. No, sir; I made my application. I got these papers and Governor Kirkwood's signature and came on here, and was introduced to the Secretary of War by General John E. Smith, who was then on duty in the War Department. I merely had a letter from a lieutenant who used to be his adjutant, who was in the Fourteenth Infantry, the regiment I was sutlering for, merely introducing me to Colonel Smith, and he introduced me to Secretary Belknap, and I filed the papers. He told me that he would look them over and see about that; that I need not wait; that I could go home, and if they concluded to give me an appointment they would send it.

Q. Was there a letter from Mr. Bowers among them?—A. No, sir.

Q. Did you tell the Secretary that Mr. Bowers would be interested with you?—A. No, sir; I did not know anything about it at the time. I never met Mr. Bowers; I did not know that there was any such man as that then.

Q. When did Mr. Bowers go in with you at McPherson?—A. He went in from the beginning.

Q. You say that there was no arrangement, though?—A. I know that; but I wish to explain it to you. I went home, and in the course of a month or two afterward Mr. Bowers sent a letter to me, through a friend of mine. It seems that Mr. Bowers had been in Washington and had learned that I was an applicant for a post. This friend of mine, who was then postmaster in Iowa City, wrote to Mr. Bowers in my behalf, stating that if he wanted a partner in a post I would be a good hand for him, having had a good deal of experience, and having been in the business for ten or eleven years. I went to see Mr. Bowers and talked the matter over. He wanted te know how I would like to go in with him for a post in the manner I have stated; that is, he putting in two-thirds, I one-third. It had been several months, and I had not heard from my appointment any more than I had received a letter which came from General Harlan, or written by the Secretary of War to General Harlan, in answer to something that he had written in regard to the appointment, stating that he had not forgotten me, or something like that; that he would do the best he could, or something. That is all I had ever heard in regard to the matter. Mr. Bowers proposed that we go in together. He said that he had had the promise of a post, and I also had the promise of a post. As I had no sure thing of getting the appointment, it having been two or three months then, I agreed to his proposition.

Q. Then you got the appointment, did you?—A. The appointment came two months afterward.

Q. That was after you had taken Bowers in?—A. Yes, sir.

Q. Bowers put in $4,400 and you put in $2,200?—A. Yes, sir.

Q. How did he put it in? Did he pay it in money?—A. Yes. When I got the appointment I went up there on my way West, and he paid me a certain amount. I do not recollect the amount. When I went out and bought out the parties there he gave his note, and I turned the note over to the parties I bought out for the goods.

Q. Who paid that note finally?—A. Mr. Bowers, who gave his note.

Q. Did he pay that note?—A. I presume so. I never heard to the contrary.

Q. It was not paid by the firm afterward?—A. No, sir.

Q. What have been the profits per year of that post?—A. The first year they were about $8,000, I think. I do not recollect exactly. That was the best year we had; except that, we had considerable money lost. The regiment which was there, which was the Fifth Cavalry, moved away, and they owed me about $2,000; and I never got a cent from them.

Q. If you had made that you would have made $10,000?—A. Yes, sir.

Q. Was that about the yearly average profit?—A. No, sir; they have been diminishing ever since.

Q. The troops are being moved away from there?—A. Yes, sir; a competition is around me. Since the Indians quit coming there we have had opposition right around the edge of the reservation; until the last year it has not paid anything.

Q. Is Mr. Bowers still a partner with you?—A. Yes, sir.

Q. How much money has he drawn out of that post?—A. I could not say, because we have been increasing the stock.

Q. How much do you suppose that he has drawn out? I want to know what he has drawn out, and exactly what belongs to him.—A. He has not drawn out a large amount, because we have kept increasing the stock. The profits would naturally amount to probably fourteen or fifteen thousand dollars.

Q. That is, on his interest?—A. Yes, sir.

Q. How much has he drawn out?—A. I could not say as to that.

Q. Has he drawn out $5,000?—A. Yes, sir.

Q. Has he drawn out $6,000?—A. I think $6,000 or $7,000, perhaps.

Q. He put in $4,400 and has drawn out $6,000 or $7,000?—A. Yes, sir.

Q. What is your stock worth now? What do you estimate the interest worth now?—A. I could not give a very close estimate. I have been away for two or three months. The stock has been reduced down, because during the summer we had only one company.

Q. What would you estimate the value of the concern there now?—A. Perhaps $10,000.

Q. So that he has about $6,500 there yet—to get out?—A. There are some liabilities.

Q. Has he ever lived there?—A. No, sir.

Q. Has he ever done anything at all in the business of the concern and to aid you in conducting it?—A. No, sir,

Q. How much do you pay on that post for political purposes?—A. I think I paid $400 at the last presidential election.

Q. Did you send it to Mr. Harlan?—A. No, sir.

Q. Where did you send it?—A. I think I sent it to Ex-Governor Cook or McCook.

Q. Of the Territory?—A. I think so.

Q. He was on the campaign committee. I suppose there is where you really sent it—to the chairman of the campaign committee?—A. Yes, sir.

Q. Now, in regard to Camp Sheridan, you went in there in October, 1874. Alfred T. Fay was appointed November 1, 1874. Who got that appointment?—A. I suppose I did.

Q. Who did you get it through?—A. I wrote direct to the Secretary of War.

Q. Did you get it at once?—A. Well, yes.

Q. What were your negotiations in reference to that? Did you send any other recommendation than your own?—A. No, sir; I was to send the recommendations.

Q. But you did not do so?—A. I think not. I never thought anything about it until I was leaving home. I do not believe I sent any, but I promised to send them. I told him what references I could get.

Q. He appointed him on your recommendation, then?—A. Yes, sir.

Q. Did you tell him that you were to be a partner in it?—A. Yes, sir; I think I did.

Q. Did you tell him Mr. Bowers was to be a partner in it?—A. No, sir; I did not mention Mr. Bowers.

Q. He is in it, is he not?—A. Yes, sir; it goes into the same concern. Mr. Fay had been with me for four years.

Q. But you and he and Bowers are really the partners at Sheridan, are you?—A. Yes, sir; it goes into the interest at McPherson.

Q. The Secretary of War did not know that?—A. He did not know it from me; that is, I never said anything to him about Mr. Bowers. I did not mention his name.

Q. Did Mr. Bowers ever write to the Secretary of War to have Fay appointed there?—A. Not to my knowledge.

Q. You never talked to him about it?—A. I wrote to Mr. Bowers.

Q. What did you tell him?—A. I received no direct reply. On the other hand, he told me he did not like to bother the Secretary of War. He discouraged me. I think I wrote the same day, or the day after, and perhaps the same day, to the Secretary of War, stating that McPherson was not paying at that time, and the troops had been removed, and we had quite a stock of goods on hand, and that I would like to get this post.

Q. Did the Secretary of War know that his brother-in-law, Mr. Bowers, was interested at Fort McPherson?—A. I do not know whether he did or not.

Q. Did you ever have any conversation with the Secretary of War about the matter?—

A. No, sir, never. I never saw the Secretary of War but once in my life for a moment and at that time I did not know Mr. Bowers.

Q. How does it happen that you got on such intimate terms with him that you could ask for another post if he did not know that Bowers, his brother-in-law, was in with you?—A. This post at Sheridan was a small post; it did not pay anything. It was simply a venture. The post had been established some time before. There had been a trader posted at Camp Robinson, which was a better post than Sheridan. He waited some time and declined to accept it. He went out there or sent out there and saw that there was no money in it, and never went there. I saw they were both idle.

Q. And the Secretary of War appointed Fay on your letter, although you told him that you would send recommendations, which you did not do?—A. Yes, sir; I told him that I would.

Q. But you got the appointment before you had time to send on the recommendations?—A. Well, no, sir; it was not in such a hurry as that at all. I took a stock of goods immediately and went over with Mr. Fay to Camp Sheridan.

Q. What other posts are you interested in?—A. None at all.

Q. Sheridan and McPherson are the only ones?—A. Yes, sir.

Q. Is Mr. Bowers interested in any others?—A. I do not know.

Q. You never talked to him about any others?—A. No, sir; I never did.

Q. Where does Mr. Bowers live now?—A. He resides in Keokuk.

Q. Do you know General Hedrick out there?—A. No, sir.

Q. What does Mr. Bowers do out there?—A. He is a wholesale groceryman.

WASHINGTON, *March* 29, 1876.

E. D. TOWNSEND sworn and examined.

By Mr. DANFORD:

Question. What official position do you hold?—Answer. Adjutant-General of the Army of the United States.

Q. How long have you held that position?—A. I have held the commission since the 22d of February, 1869; I have been acting since about March, 1863, with some slight intervals when Adjutant-General Thomas was in Washington, but not amounting to more than a week at a time.

Q. You have in your hands three orders issued from your office, marked 1, 2, and 3; please state whether those orders were sent to the different posts of the Army.—A. A copy of the first two was sent to each post, and also to each post-trader where post-traders were allowed by law, at about the date of the order. These orders are, No. 1, the circular of June 7, 1871, defining the status of post-traders; the circular of March 25, 1872, which may be described generally as providing for the rates and prices at which goods may be sold by post-traders; and the circular of June 7, 1875, which was printed because the editions of the other two had given out, and which is only a consolidation of the other two.

[Circular.]

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 7, 1871.

The following instructions defining the status of post-traders are promulgated for the guidance of all concerned:

Post-traders appointed under the authority given by the act of July 15, 1870, will be furnished with a letter of appointment from the Secretary of War indicating the post to which they are appointed.

They are not subject to the rules prescribed in article 25, or paragraphs 196 and 197, Army regulations, 1863, in regard to sutlers, that office having been abolished by law.

No tax or burden in any shape will be imposed upon them, nor will they be allowed the privilege of the pay-table.

They will be permitted to erect buildings for the purpose of carrying on their business, upon such part of the military reservation or post to which they may be assigned as the commanding officer may direct. Such buildings to be within convenient reach of the garrison.

They will be allowed the exclusive privilege of trade upon the military reserve to which they are appointed, and no other person will be allowed to trade, peddle, or sell goods, by sample or otherwise, within the limits of the reserve.

They are under military protection and control as camp-followers.

Commanding officers will report to the War Department any breach of military regulation or any misconduct on the part of traders.

All previous instructions in regard to post-traders are hereby revoked.
By order of the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

Official:

E. D. TOWNSEND,
Adjutant-General.

[Circular.]

WAR DEPARTMENT,
Washington City, March 25, 1872.

I. The council of administration at a post where there is a post-trader will, from time to time, examine the post-trader's goods and invoices or bills of sale; *and will, subject to the approval of the post-commander, establish the rates and prices (which should be fair and reasonable) at which the goods shall be sold.* A copy of the list thus established will be kept posted in the trader's store. Should the post-trader feel himself aggrieved by the action of the council of administration, he may appeal therefrom through the post-commander to the War Department.

II. In determining the rate of profit to be allowed, the council will consider, not only the prime cost, freight, and other charges, but also the fact that while the trader pays no tax or contribution of any kind to the post-fund for his exclusive privileges, he has no lien on the soldier's pay, and is without the security in this respect once enjoyed by the sutlers of the Army.

III. Post-traders will actually carry on the business themselves, and will habitually reside at the station to which they are appointed. They will not farm out, sublet, transfer, sell, or assign the business to others.

IV. In case there shall be at this time any post-trader who is a non-resident of the post to which he has been appointed, he will be allowed ninety days from the receipt hereof at his station to comply with this circular or vacate his appointment.

V. *Post-commanders are hereby directed to report to the War Department any failure on the part of traders to fulfill the requirements of this circular.*

VI. The provisions of the circular from the Adjutant-General's Office of June 7, 1871, will continue in force except as herein modified.

By order of the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

[Circular.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 7, 1875.

The following instructions, defining the status and for the government of post-traders, are promulgated for the guidance of all concerned:

I. Post-traders appointed under the authority given by the act of July 15, 1870, will be furnished with a letter of appointment from the Secretary of War, indicating the post to which they are appointed.

II. They are not subject to the rules prescribed in article 25, or paragraphs 196 and 197, Army Regulations, 1863, in regard to sutlers, that office having been abolished by law.

III. They will be permitted to erect buildings for the purpose of carrying on their business, upon such part of the military reservation or post to which they may be assigned as the commanding officer may direct; such buildings to be within convenient reach of the garrison.

IV. They will be allowed the exclusive privilege of trade upon the military reserve to which they are appointed, and no other person will be allowed to trade, peddle, or sell goods, by sample or otherwise, within the limits of the reserve. This paragraph, however, is not intended to prohibit the sale, by producers, of fresh fruits and vegetables, by permission of the post-commander.

V. They are under military protection and control as camp-followers.

VI. The council of administration at a post where there is a post-trader will, from time to time, examine the post-trader's goods and invoices or bills of sale; and will, subject to the approval of the post-commander, establish the rates and prices (which should be fair and reasonable) at which the goods shall be sold. A copy of the list thus established will be kept posted in the trader's store. Should the post-trader feel himself aggrieved by the action of the council of administration, he may appeal therefrom through the post-commander to the War Department.

VII. In determining the rate of profit to be allowed, the council will consider not only the prime cost, freight, and other charges, but also the fact that while the trader pays no tax or contribution of any kind to the post-fund for his exclusive privileges, he has no lien on the soldier's pay, and is without the security in this respect once enjoyed by the sutlers of the Army.

VIII. Post-traders will actually carry on the business themselves, and will habitually reside at the station to which they are appointed. They will not farm out, sublet, transfer, sell, or assign the business to others.

IX. Post-commanders will report to the War Department any misconduct, breach of military regulations, or failure to fulfill the requirements of this circular on the part of traders.

X. All previous instructions in regard to post-traders not in conformity with the terms of this circular are hereby revoked.

By order of the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

Official:

E. D. TOWNSEND,
Adjutant-General.

WASHINGTON, *March* 29, 1876.

Gen. GEORGE A. CUSTER sworn and examined.

By the CHAIRMAN:

Question. Where are you in command?—Answer. At Fort Abraham Lincoln, Dak.

Q. How long have you been in command there?—A. Three years.

Q. Please state who were the post or Indian traders at the different forts and Indian posts on the Upper Missouri at the time you came there, if you recollect them, taking the posts consecutively as you go up.—A. At Fort Rice, Captain Harmon was post-trader three years ago; at Fort Lincoln, S. A. Dickey. The other posts I cannot testify to positively. It was difficult to tell who were the traders at that time.

The CHAIRMAN. If you will name the posts as you go up, I will give you the traders from the official list.

The WITNESS. Fort Sully.

The CHAIRMAN. Durfee & Peck were there until June, 1872; George A. Durfee was appointed June 21, 1872, and superseded July 3, 1874; so he must have been there when you came there.

The WITNESS. Fort Rice.

The CHAIRMAN. Miller resigned there May 26, 1873, and William Harmon succeeded him.

The WITNESS. That is one that I mentioned. The trader at Fort Lincoln was S. A. Dickey. As to the posts farther up I cannot state positively.

Q. If changes were made in those post-traderships can you tell me how they were brought about?—A. Only at Fort Abraham Lincoln, at which post I reside. I can testify more particularly in regard to that.

Q. Go on and state what you know about it.—A. S. A. Dickey was trader there in 1873. He was appointed before I went there. The first time my attention was called to the change, or proposed change, in the tradership at Fort Lincoln was by this letter, by order of the Secretary of War:

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"*Washington, January* 5, 1876.

"To the COMMANDING OFFICER,
"*Fort Abraham Lincoln, Dakota Territory:*

"SIR: The President has been informed by First Lieut. W. W. Dougherty, Twenty-second Infantry, that Mr. S. A. Dickey, post-trader at Fort Abraham Lincoln, is charged with violation of the revenue-laws and introducing intoxicating liquors among the Indians. It has also been represented to the President that the office of post-trader is held by Mr. Dickey really for the benefit of Robert Wilson, formerly trader at Fort Riley, and who was driven from that post for disloyalty.

"The Secretary of War therefore directs that you investigate the matter and make full report to this office of the facts in the case.

"Very respectfully, your obedient servant,

"E. D. TOWNSEND,
"*Adjutant-General.*"

Upon the receipt of this letter I began an investigation, but was unable to find that Mr. Dickey had violated the revenue-law. He had introduced liquors into the Indian Territory; but, as was afterward shown, he had done it by military authority. Mr. Robert Wilson and

Mr. Dickey managed the business of the post-tradership together. As to the question of disloyalty, Mr. Wilson furnished me ample proof that he had always been loyal. Among other letters he had one from Vice-President Wilson, and others from quite a number of prominent officials relating to this charge of disloyalty. I made a report to the Secretary of War, in which I stated that Mr. Dickey was an unfit person to hold the appointment of post-trader, on account of the bad influence he exercised over young officers.

The next letter that I received was as follows:

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"*Washington, May* 29, 1874.

"SIR: You are hereby notified that the Secretary of War has appointed Mr. Robert C. Seip a post-trader at Fort Abraham Lincoln, Dakota Territory, under the provisions of section 22 of the act of July 15, 1870, to take effect July 1, 1874.

"As soon as Mr. Seip shall be prepared to enter upon the discharge of his duties you will cause the removal from the military reservation at Fort Abraham Lincoln, Dakota Territory, of all traders not holding a letter of appointment from the Secretary of War under said act.

"By order of the Secretary of War:

"E. D. TOWNSEND,
"*Adjutant-General.*

"TO COMMANDING OFFICER, *Fort Abraham Lincoln, Dakota Territory.*"

Mr. Robert Wilson, who was a partner of Dickey's, and who was removed, published a letter, it seems, in regard to it. I don't remember that I ever saw the letter that was published, but my attention was called to it by a letter from the Secretary of War sent to General Sheridan, and afterward transmitted to me through the official channels.

"WAR DEPARTMENT, WASHINGTON, D. C.,
"*September* 11, 1874.

"MY DEAR GENERAL: I have had a slip inclosed to me by mail, a slip from some newspaper—I do not know where published nor what paper it is from—containing an advertisement of a card, signed by Robert Wilson, inclosing a copy of a letter signed by himself and addressed from Bismarck, Dak., to Mr. A. C. Leighton, post-trader at Fort Buford, in which Mr. Wilson remarks that 'I am satisfied that the Secretary of War is a party indirectly interested with the firm of which R. C. Seip, the newly appointed trader at Fort Lincoln, is a member.'

"I care nothing about this beyond the apprehension that this remark will make more or less of an impression on army people, as men are generally more anxious to believe a lie than to believe the truth; the thing is a lie, of course. I had nothing to do with the removal of the trader at Lincoln; he was ordered to be removed by the President, and was permitted to resign. The order came to me in the President's handwriting, and is filed with papers in the case. The order refers to the fact that Dickey is charged with violation of the revenue laws, and of introducing whisky among the Indians. It further states that the office is held in the name of Dickey, but really for the benefit of Robert Wilson, formerly sutler at Fort Riley, driven from there for disloyalty. All of this is in the President's handwriting, and that is all I know about the removal of Mr. Dickey, excepting that the commanding officer at Fort Lincoln, General Custer, was called upon for a report, which he made, whereupon the Hon. J. Dickey inclosed the resignation of his brother, S. A. Dickey, which was accepted. I do not know that you have seen this advertisement, or that anybody else has seen it, but I desire to brand the whole thing as a lie. Wilson in his card speaks about a great many things of which I know nothing.

"Yours, truly,

"W. W. BELKNAP,
"*Secretary of War.*

"General P. H. SHERIDAN, *Chicago, Ill.*

"An official copy respectfully furnished the commanding officer, Fort Abraham Lincoln, for his information."

I found on investigation that the tradership held by Mr. Dickey was held, as most of them are, by another person, Mr. Wilson managing the business and Dickey being a one-third partner, and a man named Jack Morrow, on the Platte River, owning the other third. Mr. Seip then became the trader, and the prices that were charged the officers and soldiers became so exorbitant that as many as could, purchased what they desired elsewhere. They did so until Mr. Seip made a written complaint and forwarded it to the Secretary of War, claiming that under the privilege which he held as trader, nobody, no officer even, had a right to buy anything elsewhere or bring it there, but must buy everything through him. The question was carried up through my headquarters. The point came up in this way: A captain who desired to provide these articles for his men at a lower rate, purchased in Saint Paul some of the classes of articles usually furnished by the trader, and kept them on hand and

let his men have them at cost. Mr. Seip learned of this and made a protest to the Secretary of War. I forwarded Mr. Seip's letter, and in return, among other replies that came back, was this, calling my attention to circulars issued from the War Department, prescribing the rights and privileges of traders. Referring to those circulars, it says:

"Copies of both are hereto attached. The first one contains this clause: 'They will be allowed the exclusive privilege of trade upon the military reserve to which they are appointed, and no other person will be allowed to trade, peddle, or sell goods, by sample or otherwise, within the limits of the reserve.' That clause is plain, clear, and explicit, and means what it says.

"In the opinion of the Secretary of War these circulars are clear enough for any one to understand who desires to do so, and he has only to repeat the statement made previously many times, that any violation of either of these circulars on the part of post-traders, if reported to the Department by the post-commander, as it should be, will be promptly acted upon by him.

"WM. W. BELKNAP,
"*Secretary of War.*

"WAR DEPARTMENT, *December* 1, 1874.

"Official copy respectfully furnished the commanding officer Fort Abraham Lincoln, D. T., in answer to his indorsement of the 3d ultimo on letters of Mr. R. C. Seip, post-trader, of October 29, 1874.

"By direction of the Secretary of War:

"E. D. TOWNSEND,
"*Adjutant-General.*

"A. G. OFFICE, December 7, 1874."

This captain was prohibited from furnishing his men with those articles, and he was compelled to purchase from the post-trader whatever the men or himself or his family required. Do you wish anything further?

Q. State all that you know about the matter.—A. In regard to the manner in which the post-traderships were conducted, particularly that one at Fort Abraham Lincoln, attention was called to the fact, and it was a matter of common report and common information among the officers and men, that the trader had to pay a tax to outside people; but it was impossible to trace this tax until this break in the ring. I then sent for the trader at my post, and told him that he might as well confess what had been going on, because the matter was going to be made public anyhow, and although I could not prove it, I knew that that post had been paying a heavy tax outside and I wanted him to tell me. He then told me that they estimated their yearly profits at $15,000; that about one-third of it was paid to Hedrick, of Iowa, that another portion of it was paid to a man named General Rice, who was supposed to be an intimate friend of the Secretary of War here in Washington, and that the division of those profits was such that the trader was finally left with but about $2,500 or $3,000 out of the $15,000. I asked him then if he knew of any other person to whom this money was paid. He said that he knew positively only that he paid to Rice and Hedrick, but he was always under the impression that a portion of it went to the Secretary of War.

By Mr. ROBBINS:

Q. He professed not to know that, however?—A. Yes, sir; said he, "I am not a voluntary witness. I shall answer whatever I am asked, but I shall not tell anything that I am not asked to tell;" so I did not pursue the investigation further, thinking there might be other means by which he could be made to tell what he knows.

By the CHAIRMAN:

Q. Do you know anything further about Fort Rice or Fort Sully?—A. A board of officers of my command was sent to Kentucky to purchase horses for the cavalry, and while there they visited at the house of a man named Tomlinson—Dr. Tomlinson—and he inquired of them how this post of Fort Rice was going on, whether it was lucrative or not; and, in explanation, he said that he had had a friend appointed by the Secretary of War, and that he was interested in the profits. That is as much as I know of that. He said, I think, that he had had this man appointed because of some attention that he had paid his family—that he had been kind or attentive to his family.

There is another matter in regard to Fort Lincoln. This sutler, Mr. Seip, who had objected to this officer purchasing things for his men, tried to impose restrictions on the sale of stores by the Government through the Commissary Department. It is usual on the frontier, where the Government employs citizens, to give them the same facilities of purchasing supplies for their tables that are allowed to the officers and men. Mr. Seip learning of this, objected to it, and thought they ought to be made to purchase from him; and among other things threatened that if it was not stopped he would use his influence with the Secretary of War, which he claimed to be very great, to get this officer, who was selling the stores into

difficulty. When called to account he made a half-way denial, but not such as to satisfy me that he had not made the statement; because the witnesses were entitled to credit. This matter impressed me so that when the Secretary was there on a recent visit to Fort Lincoln, I thought I would call his attention to the fact that people in that part of the country were claiming to have great influence over him in an improper way; and I remarked that the trader was trying to hold a whip over the officers' heads by asserting that he would bring his influence to bear upon the Secretary of War. The Secretary made no satisfactory reply, but turned it off by some remark, as much as to say, "You must not believe all you hear;" or something to that effect. That was last fall. He made a tour through the Territories at that time visiting the different posts.

Q. Have you ever had any conversation with Orvil Grant, or his partner, Bonnafon, with regard to their interest in military and trading posts?—A. Yes, sir; I have had several conversations with Mr. Bonnafon and with Mr. Grant.

Q. Be kind enough to state what they were in the habit of telling you about it.—A. The first time I met them I was traveling from Saint Paul to my post, Fort-Abraham Lincoln, four or five or six hundred miles, and Mr. Bonnafon and Mr. Grant were on the same train, and as they desired to travel from Fort Lincoln by wagon, or other similar conveyance, and about the only means of conveyance were those in possession of the military, they explained to me that they were then on a visit to certain Indian trading-posts, in which they were interested. They mentioned the posts, four or five in number; I don't know that I can state them accurately; but Fort Belknap, Fort Peck, Fort Berthold, and Standing-Rock I think were the four posts they named, and Mr. Grant asked me if I would furnish him an ambulance to make the trip. Mr. Bonnafon explained that they were about to take possession of those posts, and were going up to overhaul the stock and see what was wanted, and he asked me if I could recommend some young man who was familiar with Indian habits, whom they could employ, and I did recommend one. Mr. Bonnafon give me to understand that he was equally interested with Orvil Grant in these four places that they named. I think, at that time, there were other persons occupying the tradership, and they were going up to effect the transfer. I have mentioned Fort Berthold as probably one of those posts; but when Mr. Grant got back to Bismarck he found there was some difficulty about his retaining or controlling the posts himself; at any rate, he telegraphed to Mr. Delano that one Captain Raymond must be appointed trader at Fort Berthold. Mr. Delano telegraphed back at once that the appointment would be made, and Raymond showed the telegram to several persons in Bismarck, and claimed that he paid Grant $1,000 for getting the appointment for him.

Q. You say that Mr. Grant was going to make a trip up to those posts, and asked you for transportation; did you give it to him?—A. I did.

Q. Why?—A. I told him I would not give it to him as a trader, but that to any member of the President's family visiting there, out of courtesy to the President of the United States, I would render any facility I could.

Q. How long were they gone on that trip?—A. About the time that Mr. Grant left the post on the trip, I left, also, on some duty, and I am not certain how long he was absent, but it must have been several weeks, as the trip involved several hundred miles' travel.

Q. What transportation did you furnish him?—A. An ambulance, four mules and a driver.

Q. Did you furnish him provisions, too?—A. No, sir; I did not furnish him any provisions; I have had repeated applications since from his partner, Bonnafon, for transportation to visit the posts; but the applications came generally when I was away from the post and did not receive attention; I never furnished transportation, that I remember, but that one time.

Q. You say that Mr. Bonnafon made the same request, but that you not being at home, it was not granted; this, then, was the only occasion of transportation?—A. Yes.

Q. Did Orvil Grant ever show you any authority from the President or the Secretary of War for going up there to take possession of those posts?—A. No, sir; he never showed me anything. He told me he had authority; but I did not care whether he had or not, and never inquired for it.

Q. Do you know anything about the extension of this Great Sioux reservation across the east bank of the Missouri River?—A. Yes, sir.

Q. That was done by the proclamation of the President in January last year and by another proclamation in April?—A. Yes, sir.

Q. What was the effect of that proclamation upon the value of the traderships along that river?—A. It greatly enhanced their value by making them a more perfect monopoly, by removing all opposition and rivalry.

Q. Did it dispossess any people who had acquired title to lands there?—A. I cannot say that it dispossessed people who had acquired title, because I am not sufficiently familiar with the legality of their title, but I know that it dispossessed people who claimed that they had a title, and who, no doubt, but for this, would eventually have acquired title.

Q. Do you know Lower Brulé City?—A. I know Brulé agency.

Q. There was a town laid out there called Lower Brulé City. The people are here applying for a large amount of damages by reason of the fact that this order destroyed all busi-

ness there, and prevented trading establishments being opened. Do you know anything about that?—A. No, sir.

Q. Were you or any of your subordinates ever called upon to turn out an Indian woman who traded there in opposition to Orvil Grant and Bonnafon?—A. Yes, sir; Mrs. Galpin.

Q. Please state under what circumstances.—A. An application came to me from the Indian agency at Standing Rock for troops to close up and remove the store kept by Mrs. Galpin, a full-blood Sioux squaw, who was engaged in trading with the Indians, and I declined to grant the request.

Q. Were any efforts other than that made to remove her?—A. The agent and the trader made every effort that they could without resorting to force, so far as I know; and I imagine that they were deterred from effecting their purpose by force only, because all the Indians desired her as a trader, and they were afraid of encountering their hostility.

Q. Please state in general terms what you believe to have been the effect of this law of June, 1870, giving the appointment of post-trader to the Secretary of War. What has been its effect upon the condition of the officers and men and on the *morale* of the troops and the Army?—A. Well, I don't believe it has affected the *morale* of the troops or the officers. I am very glad to be able to say that. I don't believe that it has affected them in the slightest degree. I have investigated this matter very thoroughly, and I am unable to connect, in the slightest degree, any officer or soldier with it. The effect has been to greatly embarrass them and add to the inconveniences of frontier life, which, even under the most favorable circumstances, are very great, as the troops and officers are required to pay what would be considered in the States exorbitant prices for everything, owing to the immense distances that goods have to be transported. That is the case always, but this law placing the appointment in the hands of the Secretary of War, and then being used in the manner that he has used it, by putting these appointments at the disposal of a certain ring, and taxing the profits in this way, by these exactions, all of which had to come out of the pockets of the soldiers and officers, has, as I said before, greatly increased the inconveniences and expense of living on the frontier.

Q. The old system was to have a sutler or sutlers appointed by a council of administration?—A. Yes, sir; the three senior officers at the post, except the commanding officer, constituted a council of administration. They nominated a man for the position of sutler, and that nomination was approved by the commanding officer of the post and then by the department commander; and that constituted the appointment, and in that way it would be impossible for operations like these to be carried on.

Q. And then if the man selected was exorbitant in his charges they had a right to give license to another, so as to bring him to reason?—A. Yes, sir.

Q. Under the present law they have no such control over the trader?—A. No, sir; not only that, but if known to purchase elsewhere what we required for our own table we have been called to account. I have known the post-trader at Fort Lincoln to go out and stop an officer's wagon, driven by his servant, and inspect the wagon to see what was in it, and threaten to use his influence with the Secretary of War because we traded with a town five miles distant, where we got things at about half his prices.

Q. Were those facts ever reported by you in any way to the Secretary of War?—A. No, sir, they were not; because I was just as suspicious of the Secretary as I was of the sutler.

Q. Had you any doubt that the sutler would have had influence to have himself sustained in his exactions?—A. No, sir; I had no doubt. You asked me if I ever reported these things to the Secretary of War; I did report about this officer I have mentioned. I considered that a test case, and I saw then that the Secretary of War was going to stand by the sutlers.

Q. And he did stand by them?—A. He stood by them as long as he could.

Q. Where does this Mr. Seip come from?—A. He claims to have come from Baltimore.

Q. Had you ever known him before he was appointed there?—A. No, sir; and I do not want to know him again.

Q. Is he there now?—A. He will be here to-morrow or next day and he will tell you the whole story.

Q. He said that he divided with Hedrick and Rice?—A. Yes, sir; and he said that after dividing the profits, $15,000 a year, he never had more than $2,500 or $3,000 left, and he was getting tired of it.

Q. Do you know of any other posts at which the money was divided with anybody?—A. I don't know it so directly as in this case, because I brought this man up into my room and he told me; but I know it well enough to satisfy me.

Q. State your belief, generally.—A. I believe that Fort Buford probably pays as large a tax, or nearly as large, as Fort Abraham Lincoln. That is one of the largest posts in the Northwest.

Q. Do you know whom that is paid to?—A. I think Hedrick has a share of that. Leighton is the trader.

Q. Do you know of any other person than Hedrick who is interested in that?—A. No, sir; but I always regarded the Secretary of War as a silent partner in all these transactions.

Q. Do you know of the Secretary of War being engaged in any other transactions by which public money has been spent without authority of law?—A. It may be because I am not informed in regard to the law that I think so, but I heard an artist in New York speak

of the Secretary paying several hundred dollars apiece for several oil portraits of different persons, and I knew that he was paying it out of Government money, and I never had read the law authorizing the procurement of these portraits in that way.

Q. Do you know whose portraits they were?—A. I was under the impression that one of them was his own. I am not certain as to the other. The artist spoke of "prominent officials," and I got the impression that one of them was the Secretary's own portrait.

Q. Who was the artist?—A. Huntington is the artist's name; I do not know his initials.

Q. Do you know what the portraits cost apiece?—A. He said that the Secretary had given him so much work that he had put down the price. The way the conversation came about was this: I had gone around to see him in regard to some work that I was going to have done myself, and I spoke about what a portrait of that kind would be worth, and he mentioned that he had done a good deal of that kind of work for the Secretary of War, but had charged him less because he had given him a good deal of work; I think he mentioned $500 apiece as the price charged the Secretary of War.

By Mr. ROBBINS:

Q. Do you know how many?—A. He said "several."

Q. With whom did the Secretary of War stay when he was on this visit to your post?—A. Well, sir, he did not stay with anybody.

Q. How long was he there?—A. He was there but a few hours. He came down the river, and I knew of his coming and gave him such attention as his official position required; a salute was fired, but my knowledge of his transactions and my opinion of them was such that I did not meet him at the edge of the reservation, as was customary. I staid at my door and waited till he came, and transacted what business I had to transact with him, and he went away.

Q. Who did meet him?—A. I did not. Mr. Seip, the day before, sent me a note saying that he understood that the Secretary of War was about to visit the post and he thought I would like to entertain him, and he sent up three baskets of wine. I sent back the wine with a note stating that I did not drink wine myself, and in any event I did not propose to entertain the Secretary of War with wine, so I returned it.

Q. Then you did not entertain him?—A. No, sir; I did not, except as I was required to, in an official way.

Q. Was he entertained by any one at the fort?—A. No, sir.

Q. Did Mr. Dickey ever tell you that he or his partner, Wilson, ever divided their money?—A. No, sir; on the contrary, he told me that the reason that he was removed was that they did not. Mr. Dickey gave me to understand that he was removed because they did not divide. He was among the first to call my attention to this matter. When there was a rumor that he was to be removed, he said to me, "I don't know whether you know it or not, but there is not a post on this river that does not pay a tax except ours, and we don't pay simply because my brother is chairman of the military committee."

Q. Then his brother went out of Congress?—A. His brother went out of Congress, and he went out of the sutlership.

By Mr. ROBBINS:

Q. Did he tell you whether he had a proposition to divide?—A. No; he did not tell me that. I don't believe there was any proposition made to him, because he gave me to understand that his place was wanted for other people, and that he would have to get out.

By the CHAIRMAN:

Q. And he held it as long as his brother was chairman of the military committee?—A. Yes; and did not have to pay any tax.

Q. He was appointed April, 1872, and he held it until May 24, 1874; that is the time that Mr. Dickey went out of Congress?—A. He was the first one to assure me positively that every post on that river paid a tax except his own. I was satisfied that the Secretary of War's desire to get him out was not for the reasons stated in his letter to me, in regard to the alleged violation of revenue laws and the disloyalty of Bob Wilson.

Q. Because you had investigated those charges and made a report that there was no foundation for them?—A. I made a report that, so far as Mr. Wilson's loyalty was concerned, he was all right, and I was unable to find that Dickey had violated the revenue laws. I put the ma t r into the hands of the revenue officers, and they investigated it very thoroughly.

Q. Was this Wilson a relative of Senator Wilson?—A. No, sir; no relation. I did mention, however, in my report, that I considered Mr. Dickey an unfit person to hold a tradership. He drank a good deal, and although he was very kind-hearted and obliging, he exercised a bad influence over young officers; that was my objection to him; but I know that was not the ground upon which he was removed, because other traders, with the same faults, held their places.

Q. Is Mr. Seip a man of good moral character?—A. Well, sir, I would hate to testify to the moral character of any post-trader in these times.

Q. Was he a great improvement, in that respect, upon Mr. Dickey?—A. No, sir; I think I could make the same objection to Mr. Seip as to Mr. Dickey, in regard to drinking.

Q. And he came to you there a stranger?—A. Yes, sir; I never had seen him or heard of him.

Q. What is Mr. Wilson, is he a reputable man?—A. He is considered a reputable man, and he is very popular with the officers. He has been connected with the Army a great many years, and most of the officers of the Army know him.

Q. The allegation is that that order extending the Great Sioux reservation was made by the President of the United States out of care for the welfare of the Indians there, so as to prevent them from having unlimited supplies of rum. I wish you to state whether, in your judgment, that order accomplished that design?—A. No, sir; I don't believe that the Indians got one drink less by the extension of the reservation.

Q. Do you believe that that was the real object of issuing that order?—A. Well, I would rather not answer that question.

Q. The effect of it was, however, in addition to improving the morals of the Indians, to improve the profits of the traders, was it not?—A. I think the profits of the traders left the morals of the Indians a long way behind. That was the general impression along the river, that the order was for the benefit of the traders.

Q. Do you know of any persons having been sent off any of the reservations, who tried to deal there, so as to prevent any interference with the exclusive privileges of Orvil Grant and Bonnafon?—A. There was a case farther up the river, in which I think a man named Tom Thum was removed on those grounds, and I think the reservation was enlarged at a point up the river for the same purpose.

Q. What reservation is that?—A. It is the reservation on which Fort Peck is situated.

Q. That was extended to prevent opposition?—A. That is my impression, although I do not know it; and the current story there is, that Thum was about to be removed and his privileges as a trader entirely taken away, and he obtained some affidavits showing that there were some frauds in the Indian Department, in which Leighton Brothers and Orvil Grant were mixed up, and he showed them the affidavits, and they allowed him to continue his trade.

Q. What were the alleged frauds?—A. It was something in connection with furnishing a certain amount of corn to the Indians at one of the agencies; and the same amount of corn was used to go through a certain form, at one place, and get a receipt, and then it would be carried along and delivered at another place. I had a case of it at my post. There were about eight thousand bushels of corn delivered at my post, in Indian sacks, and I sent down and notified the trader that I would not receive them. They were marked, "Indian Department," and I notified my quartermaster not to have anything to do with the corn.

Q. Explain how that fraud was attempted.—A. Well, for instance, suppose that a contractor who furnishes forage to the military authorities at Fort Abraham Lincoln should have a contract to furnish forage at an Indian post several hundred miles up the river. He puts the forage in sacks. It is to be inspected at a certain point down the river by Indian inspectors; they inspect it, and report that the contractor has started with so much corn for such an agency; and it must be marked with the Indian brand. Now, if the contractor can make an arrangement with the Indian agency where he is going to deliver it, to certify that that amount has been delivered, he can take the corn and go where he pleases with it. This man happened to bring this corn to my post. He brought eight thousand bushels there in Indian sacks, which showed inspection by the Indian inspectors, and I declined to receive it; it was reported to the department headquarters, and the matter was carried to Washington, and an order came back from the Secretary of War or War Department that the forage in those sacks must be received.

By the CHAIRMAN:

Q. Although you were satisfied that it belonged to the Indian Department and had been sold to them?—A. Well, I was satisfied that it was a very suspicious circumstance, to say the least of it, and it opened the way for frauds. To show you how the Indian traders and Army traders are all mixed up, the contractor for this corn that was delivered at my place got Mr. Seip, the post-trader, to act as his agent to receive it. Seip stood by to see that it was weighed. They had some difficulty, and one of the clerks from my post went to Saint Louis to look over the papers, and he saw the bill sent by Mr. Seip to this Indian contractor, and found an item of $50 paid the sergeant who weighed or hauled the corn. Now, the Government pays the sergeant, and the only inference we could draw was that the sergeant was paid for making false weights. We had it all weighed over again, and every sack that had been under the sergeant's supervision fell short twelve to fifteen pounds.

Q. You refused to receive this corn because it was paid for as Indian supplies?—A. It, in my opinion, would not have been marked as such unless it had been paid for. I never knew of such a case.

Q. Then you reported these facts to the War Department?—A. No, sir; I reported to General Terry. He reported to General Sheridan, General Sheridan reported to General Sherman, and then the matter, in regular order, I presume, was sent to the Secretary of War, and there came back an order, through the regular channels, to receive it.

Q. You got that order and then you did pay for the corn?—A. Yes, sir; vouchers were given in payment.

Q. Have you any doubt that that corn was paid for twice by the Government?—A. I believe that it was paid for twice; but I cannot prove it any better than I have told you, because when they gave me the order to receive it, I considered that I was relieved from all responsibility in the matter.

Q. About what time did you bring these facts to the notice of the War Department?—A. This is a matter of record; according to my memory I should say it was in the month of September last.

Q. What was the name of the contractor who was to supply you with this corn?—A. I cannot give you the name. He never appears at the post. He does his business through an agent. Mr. Seip acted as his agent on this occasion. I think he lives at Sioux City.

Q. Do you know whether he was the same contractor who had a contract to supply the Indian agencies?—A. Yes, sir; I know he had, and I know that the same boat that brought supplies to me went on up the river to the Indian agencies. Speaking of Indian supplies, I have known boats passing up the river to trade off Indian flour to citizens along the river.

Q. You said that that corn was inspected. I understood you to mean that it was branded?—A. Well, I considered the brand as an evidence of inspection.

Q. Whom was this particular lot branded by?—A. That I cannot tell. "U. S. Ind. Dep." was the mark.

Q. Was every bag branded in that way?—A. Yes, sir; every bag.

Q. Could that mark have got there by accident?—A. O, no; they did not claim it was by accident, because they could not explain it in any such way.

Q. How did they explain it or attempt to explain it?—A. They explained that they had not calculated just the right amount for the Indians, and they had made a mistake of 8,000 bushels at one agency.

Q. How many Indians were there at that agency?—A. That I cannot tell, but there was no such number as that that mistake could occur.

Q. They did not want 8,000 bushels of corn for their support?—A. No, sir; or at least they did not want such an amount that a man could make a mistake of 8,000 bushels.

By Mr. ROBBINS:

Q. Do you know who was the Indian agent who must have been in complicity with that fraud?—A. No, sir; I cannot state the name. He was the agent at Fort Peck.

By the CHAIRMAN:

Q. If you know of any other transactions of that kind, state them.—A. At the town of Bismarck, opposite Fort Lincoln, a steamer passing up last fall sold some flour to a man, eight sacks, and when he got it, up to his house, he found that the sacks belonged to the Indian Department. That was a boat carrying supplies to the agency under a contract.

Q. Who was the owner of the boat?—A. That I cannot tell; it is very easy to ascertain.

Q. This man bought eight sacks of flour, and when he got them to his house he discovered that they were marked with the brand of the Indian Department?—A. Yes, sir; and he let the fact be known. Raymond (who, as alleged, received the appointment of Indian agent on payment of a thousand dollars,) heard that the sacks of Indian flour were there, and had been discovered, and that there was going to be an official investigation, and he started a man in the night, on horseback, to head off this steamer, (sometimes you can beat a Missouri River steamer with a horse,) and he headed the steamer, and told them of the scrape they had got into, and they sent back and got the flour.

Q. Did the steamer go back?—A. No, sir; I guess they sent an order back; I don't recollect the way it was done exactly, but I believe that the flour was reclaimed.

Q. Do you know of any other transaction of that character?—A. Well, if I were to tell you all the transactions that have come to me as matters of rumor and belief, I would take up a great deal of your time. I believe that the Indian storehouse was burned at Fort Berthold, under very suspicious circumstances. It is claimed by people who have investigated the subject, that this man Raymond laid in an unusually large supply of flour in the fall; nobody could understand what he wanted with so large a stock, because there would not be a demand for it, but after navigation had closed, the agency building at Fort Berthold was burned, and, in order to keep the Indians from starving it was necessary to purchase in the market, and Raymond had plenty of flour on hand to sell. I know that he sold more than he probably ought to have sold. At that time I knew nothing of the circumstances; they came out afterward; but it was yet a month until the cars or boats would run to bring any new supplies, and the citizens of Bismarck relied on this store, and they were almost entirely out of flour, and he wrote a note to me stating the wants of the citizens, and asking if I would not allow him to have so many barrels of flour for temporary use, to satisfy the wants of the people, and he would repay it with flour of equally good quality. I had no right to do it, but, thinking it an emergency, calling upon my humanity, I let him take the flour, and he afterward repaid it with flour of equally good quality; but I did not know at the time how it happened that he had got rid of his flour.

Q. Were those facts ever brought to any Government officer's notice that you know of?—A. This was a matter entirely relating to the Indian Department, and officers of the Army

on the frontier feel a hesitancy about calling attention to anything wrong in the Indian Department, as that Department is always very jealous of interference; but the matter was reported publicly, because there was a correspondent of the Herald in that country at the time who thoroughly investigated all these matters, and it was published in the Herald; I saw it myself.

Q. No notice was taken of it?—A. No, sir; no notice was ever taken of it. To show how the Indian Department dislikes interference on the part of the military, I will give an instance. The Standing Rock agency is about fifty miles from my headquarters. Through some mismanagement, and, as I believe, through fraud, their store of provisions became exhausted two or three months before river navigation or railroad travel opened, and the Indians came to me and represented to me their starving condition, but as it was rather a common complaint with them, I was not satisfied with their statement, but sent down to the officer at that post, who is under my command, to investigate the matter, and desired him to call upon the agent and request a written statement of how much support they had for those two months, and he replied saying that the supply was practically exhausted, and the Indians were living on their ponies and were in almost a starving condition. He asked me if I would not send down supplies. There was no law under which I could send supplies down, but there is a law authorizing the feeding of Indians temporarily at a military post, and I said that if he would allow the Indians to come up, I would issue rations to them, trusting to the Indian Department to pay them back, and in the mean time I sent a full report of the matter, which was referred by the Secretary of War to the Interior Department, in which I stated that we had an abundant supply there until the opening of navigation, and suggested that the military department loan to the Indian Bureau. The Indian Bureau sent back word that they preferred to feed the Indians themselves, and they would not accept the loan, and the Indians were in a suffering condition for two months, when they could have had ample supplies by complying with my suggestion. Mr. Smith was Indian Commissioner at the time.

Q. What was the reason that they were short of supplies there for two months?—A. I imagine that somebody else got their supplies.

Q. Their sacks had gone to some other post?—A. Yes; I imagine that they had gone to some other post by a *miscalculation*.

Q. I asked you who was the contractor for this corn that you have spoken about; was he from Saint Paul?—A. He may have been from Saint Paul, or Sioux City.

Q. Was not John H. Charles the man?—A. I cannot so testify; but the name appears to me to be the same.

Q. And the name of the agent at Fort Peck was Alderson, was it not?—A. I do not know anything about that.

Q. Do you know who owned that boat?—A. That I do not know.

By Mr. ROBBINS:

Q. Was Coulson the name of the owner?—A. There were three or four different parties mplicated in that corn matter, and I cannot state any particular one.

By the CHAIRMAN:

Q. Do you know who were interested in that corn at all?—A. No, sir.

Q. Was Mr. Bonnafon in it in any way?—A. That I do not know. I only know officially that the same man who furnished the corn to the military at Fort Lincoln, was the man who was interested in the contract with the Indian Department.

Q. Do you know a man named John Smith out there who was a contractor?—A. Yes.

Q. If he ever told you anything about the Secretary of War coming down the river and fixing up a treaty with Canada, or anything of that kind, tell us what it was.—A. Well, sir, I never would have thought of that if you had not mentioned it. There is a great deal of smuggling, particularly in the whisky trade, across the British border there, and this man Smith informed me that one of the objects of the Secretary of War's visit to that country was to effect some arrangement, the details of which I did not interest myself in, by which facilities should be provided for getting whisky across the border at some reduced rate. I took so little interest in the matter that I don't remember that I have ever spoken or thought of since; but I remember that that was the statement, that the Secretary was out there to see if he could not make some arrangement by which better facilities could be provided for running liquors across the border, better facilities for the traders. It was some arrangement by which the traders at those posts along the frontier would have increased advantages. I never went into the particulars as to how those advantages were to be increased.

By Mr. ROBBINS:

Q. Do you know anything about the traders at Fort Peck having anything to do with that corn fraud, or was there any complicity on their part?—A. The only way that there could have been fraud would have been by complicity on the part of the agent. The agent would have to relieve the contractor in some way, by certifying that this corn had been delivered.

Q. I mean complicity on the part of the traders?—A. My experience has been that the traders and the agents are interested with each other very generally.

Q. That they have an understanding?—A. Yes; not only an understanding, but I have known Indian chiefs, within the last four or five years, to accuse their agents, in my presence, of taking their goods at night out of the Indian storehouse and passing them over to the trader's storehouse, and then selling them to the Indians over the counter.

Q. You do not know positively whether such an arrangement existed at Fort Peck or not?—A. No, sir; I do not.

Q. This 8,000 bushels corn fraud must have had the complicity of the Indian agent at Fort Peck?—A. Yes, sir; to have been successful.

Q. The report of the fact that this corn had been inspected and shipped to him would have reached him in the regular course of business, and if these sacks did not come to him he must have known it, and of course must have been in complicity with their being carried elsewhere?—A. Yes, sir.

Q. You do not know whether the traders at Fort Peck were cognizant of that, or had any hand in it?—A. No, sir; it is my impression that those affidavits that I spoke of Thum having produced referred to a fraud of that kind, and implicated the traders at Fort Peck.

Q. And he retained his position by threatening that exposure?—A. Yes, sir; that is my understanding.

Q. And Orvil Grant and Bonnafon were the traders there at that time?—A. Yes, sir. However, as to the dates when these several traders got their places I am not positive.

Q. But you do know that Orvil Grant and Bonnafon were the traders at the time these frauds took place?—A. Yes, sir; so I believe.

Q. You spoke about it being a common practice to sell Indian flour off the boats along the river to citizens?—A. I do not think I said that it was a common practice. I mentioned a particular instance. I intended to give the impression that it is commonly believed to be done, and I stated an instance that I and hundreds of people have knowledge of.

Q. Well, it is a common understanding that such things are done?—A. Yes, sir.

Q. How extensive that kind of trade is you don't undertake to state?—A. No, sir; except that I think that is probably one of the causes of shortage in those supplies that I spoke of.

Q. Do you know of any instance in which the contractors who furnish these supplies own the boats on which they are carried?—A. It might be so, but I would not be likely to know it.

Q. You do not know whether this man Coulson owned the boat and was the contractor in the case in which the sacks of flour were sold or not?—A. If I had access to my records I could tell what boat it was and who was the man; I cannot from memory.

Q. Speaking of the traders at Fort Peck, I called your attention to them and mentioned the names of Grant and Bonnafon awhile ago; are you sure it was Grant and Bonnafon, or Grant and Leighton?—A. Leighton was a party. Bonnafon never visited Fort Peck, to my knowledge. Leighton, I know, was a party. I have no knowledge that Mr. Bonnafon ever visited that post, but Bonnafon and Grant came there together at the time of that inspecting-tour of the posts they were interested in. Bonnafon said, "We are interested" at so-so, and Fort Peck was one of the posts mentioned; so he gave me the impression that that was one of the posts they were jointly interested in.

Q. Mr. Grant was interested with Leighton at the time of that corn fraud, was he?—A. That is my belief. I have no knowledge that Mr. Grant ever resided or traded at either of those agencies, and I am under the impression that he was not present there when this took place.

Q. At what point was the inspection of that corn made?—A. I am under the impression that it was inspected at Sioux City; it was at some point away down the Missouri River. I do not know who the inspector was.

By the CHAIRMAN:

Q. Have you any statements, made to you in writing some time ago, by traders who were ejected from posts, stating the reasons why they were ejected?—A. Yes, sir; I have a statement made to me by Mr. Robert Wilson, but I had only reached my post about a week before your summons reached me, and I was unable to place my hand upon his letter. That letter was written in the summer of 1874, and in it he called attention to the sale of tradership on the Missouri River, and said that he expected to be able to prove that Belknap made these posts articles of traffic, and that he was the most corrupt official who ever occupied high position. Some expression like that occurred in the letter.

Q. Did you ever get any such statement from any person else, either written or verbal?—A. I received a statement from Captain Harmon, who was removed at Fort Rice, in which he tells me about the barter and sale, and money having been offered and passed, but I did not impress it upon my mind, for the reason that he will be here himself and will give all the facts; he is a reliable witness, and I suppose he is on his way here now. I know of a citizen receiving a statement from a prominent officer of the Army asking this citizen to expose the whole thing, and giving as a reason why he did not want to do it himself that the Secretary of War had been extremely kind to him.

Q. Do you know whether any of those statements were ever forwarded to the Secretary of War, or made known to him directly?—A. Yes, sir.

Q. Please state your knowledge on that subject.—A. I think Mr. Wilson forwarded a

a statement to the Secretary of War, calling his attention to this condition of affairs. Then I know by current report—I knew it before this investigation brought the fact out—of a statement having been forwarded from Fort Sill by General Hazen, and also by General Grierson. I do not know how it was forwarded, whether through the regular channels or not. It did not go through General Sherman's headquarters.

Q. Mr. Wilson's statement must have been forwarded in 1874, about the time that Mr. Dickey was removed?—A. Yes, sir; from the very first it has been known that this man Hedrick has been the collector.

Q. He is an internal-revenue collector, is he not?—A. Yes, sir; internal and external both.

By Mr. ROBBINS:

Q. Was there some fraud at Bismarck, in the way of making away with supplies, and did you have certain parties arrested there? If so, tell us all about that.—A Yes, sir. It is impossible in that latitude to keep sentries on duty all night, it is too cold; and that at times furnishes opportunity for theft which would not occur otherwise, as men will take the risk of exposing themselves for an hour or two. We found that in that way the Government was losing a large amount of corn at Fort Lincoln, opposite Bismarck, and it was, on a small scale, a good deal like this post-tradership business, we could not get at it until we could get some member of the ring to tell. Finally, I got one of the soldiers whom they had bribed to aid them, a man that was stationed to watch the corn. They had bribed him and paid him about half the value per sack, and in that way they had taken off hundreds of sacks. There was no way of determining the number of bushels that they took; but it must have been up in the thousands. We traced it to Bismarck, and arrested the men; some of them were considered prominent citizens there, and they were tried before the United States commissioner, and are now serving out terms in the penitentiary. That is about all there is of that.

Q. There were no officials implicated in that, that you know of?—A. No, sir; just a case of ordinary theft.

By the CHAIRMAN:

Q. I want you to answer a general question. Had the Secretary of War been a man of purity of character and integrity of purpose, could these frauds have continued going on?—A. They could not possibly.

Q. And it was because they were protected and shielded by him that they occurred?—A. They could not possibly have been carried on to anything like the extent they were without his connivance and approval; and when you ask me how the morale or character of the Army is affected, I, although belonging to the Army, think it is one of the highest commendations that could be made of the service, to say that it has not been demoralized, when the head has shown himself to be so unworthy.

By Mr. ROBBINS:

Q. I suppose the officers and men have been greatly extorted from, because of his complicity?—A. Yes, sir; and they have known all the time, when buying any article, that a portion of the money was going for improper purposes.

WASHINGTON, D. C., *April* 4, 1866.

GEORGE A. CUSTER recalled and further examined.

By the CHAIRMAN:

Question. Please state why it is that you and other Army officers have not heretofore given information with regard to these abuses which have existed at posts under your command, and coming within your knowledge.—Answer. It is principally because of the existence of an order issued by the Secretary of War, March 15, 1873, that "no officer, either active or retired," I am giving the words of the order, "shall directly or indirectly, without being called upon by proper authority, solicit, suggest, or recommend action by members of Congress for or against military affairs. Second, all petitions to Congress by officers relative to subjects of military character will be forwarded through the General of the Army and the Secretary of War for their action and transmittal. Third. An officer visiting the seat of Government during a congressional session will, upon his arrival, register his name at the Adjutant-General's Office as now required; and, in addition, address a letter to the Adjutant-General of the Army reciting the purpose of, and time that will be embraced by, his visit, and the authority under which he is absent from his command or station. The purpose or object so recited will be the strict guide of the officer during his stay." By the terms of this order it will be seen that neither I nor any other officer could solicit, suggest, or recommend action to any member of Congress upon any military subject, and that if I chose to visit the city I must record in the Office of the Secretary of War what I came here for, and then must

not speak or write upon any subject different from that which I had recorded at the office of the Secretary of War. That sealed the mouths and tied the hands of the officers of the Army about as effectually as it could be done.

Q. Do you know whether this order was strictly enforced?—A. Yes, sir; officers have come here on matters entirely different, perfectly proper and legitimate, not relating to the transactions of the Secretary of War, and he has snubbed them and treated them in a very disrespectful manner; for the reason, as I imagine, that he wanted to discourage the visits of officers to Washington, where they would be likely to be brought in contact with members of Congress. I am very glad to give this testimony, because I see that some of the papers have expressed surprise that the officers have not reported these matters.

Q. So, since 1873 no officer of the Army felt himself permitted, no matter what his knowledge might be, to recommend any measure unless he first informed the Secretary of War that he was going to do so?—A. No, sir; they felt this way, that if they should report anything against the Secretary of War, of course when it reached his hands he would pigeonhole it, and he would probably pigeon-hole the officer at the same time. They gave respectability to the mode of transmittal by adding the name of the General of the Army, but that is a mere form, because any paper that is to go to the Secretary of War must go necessarily through the General of the Army. The main point was to get all communications of officers passed through the Secretary of War.

Q. The Secretary of War is the final receptacle of all communications of every kind from officers of the Army?—A. Yes, sir.

Q. Is the order still in force?—A. Yes, sir.

Q. Prior to the date of this order were there any regulations of this character in the Army?—A. None that I know of. An officer could write to his member of Congress as freely as any other citizen. I do not know why, because he is an officer in the Army, he cannot approach a member of Congress that represents the district he hails from the same as any other citizen can. There is a preamble to that order which purports to explain the object, but it is all humbug, because instead of members of Congress being annoyed by officers of the Army they are glad to meet them.

Q. Under that order could you have replied to even your own member of Congress when he wrote to you for information?—A. No, sir; I should first send it to the Secretary of War. If you should write to me and ask if I had any knowledge of a certain subject, I would have to send it to the Secretary of War and trust to him to hand it to you.

Q. In giving your opinion even as to the government of the Army and its internal economy, you would have had first to submit your communication, in reply to any inquiry of the kind, to the Secretary of War?—A. Yes, sir; before it could be transmitted to a member of Congress.

Q. And so under this order it was impossible to have the Army heard on any subject touching its interests?—A. Yes, sir; there has been no voice from the Army since that order was issued.

Q. Would that order have bound the General of the Army himself?—A. Yes, sir.

Q. He therefore could have given no opinion upon any subject touching the Army under his command?—A. Not except through the Secretary of War, unless a committee should summon him before them. If they called upon him in the ordinary way to state his views, he should submit them through the Secretary of War.

Q. A disobedience of that order would have cost you your commission, would it not?—A. It would have been very apt to.

Q. How is it regarded by the Army?—A. It is regarded by the Army as a step to place the control of all information that officers might be in possession of in the hands of the Secretary of War, so that nothing should get beyond him except that which he chose to transmit. And in connection with the recent developments, it was about the most effectual safeguard that he could have thrown around his conduct to prevent exposure.

Q. If you had direct knowledge of malfeasance in office by him, you could not, under this order, have divulged it?—A. No, sir; there was no way that I could divulge it except through the Secretary of War, and I have no idea that he would ever have transmitted any information that would have been to his prejudice.

Q. Had you ever heard of the communication which General Hazen sent to headquarters here with reference to this Fort Sill business?—A. I had heard that a communication had been sent, but did not know that it was from General Hazen.

Q. That was known in Army circles years ago, was it not?—A. Yes, sir.

Q. Where has General Hazen been stationed latterly?—A. He has been stationed at Fort Buford, in Dakota Territory, on the Upper Missouri River, somewhere in the neighborhood of a thousand miles west of Saint Paul.

Q. A highly civilized country?—A. Except the civilization that he takes with him, there is none whatever there.

Q. How long was he kept there?—A. He has been there several years; I do not know how long. I formerly served with General Hazen at Fort Sill. We were both there when the post was established. I remember when Evans first became trader there, and I imagine that it was about that time that General Hazen sent this communication, and then he was sent to Dakota.

Q. Is Fort Buford considered an eligible point at which to be stationed by the officers of the Army?—A. I never have heard of anybody applying for it.

Q. Do you know Lieutenant Pratt, of the Army?—A. No, sir.

Q. You do not know whether he was sent up there too?—A. I do not know, sir.

Q. General Hazen is now in Mexico on account of his health, I believe?—A. Yes, sir.

Q. Do you know what his affection is?—A. I do not; I only know that he is ill. I think his wounds trouble him.

Q. He is a meritorious officer, is he not?—A. Very. He has always rendered conspicuous services ever since he has been in the service. He is colonel of the Sixth Infantry and brevet major-general.

Q. How many troops had he under his command at Fort Buford?—A. Six companies, with his own regiment. I heard General Sherman, in speaking of him the other day, say that he considered him one of the most meritorious officers in the service. He rendered distinguished services during the war.

Q. He has married a daughter of Washington McLean, of the Cincinnati Enquirer?—A. Yes, sir, and she represents a good deal of the civilization that he takes with him when he goes to Fort Buford.

Copy of a telegram from General George A. Custer to the chairman of the Committee on Expenditures in the War Department.

"SAINT PAUL, MINN., *May* 6, 1876.

"General Terry, commanding the Department of Dakota, informs me that the report I forwarded from Fort Lincoln, regarding certain corn delivered at that post for the use of the Army, in Indian sacks, was received at his headquarters in this city, and after due investigation was acted upon finally by his authority; and that it was he and not the late Secretary of War who sent the order to Fort Lincoln directing that, under certain restrictions, intended to protect the Government, the corn in question should be received. The receipt of the order was reported to me and I at the same time derived the impression that the order emanated from the War Department. As I would not knowingly do injustice to any individual, I ask that this telegram may be appended to and made part of my testimony before your committee.

"G. A. CUSTER."

WASHINGTON, *March* 29, 1875.

J. H. PRATT sworn and examined.

By the CHAIRMAN:

Q. You are the post-trader at Fort Randall, Dakota Territory?—A. Yes, sir.

Q. You were appointed on the 6th of August, 1870?—A. I think so.

Q. Where did you reside when you received that appointment?—A. Hillsdale, Michigan.

Q. Where do you reside now?—A. I reside more at Fort Randall than any other point.

Q. Who attends to your business there?—A. I attend to it myself. I have no agent.

Q. Who procured you that appointment?—A. Mr. Chandler; at that time Senator from Michigan.

Q. Who else recommended you?—A. I was recommended by the governor, and by three or four members of Congress and a good many military men, and by the other Senator, Mr. Howard, who has since died.

Q. Do you know George W. Argoe?—A. I think there was a man by that name at Fort Randall when I first went there. A carpenter?

Q. No, sir; I mean the lawyer.—A. I think he is practicing law somewhere in Iowa now.

Q. He built your new store for you, did he not?—A. No, sir.

Q. Didn't he work on it?—A. I don't remember his working on it at all.

Q. Are you certain that he was not employed by you to build it?—A. I don't remember; he may have been a short time. When I went there he was at work for the Government.

Q. Have you ever had any conversation with him with reference to how you got that post-tradership?—A. I think it is very likely.

Q. What did you say to him about it?—A. I presume I told him the circumstances, if I said anything to him about it, just as they occurred.

Q. Please state what they were.—A. Very soon after this law was passed in July, 1870, under which the Secretary of War had the appointment, it came to my knowledge, and I was out of business, and wanted something to do, and a brother-in-law of mine, Mr. Ferris, who has been a partner of mine from the commencement, and had been before, suggested that I should come on here and try to get an appointment; that I could command some political influence. I had been in the Army also. I went and saw Mr. Chandler, Mr. Howard, Governor Baldwin, and Governor Blair, and several other gentlemen that I was acquainted with, and got their recommendations, which were pretty strong, and in my interview with

Mr. Chandler, whom I had known for a good many years, he said, "I am going to Washington in a week or so, and I will meet you there; probably I may be of some service to you. It was in the latter part of September I came on here, I think perhaps about the middle. The Secretary of War was away. He had taken a vacation at the close of the session. I got here a day or two before he returned. I called at his office at the War Department the same morning that he returned. I had an interview with him, and presented my papers. He did not give me much encouragement that he would give an appointment, and I pressed the thing pretty sharply. He said, "You can leave your recommendations, and it will be attended to, but there are a thousand applications." I didn't know much about the condition of business at that time. I pressed the thing very hard on him, but did not get much satisfaction. The next day I met Mr. Chandler, and I told him what success I had had, and he said, "I will go to General Belknap and see what I can do for you; come around to my house to-night; in the course of the day I will see him." I came round that evening, and he said that he had had an interview with General Belknap, and he thought I would get an appointment; that he had made a personal matter of it, and he had pressed it pretty strong; and he advised me to go and see General Belknap the next day with a list of the posts that I would like. The next day I went and had an interview with General Belknap. I had a list of perhaps a half dozen which was furnished me by General Myers, the depot quartermaster, with whom I had been acquainted. I consulted with him as to the posts, and their value, and with his aid we made up a list. General Belknap looked over it, and he said, "You have got a very strong friend in Mr. Chandler. He is determined you shall have a post, and won't take no for an answer; and I suppose I will have to fix you up;" or something like that. He took the list and looked it over, and he said, "These are all promised." I think that list embraced Fort Sill, Buford, Laramie, and Fort Union, perhaps, the best posts that I could hear of. I knew nothing about them, or anything about that business. He then said, "You come in to-morrow with another list; post yourself up." I then went to General Whipple, of the Adjutant-General's Office, and asked him to get me up a list of all the posts, and the number of troops at them, which he did. I went in with the list and General Belknap looked it over, and he said, "These are all settled; I cannot give you anything on that list." I thought the thing was a little queer, as I was about the first man that interviewed him after his return, after the law passed. He said, "Try it again; make out another." The third time I went up, and Fort Randall, which was considered the least important, was at the end of the list. He looked over the list and said, "I can give you one of these. I can't decide which one." It was getting along into September pretty well, then, and I pressed him pretty hard to settle it, as I wanted to go out to the frontier; but he declined to do it; said he had to look over the recommendations, and what he had promised, and he said, "You go home, and I will telegraph you." I objected. Said I, "I want to go out and get settled, and unless I go pretty soon it will be too late:" but I could not get any other satisfaction out of him except that, and I went home to Michigan, and in about a week or ten days I got a telegram saying that I was appointed to Fort Randall. That is about the history of the procurement of it.

Q. Did you have any other person to go and see him except Mr. Chandler?—A. No, sir.

Q. Did you employ anybody else here?—A. No, sir; I did not.

Q. Who was the post-trader at Randall before you were appointed?—A. Mr. Hamilton.

Q. Why was he removed?—A. I suppose because I applied for some post. I don't know that there was any dissatisfaction with him, although about the time I went there, or shortly before, there was considerable change in the command there. Mr. Hamilton was understood to be a refugee from Missouri during the war.

Q. Have you ever said what it cost you to get that post?—A. No, sir; I never told any man that I paid a cent for it.

Q. Did you never tell Mr. Argoe that it cost you $3,000, and that General Belknap got the money?—A. I did not.

Q. You are quite positive about that?—A. I am, sir; I had the same impression that Mr. Wilson and Dickey had, that I was the only man on the river that did not have to pay.

Q. So you never paid anything directly or indirectly to any one?—A. I never did, sir.

Q. Never said you did to anybody?—A. I never did.

Q. Never said so to Mr. Argoe?—A. I never did.

Q. He was at the post when you went there?—A. Yes, sir.

Q. You never told him in a confidential conversation that you had to pay General Belknap about $3,000?—A. I never did, sir; never told him any such thing.

Q. And you never did pay it?—A. No, sir.

Q. What do you have to pay out there as a political assessment?—A. The last presidential election I remitted $350. My recollection is that it was to Mr. Edmunds, the postmaster here, and I think once since then I have remitted $100. I think it was last year, according to my recollection.

Q. Why did you remit that—by reason of the circular sent to you?—A. Yes, sir.

Q. Was the amount you were to send stated in the circular?—A. Yes, sir.

Q. From whom was that circular?—A. I think it was sent by the secretary of the national republican committee. It was a lithograph circular with the amount filled in in ink, $350.

Q. What are the profits of your post?—A. They have varied considerably. I think the

first year or two they were worth about $10,000; since then it has run down a good deal. When I went there the companies were over 100 strong, now they are about 40 or 50.

Q. You are still there?—A. Yes, sir.

Q. Now you say that your post and that of Mr. Dickey were about the only two that did not pay?—A. Well, this Dickey post I learned of here; of course within the last five or six years I have heard a good deal of gossip and seen it in the papers.

Q. What papers?—A. The Chicago and New York papers.

Q. You have never seen any contracts between these parties?—A. No, sir.

Q. Have you ever heard any of those post-traders talk about it?—A. Never. I know Mr. Dickey. He applied to me to go into partnership with him when I went up there, but I did not like the style of man, and I declined to do so. I know Bob Wilson, too.

Q. Did Wilson tell you his troubles?—A. Yes, sir; he said he was having trouble with Mr. Dickey; that he was gambling away all the money.

Q. Do you know any of the other traders?—A. I know Mr. Welsh.

Q. What does he say?—A. He was raised in my town. I was surprised at his getting a position.

Q. Who got it for him?—A. I understood he went to Keokuk and got it. I know Mr. Leighton very well, too.

Q. Has he ever told you what he had to pay?—A. No, sir; Mr. Leighton is very reticent.

Q. Has Mr. Welsh ever told you?—A. No, sir; I knew him and knew his father, and I was suprised at his getting a post. I met him here when I came the first time after mine. As to Mr. Leighton, I knew by the gossip that he had three or four posts; that he had Forts Fetterman, Buford, and Abraham Lincoln. I learned that incidentally. When we traders get together we get to talking about where we can get goods cheapest, and he gave me a letter at one time to a firm in New York of whom he bought cigars. I called there and they drummed me very hard to sell me cigars. They claimed that they sold a great deal to Mr. Leighton, and they said they supplied all Leighton's posts. That was the first intimation I had that he had more than one post. Then he went to his book and showed me a bill entered against Tillottson, at Fort Fetterman; another, to Seip, at Fort Lincoln, and another to Buford.

Q. Have you any knowledge at all, then, regarding corrupt practices on the part of the late Secretary of War?—A. I don't know anything more than the public know. I have no personal knowledge on the subject. I know that I found things considerably different from what he told me when I applied. He told me that the traderships were all to be changed, and when I got out on the Missouri River, I found one concern running the whole thing—Durfee & Peck.

Q. They were cleaned out finally?—A. Well, I think they held them up as long as they could. I met General Sacket two or three years ago going up to investigate Durfee & Peck, and he told me that there were charges against them, and he was sent by the Secretary of War to make an investigation, and I know that that concern was not driven off the river for nearly a year after that.

Q. Did he tell you what the charges were?—A. Well, he said that Mr. Peck was in the habit of getting tight and bragging round that he ran the Secretary of War, that he had control of him, and that the Secretary divided with him.

Q. Was there any effort ever made for your removal?—A. There was; about 1872, I think. I had talked a good deal about this Durfee & Peck monopoly, and it came to Mr. Peck's ears, and he incited the officer at my post to have an additional trader appointed—Durfee & Peck. This man's name was Campbell, and he circulated a petition which was not very extensively signed. It was signed by only two or three. There was no dissatisfaction with me particularly. I met Mr. Peck here in Washington, and I was satisfied that he had incited the thing.

Q. Did you see the Secretary of War?—A. Yes: I saw him, but I don't think I had any conversation with him about that. I had a talk with Mr. Peck about it. He at first professed to have pretty strong influence with the Secretary of War, that he could get me removed if he desired to, that I had been gossiping about them, talking about them. I said frankly that I had; that I had said more even than he had heard; that I was dissatisfied with the monopoly, and that I found I had been put off with the most inferior post on the river. And he sort of threatened me, said that he could have me removed, and all that sort of thing. I said I thought from what I understood that he could, that his influence was very strong, but that while he was going for me I should make the best fight I could, and I would stir him up. The result of it was that he said he had no desire to get the post; he only did that to stop my noise.

Q. Did you help to take his scalp afterward?—A. When I had an opportunity I didn't omit to take advantage of it.

WASHINGTON, *March* 31, 1876.

FREDERICK A. SAWYER (Ex-Senator from South Carolina) voluntarily appeared before the committee and made the following statement:

In the examination of one B. Gordon Daniels, before this committee, I find a statement, the substantial part of which I wish to remark upon. I read:

"Q. Did you pay him (Closs) the $500?—A. No, sir.

"Q. Why did you not?—A. Because Mr. Tracy was to pay me $3,000, and from time to time he paid me $500 in small sums, and made out a memorandum in his own handwriting that he had paid me so much. I knew that he had drawn out of the Treasury on a claim of his some $14,000 or $15,000, and was about leaving the city, and I stated that I wanted the balance from which to pay Closs. Mr. Tracy said he would not do it until he had made it out of the post. Then said I, 'You have got to go.' He went up to the Secretary of War the next morning and stated that he never had agreed to pay anybody, as Mr. Sawyer informed me, and that he never had any understanding with me, and I was simply trying to force money out of him, and I took out the memorandum in his own handwriting and showed it to Senator Sawyer, and he asked me to let him take it to the Secretary of War, which he did, and on the Secretary's seeing that he removed Tracy forthwith."

Now I have to say to that, that I never carried any memorandum of any character to the Secretary of War from Daniels, and that I never knew Daniels at all until the Secretary of War informed me that he was trying to force money out of Tracy, who had been appointed, at my solicitation, post-trader at Fort Stanton. When the Secretary told me that, I wrote a note to Tracy asking him to come and see me. I think I had to write a second note before he called. When he came I told him it had come to my knowledge that he had made a bargain by which he was to pay for this post-tradership, and I said to him, "Now I wish you to understand that if you pay a cent to a living man in any way or shape for that, I will have you removed at once." Then Daniels came to me and complained bitterly that I had interfered with his bargain. That is the whole sum and substance of my connection with the case. My only reason for interfering at all was that I discovered that Tracy had made such a bargain. I did not ask to have him removed, but I said to him, "I will have you removed if you pay a cent." I remember that Daniels came and showed me an agreement about it. I never knew that there was any kind of bargain between any parties about it until the Secretary of War informed me of the transaction with Daniels, and the moment he gave me that information, I took the action I have stated. I am prepared to answer any question that the committee may desire to ask in regard to this matter.

FRIDAY, *March* 31, 1876.

RUFUS K. CASE sworn and examined.

By the CHAIRMAN:

Question. Where are you stationed at the present time?—Answer. I am not now an officer of the Army; I was in the volunteer force, and was breveted lieutenant-colonel.

Q. Are you now employed in the Quartermaster's Department?—A. Yes, sir; I am chief clerk and cashier to the depot-quartermaster of New York.

Q. Where is your office in New York?—A. At the corner of Houston and Greene streets.

Q. Do you know of the purchase of carpet, furniture, &c., for this new quartermaster's building in Washington?—A. No, sir.

Q. Do you know of any purchase of carpets and furniture of a man named Love, in New York, at No. 25 Chambers street?—A. No, sir.

Q. No purchases were made that you know of?—A. No, sir.

Q. Do you know of any purchases being made there for the use of the Quartermaster's Department?—A. I know there have been none whatever.

Q. How long have you been stationed there?—A. Since 1867 I have been in the Quartermaster's Department in New York. I mean to say that there has been nothing purchased for the new building in Washington.

Q. It is alleged that carpets, furniture, &c., were purchased, and charged up and paid for by the Government as forage; has that ever been done to your knowledge?—A. Not to my knowledge or to my belief.

Q. It has not been done in your office?—A. No, sir.

Q. Do you know George G. Love, 25 Chambers street?—A. No, sir; I never heard of his name before.

Q. Do you know of any irregularities in the Quartermaster's Department at that place?—A. I do not.

Q. Who is the quartermaster in New York?—A. Major C. G. Sawtelle is the depot-quartermaster; Colonel L. C. Easton, assistant quartermaster-general, is the chief quartermaster of the Military Division of the Atlantic; General Easton's duties are merely administrative, Major Sawtelle does the purchasing.

Q. Then you have no information of any kind that will further this committee in the object of their investigation that you know of?—A. I have not. I will say that there has been nothing purchased and sent from New York to Washington for the use of this new building that I know of.

Q. I desire to include in my questions, of course, whether there have been any purchases for any other place than Washington that you know of which have not been properly charged?—A. No, sir.

A. F. HIGGS sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In Houston, Tex.

Q. Were you formerly in the United States Army?—A. Yes, sir.

Q. Were you ever an applicant for the position of post-trader at any fort?—A. Yes, sir; at Fort Concho.

Q. Who were you recommended by?—A. Merritt, and quite a number of officers—some fifteen or twenty.

Q. What steps did you take to secure that appointment?—A. I left it in the hands of Lieutenant Hudson, of Fort Clark, to send it to Fort McKavett to have some of the officers sign it that I knew, and from there I forwarded it to Washington.

Q. Did you receive the appointment?—A. No, sir.

Q. When was this?—A. In the fall of 1873.

Q. Who was appointed there?—A. At that time a hitch occurred; Conrad was an applicant for the position. He was backed by Adams & Wicks. I did not know that this man Loeb, who afterward got it, come on to Washington and stepped in between us both. When Trainor was sold out at McKavett, Conrad got his stock, with the expectation of getting the place through the influence of Adams and Wicks, here in Washington, but he did not get it; Loeb stepped in. I, in the mean time, had gone to the frontier to look after it. There I met Holbrook, formerly a resident of Indianapolis, who came there every winter for his health. He was a great friend of Mr. Martin McClure, Aiken, and Sam Wallack. Through his kindness to me he offered to aid me in getting the place. There was no pecuniary interest on his part, because he had money enough. He told me if I could raise $1,500 or $2,000 he could fix it for me. My first idea of getting the post-tradership came to me through some merchants in Galveston, who offered to give me what goods I wanted. They had confidence in me, and first suggested my getting the place, as I had been in the Army. They offered to give me whatever goods I wanted. I thought if I got the position in any such way that they would repudiate it—that is, by buying it. They were honorable, high-toned men, and they are now the best merchants in Galveston. I had in the past seen the operation of buying privileges, and believed people always came out behind on it. Holbrook informed me that it would be necessary to divy on the profits.

Q. With him?—A. No, sir; with the parties by whose assistance I was to get it through. If there was any divying to do, I expected, of course, to do it with the parties who were going to back me in Galveston—not that there was any arrangement made between us to divy, but, of course, I could not expect them to advance me goods on my face almost, without giving them ample security, and also a big profit. I dropped the matter. I staid on the frontier then, and shortly afterward we got very intimate. I ranched with him, and we spent Christmas at Fort Clark, and would go to different posts. He told me then, that Wallack, Aiken, and McClure were the men who would have got the post for me—that they had the biggest backer in Washington, and that was Morton. The idea never, of course, came to me that Mr. Morton participated in that, but he seemed to be perfectly sure that Mr. Morton was backing up this clique. While at Fort Clark I commenced looking around. I thought I could get a contract for hay or corn, or something of that kind. Holbrook had money and offered to back me up in it. The amount of profit would not have been large. I found it was perfectly impossible to do anything. Adams & Wicks and a man named Cornell controlled every contract, and a man could not get a show. In fact, they would get cash for their supplies when others who furnished small supplies would have to go and get them discounted, and I have every reason to believe that these vouchers were taken and the money obtained on them from the Quartermaster's Department, because there was not enough money in that portion of the country to handle it. They could not do it. Cornell was the head radical politician; he managed everything in the interests of the radical party. The men working at the post of Fort Clark, laborers, who had no more right to vote than you had if you went there hunting, he voted in, and they were made to vote the radical ticket. There were some fifteen or twenty scouts there—negroes, who had no right to vote—they were made to vote it. Cornell supplied these posts, for instance, with hay. He cut the hay off the prairie, and the Government furnished him with horses and fed their own horses, and yet he would charge on the contract $12 or $15, or whatever it was per ton for hay.

Q Was that cut off the Government reservation?—A. The Government owns no land in

Texas, and the limits of their posts are not defined. In the Indian Territory it is called a reservation. They are all called reservations. Around these posts there are large towns growing, and they are encroaching on the posts. I know of men on the frontier to-day who are quietly taking the lines that extend across as their property, and the first thing you know they will spring on the Government when they want to lay out their fort, and will say, "You can't do it; it is my property." They will put the Government in a hole for thousands of dollars. I know Dunwoodie, at Clark, who is doing that thing.

Q. Taking up the land?—A. Yes, sir. For instance, no lines have been laid out. Clark keeps spreading. It has been a sink-hole of iniquity, and, as it is now, it has cost the Government $160,000. They are building all the time out there, and they may move the next day. It has accommodations for 1,800 troops, and sometimes there are but two companies there. Mackenzie strenuously opposed it. He did not want his troops in elegant, big, rock quarters. These claims will be bought up sooner or later, and the parties will have the Government dead. The Government will either have to move their buildings or buy them. I came back to San Antonio. I staid there some two or three weeks. I became acquainted with Mr. Littell. He was a private or confidential agent of General Reynolds. He was the first man from whom I heard anything about the house business, or General Reynolds's house purchase. I have never got enough acquainted with the officers there to understand it. Littell then told me regarding the removal of Reynolds from Austin to San Antonio. It was done, he believed, by Adams & Wicks through money—may be Lockwood & Manning, or a few of the bankers there. Adams & Wicks were too far away. They could not control the department, and could not manage things when the general was at Austin. They wanted him there. There is where all the teams start from. He did remove to San Antonio.

Q. How did Loeb get in there? Your application was for Fort Concho; you were going to get that through Holbrook; Holbrook said you would have to divide with certain parties, and you named the parties. You did not get the appointment?—A. No, sir.

Q. Who got it?—A. Loeb got it.

Q. Who got it in 1873; did he?—A. No, sir, in 1874, I think. I was on the frontier, and I did not hear of his appointment until I got back to San Antonio. I left Clark on the 8th of January and I got to San Antonio in the middle of January, and there I was told of Loeb's appointment by Major Judd, paymaster in the Army. I told him of my application, and he told me that I might have known that I could not succeed. Said he, "You ain't in the ring; if you had gone to Washington probably you could have had just as much show as Mr. Loeb."

Q. Did you know Loeb; who was he?—A. I only knew him by seeing him. He was a Jew.

Q. Do you know whether he paid any money for his appointment?—A. Only by hearsay. It was reputed in Texas long before then that Loeb bought it. It was generally understood. I reported that to General Babcock in my letter complaining of the injustice, and I have his answer acknowledging the receipt of my letter. I told him it was reputed there that Mr. Loeb had bought that appointment.

Q. About what time did you write to General Babcock?—A. I did not write to him until six, or seven, or eight months afterward.

Q. During the summer of 1875?—A. Yes, sir; I wrote two letters to him. I wrote another letter regarding the appointment of Scanlon, postmaster there, and his confirmation. I brought in all these scandals about forage and the posts, and one thing and another, and everything out there that I saw at that time that was scandalous to the service. I told him that I had no interest in the world but the good of the service, and trusted that he would accept it in the spirit in which it was made; and he replied that he was very much obliged to me for the information, and that it had been useful to him.

Q. You told him also about Loeb?—A. I told him the same thing; that the reports were that he had come on here and bought it, and also the reports that were about San Antonio. You could not meet an officer there but what he would talk to you about it. In fact, I was ridiculed.

Q. For attempting to get an appointment without purchasing it?—A. Yes, sir.

Q. You received a reply to that letter from General Babcock?—A. Yes, sir.

Q. Have you that reply?—A. When he had the trouble there in Saint Louis, I hunted it up and endeavored to see what there was in it.

Q. What is your recollection of its contents?—A. That he was glad to hear from me; that it was some time since he had heard from me; that he had given attention to the contents of my letter, and was very grateful for the information; I do not know how he brought it in, but he gave me to infer that he had made the President aware of these things. I will admit that I was chagrined and mad over the thing, and I took that method of going to work and slaying things right and left. But I told the truth. There was not a thing but what was actually the truth.

Q. That ends your connection with the post-tradership?—A. Yes, sir.

Q. If you know of any abuses in the quartermaster's department out there, state them, if they are in connection with Adams & Wicks, or any other contractors. Do you know anything about their modes of delivering their supplies, or defrauding the Government in any

way?—A. Only general talk; but I will guarantee in ten days from the time I get home to send you the affidavits of two or three of the most reputable men in San Antonio, as well as Austin, who will state the whole facts.

Q. You speak, for instance, in your letter of being able to state in regard to a ring which came into existence under the administration of General Reynolds, then military governor of Texas. Who composed that ring?—A. Aiken was in it.

Q. Who was he?—A. Chief quartermaster of the department.

Q. Who else were members of it?—A. McClure; he was the postmaster.

Q. Who else was there in it?—A. Sam. Wallack, from Indianapolis; he was supposed to do the political work.

Q. Did he live down there?—A. He lived there off and on; but he was post-trader at McKavett.

Q. That was the ring, and then there was the great contracting firm?—A. Yes, sir; the firm of Adams & Wicks. There was also Pay & Dyer; they were horse men, and did the horse business. There was also Moore, Dye, Steele & Co.; they were second-class contractors or middlemen; they furnished hay, oats, and corn.

Q. There was a general understanding about this ring that nobody else could get into it?—A. Yes, sir; it was a close corporation. Wicks came on here to Washington, and was supposed to control the contracts; what his influence was here, I do not know; I do not know who was his man.

Q. Do you know of any contract which they got at higher prices than were bid by others?—A. I do not know of my own knowledge; I only know from hearsay.

Q. What was the general allegation about the way in which they got contracts?—A. The general allegation was that they got them through influence in Washington.

Q. For instance, did they get more for corn than other parties?—A. Yes; they did; but it was poor quality—miserable.

Q. How much more did they get for it than other parties?—A. Sometimes ten and sometimes fifteen cents. I presume they put it on according to the freight. Sometimes the freight would be higher than at other times, by Morgan's line and others.

Q. Was it supposed that Reynolds was in these things himself?—A. I cannot answer that, because the political feeling against General Reynolds was so great that they accused him of all sorts of crimes. I cannot believe it myself; but it seems that he was. Before these things were going on, these men were poor; they commenced with nothing. Adams did not have a second shirt to his back, and in less than a year he was losing two or three thousand dollars a night at monte.

Q. How about Wicks?—A. Wicks was a sutler in our Army, and he knew the ropes. He probably put in; he knew how to manage to get contracts and manipulate Washington.

Q. What was their wealth estimated at when you were there?—A. They are worth to-day a couple millions of dollars.

Q. How long ago did they come there?—A. They commenced in 1867. That was their hey-day—1867, 1868, and 1869. They had pretty full swing until General Augur came.

Q. During that time, this was what constituted the ring?—A. Yes, so far as I know.

Q. Wicks and Adams came there poor men, and they have grown to be worth two or three millions of dollars, you say?—A. Yes, sir.

Q. How about these other parties? Are they men of large wealth?—A. They made it, and lost it. I forgot to mention Quartermaster's Clerk Cheney and John Kane. They are Army contractors now; they always get that kind of men for Army contractors. They would make money and lose it again.

Q. How? By gambling?—A. I won't say that; but it seemed that they would undertake to go North and bull and bear corn, or something of that kind, get strapped, and come down again and get well off again. There was one Quartermaster Hunt dismissed the service twice and re-instated. Hunt was Reynolds's pet. There are men who will swear on oath that he spent over $20,000 in one year in Austin for wine and women. I believe Colonel Fitzhugh, the doorkeeper of the House, could almost testify to that.

Q. Was Hunt a man of wealth himself?—A. No, sir; not a bit. He was the quartermaster under Ekin.

Q. Where was he stationed?—A. At Austin. He had the manipulation of that immense steal, the reconstruction fund. He had a great deal to do with that, and most of his stealings came from that, I judge.

Q. Did Adams and Wicks get any of that?—A. I never thought of that. I do not know whether they ever did or not. Adams and Wicks, about two and a half years ago, got scared, and sold out all their teams. They sold their broken-down mules to the Government as splendid mules—finest in the world.

Q. What did they get for them, if you know?—A. One hundred dollars, $125, and $150; mules that you would not give $50 for, even out there.

Q. Who purchased them?—A. The Quartermaster's Department.

Q. Who was there?—A. I do not know who was the purchasing-agent at that time.

Q. How many mules did they sell to the Government at that time?—A. They must have sold three or four hundred pair of mules. They had beside some splendid stock. They had

agents at Galveston or Austin, and they did the whole thing. You could not go to a place in Texas but what you would see Adams and Wicks. The freight trains were immense. They got frightened, as I say, about two years ago, and they sold out. The Government bought. They have, however, lots of old stock on hand now. They turned in a great deal of that kind to the Government. They went to work then and made their contracts by freighting by Mexican carts, and that is the way they have been doing it since. They have been doing a very safe business, because General Augur came there, and Holabird came with General Augur. There was Holabird perfectly strict, and yet his chief clerk was hobnobbing with Adams and Wicks. He was living beyond his income. His chief clerk only gets $150 a month. There is where the leakage is in the Quartermaster's Department. If the quartermaster is honest, his clerks do the stealing.

Q. How is that stealing done, chiefly?—A. There are a great many ways. In the first place you have to have a dishonest forage-master. In Texas, as I told you the other day, a mule, pulling Government freight, cannot eat up its forage. It won't do that if it is given to it. The mule wants the grass. The forage-master, say, is allowed eleven pounds of oats; he will give the mule six pounds. Still the Government pays for the eleven pounds of oats. This accumulates, and it is taken away and sold over again to the Government.

Q. Is that the same way with hay?—A. Yes, sir. The hay there is not baled. It is already cut on the prairie and stacked, and it is weighed by the wagon-load.

Q. Is it paid for by the wagon-load or by the ton?—A. They measure the stacks, and get the number of tons; but when it is issued it is issued in the wagon-loads. For instance, I once wanted $30 to clean out a well. I wrote to Atlanta, and asked them if I could not do so. They wrote back, no. That well was necessary for the use of my troops. It was the finest well in the country. I could expend all the lumber I wanted on my own certificate that it was used for Government purposes. I went to the man of whom I buy lumber, and said, "Sign this voucher for so many thousand feet of lumber." He did so. Said I, "Give me $30, I want to clean out that well." I paid him the $30 for the lumber, and he paid it back to me, and I spent it on the well and expended it on my books; but I could just as well have put that $30 in my pocket.

Q. But, for instance, Government contracts for so many tons of hay?—A. Yes, sir.

Q. That is issued to the troops for so many pounds for so many animals?—A. Yes, sir.

Q. Is it issued weekly or daily?—A. There is where the stealing generally don't come in. It comes in in the measuring of that hay, and by furnishing it by the contractors—the collusion is between the parties who accept the hay and the contractors.

Q. How is that done?—A. By an understanding. He signs for more than he receives.

Q. Was that the constant habit and practice there, so far as you can understand?—A. It was the habit at two posts, and it was done at San Antonio. I won't say how long it was done there. I knew Lee's forage-master well, and met him in Clark. They all gave Lee the credit of being the first man that started Adams & Wicks. If it hadn't been for him they wouldn't have had a show.

Q. The forage-master receipts for more than he gets?—A. Yes, sir; and he issues less than he charges for; that is the way he squares his account.

Q. And he need not issue it, because there is plenty of forage there to be had for nothing; there is grass growing all the time, when you really do not require forage?—A. That is not so in all cases; they need a certain proportion of hay, and the cavalry will have it. But the immense furnishings done to the Government is to their freight teams in the Quartermaster's Department.

Q. How is the fraud committed in the issue to them?—A. It percolates clean through to the head wagon-master, unless they come across some one teamster who has a pet-team, and he will growl if they do not give him his full amount, and they will give some excuse for it. The big swindle is, however, where they pay for five and ten thousand tons of hay, like they do at these frontier-posts. It is done between the contractors and the quartermaster's agent.

Q. The quartermaster's agent receipts for more than he gets?—A. Yes, sir.

Q. For instance, if they want 10,000 tons of hay they will deliver 5,000 and have it receipted for as 10,000 tons?—A. Yes, sir.

Q. Do you think that to have been the case frequently in Texas?—A. I do, on my oath. This man Cornell who furnished hay had nothing, and there were men there in the town of Brackettville who were very well off when Cornell commenced with his ring business, and he is richer than they now. The whole leak is in this Quartermaster's Department, and if it is not stopped up you will never get at it. The affidavits of individuals down there I think is the only way in which it can be stopped. Cornell has his little ring right in Clark. Callahan, at McKavitt, is the same way, and has his little ring.

Q. If the commanding officer was an honest man could he not reach them?—A. The commanding officer, General Ord, is the first man who started any of these reforms. I understood that Adams and Wicks are so scared that they have omitted their names from the last Commercial Register. I looked to see how much they were worth the last time I was there; they were worth a million or more. Ord was the first man to break up the post at Austin. The post at Austin has cost the Government unnecessarily in nine years, $324,000.

Q. In what way?—A. The post was not necessary. I say that these same men should have

been fed somewhere else. Then we have $108,000 that that post has cost the Government unnecessarily to run it. It takes as much money to run a one-company post almost as it does a six-company post. There were three and four companies there. I am only counting from 1867 to 1875, when General Ord took command, and he broke it up. From 1867 to 1873 it was kept entirely for Mr. Davis's benefit, the radical governor of Texas. It never would have been kept there otherwise. The balance of the two years it was kept there for the accommodation of the Quartermaster's Department. The quartermaster alleged that in shipping freight from Austin up to these other posts there should be a military post there. That is all nonsense. It is a manner of spending money unnecessarily to the Government. It furnishes little steals and little pickings. The more business they have the more clerks they need and the more stealing is going on.

Q. Then the post was kept up at Austin after General Reynolds left there, was it, and after he moved his headquarters to San Antonio?—A. Yes, sir. General Reynolds kept it up on his own account, and then it was kept up through the influence of Davis on the War Department here. Then when General Ord took command he busted it up immediately.

Q. There was no earthly necessity for it?—A. Not a bit; and there never has been. Take that $108,000 and multiply it by about 30 and you will know where the leaks come in this Government. That is a positive fact. There are just these instances all over the country where posts are kept up without any necessity. In the first place, take Austin. Here was the commanding officer, who has three horses, one for his orderly and two for himself. He has three men to take care of these horses; there is $90 a month. Take the horses' feed, $40. The quartermaster has two horses and a couple of men to take care of them, that makes $70; then he has a quartermaster-sergeant and commissary-sergeant, who have to have two horses; then he will have an orderly. Now there is $1,800 a month that this is costing the Government unnecessarily, whereas if your company was at the regimental post or in the field this would all be done away with. The infantry officers would have no extra horses, and would have no ambulances, there would be none to be repaired, and there would be no animals. When I commanded a post I had fourteen animals, and I did not keep any ambulance at all, but rode a mule. I had half a dozen extra men. There is where the loss occurs; and in Texas they do not want any post. General McKenzie does not want any post; he wants depots, and he wants his men out in tents. There is not a time but what they can live in tents, and he does not want them in costly quarters like Clark. Where is the Atlanta post now which cost the Government half a million dollars under Mr. Pope's administration? It was sold for nothing.

Q. When Austin was broken up what became of the post there?—A. The buildings are there. The kind of buildings the Government has are makeshifts, and they keep patching them up, and they cost a great deal more than a good building, in the long run. It is used by the Quartermaster's Department now.

Q. You speak of the buying and selling of officers. What do you know about that?—A. I only know what I am told in Texas about the troops.

Q. That was under the reconstruction act?—A. Yes, sir. There was a case of counterfeiting money, which I have reason to believe the revenue officers of the Government had knowledge of, and I think some of it was in New Hampshire. All our counterfeit money pretty nearly is made in the mountains of Texas. I had offers myself from this same man of whom I spoke as Lee's chief forage-master, and whose name was Harvey Allen. He was a desperado. I do not blame the revenue officers, but I was informed in Clark and I was informed in a place in Mexico, opposite Fort Duncan, that these men started their money through Mexico. They counterfeit greenbacks.

Q. Where are their headquarters?—A. In the mountains of the Upper Nueces and on the branches of the Nueces. They are well known as raiders, and robbers, and men of that character to the people all around, but the counterfeiting is not generally known.

Q. After they have got the money made what do they do with it?—A. One party goes through Mexico to Vera Cruz, takes steamer and goes to New York, and the other party goes through Texas with it. Allen told me that he had half the officers in the service in Texas "dead to rights," as he used the expression. It was shortly after that that McCartney escaped, through the connivance of the deputy marshals who were taking him to prison.

Q. Who were in league with these men? Any of the Government officers?—A. Yes, sir.

Q. What officers?—A. The revenue officer that came on the frontier there to collect the revenue and went away again. I told Collector Norris of it when I came there. He was the collector at Austin. He laughed at the idea and said it was all bosh.

Q. What reason have you to believe that it was true?—A. Because these men have no earthly way of having money, and they have plenty of it, and it is known to the detective service that this money has come through the Indian Territory and from Texas. It is the best executed counterfeit we have. They have the full swing. There is hardly one of them but what is indicted, and they cannot be taken.

Q. How about New Hampshire?—A. I believe these revenue officers use a heap of this money in elections. I believe it has been used in Texas in elections. In 1872 there was a shower of it there.

Q. Who had it?—A. The politicians who were buying and selling the votes; that is, setting them up, furnishing the sinews of the war.

Q. Who would be the men to send for down there as witnesses in this case of Adams & Wicks?—A. There are several men who can tell you, if they want to. There is Mr. Caldwell, a book-keeper of Adams & Wicks; Captain Edgar, who was their former train-master; Mr. Kelly, who is an intimate friend of Mr. Adams—a gambler. Remember that Mr. Wicks is an entirely different man from Adams. Adams is known to have paid as high as $3,000 for a Mexican virgin, brought from Mexico. They had a regular harem there. Those three men ought to be able to tell you everything about their business. You will then have to get the contracts. These men have property and the Government can get it back, which will pay for all these expenses. If you receive the contracts they will show the prices. You can then ascertain what competitors they had, and these competitors can testify as to what they would have done it for. You will then have to have Lee.

Q. Was he one of the men bidding against Adams & Wicks?—A. No, sir; he was a quartermaster. He was the king-bee, but he covered his tracks mighty nicely.

Q. Is he down there yet?—A. No, sir; I understood that he was in Boston. The War Department can tell you where he is stationed. Chaney was Ekin's clerk. Chaney and John Kane know everything about that. They are Army contractors, and I think their address is Saint Louis. W. C. Graham & Co., of Denison, and Sherman have been old time thieves. I remember them down in Cairo chartering boats for the Government. Hunt was the man who at Austin spent so much money

Q. Do you know anything about money paid to General Reynolds for coming over to Austin; how much money he got, or what he got?—A. I have heard a great many stories about that. The most probable, however, is that they beat the old fellow. They gave him a house and lot, but when they came to find out the title there was a flaw in it, and he could not get it. That was when he was about to leave, and he did not actually realize anything in the end by the house and lot. So far as any payment of money to him is concerned, I do not know, but he cannot on his oath before his God say that he did not know of this stealing that was going on there, for it is perfectly impossible but that he should. He is the author of more trouble in Texas than any one living man on earth. He depreciated that State millions of dollars, and yet he was upholding those thieves there: and even his own usher was receiving money, as he has himself told me, for interviews with Reynolds. He was beset there by people, and the field was so great for peculation that for the sake of an interview they would slip $20 into this man's hand.

WASHINGTON, *April* 3, 1876.

JOHN S. COLLINS sworn and examined.

By the CHAIRMAN:

Question. You are the post-trader at Fort Laramie, Wyoming Territory?—Answer. Yes, sir.

Q. The record shows that you were appointed the 28th of December, 1872?—A. Yes, sir.

Q. Who was your predecessor there?—A. I don't know that I can give you the name of the firm; I know who the parties were occupying the place when I went there. I think it was composed of R. S. McCormick and E. Taylor; Taylor represented by George Arnold, his son-in-law.

Q. He had been the clerk for Mr. Taylor and Mr. McCormick, had he not?—A. That I could not say.

Q. Did Messrs. Taylor and McCormick want to give up that post?—A. I cannot say; probably not.

Q. Do you know whether young Arnold was an applicant for it?—A. I heard verbally that he was.

Q. Was he not recommended by General Smith and the officers of the post for that appointment?—A. I cannot say.

Q. Did you ever hear that he was?—A. I did not.

Q. Through whose influeuce did you receive the appointment?—A. The influence of President Grant.

Q. Did General Smith ever receive a letter from Orvil Grant on the subject?—A. Not that I know of, sir.

Q. Did you come to Washington to get the appointment?—A. I did, sir.

Q. When did you come here?—A. I came here somewhere in the neighborhood, I think, of the 18th or 20th of December, 1872.

Q. What did the President do for you; did he write you a letter to the Secretary of War?—A. I immediately called on the President on arriving here. I got here on the morning train and called on him about 11 o'clock; I told him I came to Washington to make an application for the post-tradership at Fort Laramie, and that, having no acquaintances in the Cabinet, I took the liberty of calling upon him and asking his influence in my behalf.

Q. What did he say?—A. He said he thought the law placed those matters in the hands of the Secretary of War. I told him that I was not aware of that fact, but my reason for

coming to him was that I knew of no one in a prominent position to apply to beside himself, and my application was made to him on account of former acquaintance. He asked me if I knew the Secretary of War, and I told him I did not. He said he would give me a letter of introduction. He wrote the letter, and gave it to me, and I called upon the Secretary. On entering his presence, he took the letter and read it, and I believe his reply was, "I am very sorry that the President *order* did not me to make this appointment. It has become a very embarrassing position for me; the applicants are very numerous, and I regret that the President did not *order* me to make this appointment." I cannot state what my reply was, but it was to the effect that I thought the letter was as strong a recommendation as I could ask for, and if he could give it to me on that letter, I would be very glad to have it. What transpired further than that, I have no recollection. It was of minor importance.

Q. You received the appointment?—A. Not at that time.

Q. Within ten days thereafter?—A. Yes, sir.

Q. What did you do in the interval to induce the appointment?—A. I think it was then late in the day, so late that I did not think it worth while to call upon the President again, and I waited until the following day. On the next day, I learned that he had gone to Kentucky to visit his father who was expected to die, and I waited until his return. On his return, I called again and told him that I had presented his letter to the Secretary of War and had been treated very courteously, but he did not seem authorized to give me the appointment, and said that there were charges in the office that I was a democrat. By the way, I omitted one thing. I called on the Secretary during the interval between my first call on the President and his return. I asked him what the status of the Laramie post-tradership was. He said there was no change in it. I asked him if there were any charges against me of any kind about my application there. He said, yes; there were charges of my being a democrat. I told him I was not ashamed of that. Then, in connection with that, comes what I was about to state of my second call on the President. I told him that the only charge they had against me in the Department that I could hear of, was that I was a democrat. He then wrote a note to the Secretary, which note is on file in the Department. I beg to be excused from trying to state the contents of it. The President wrote the note right before me, but I don't remember definitely what the contents were. I do know, too, what it was, but I would prefer not to state it.

Q. Then you may state its substance, whether it was asking for your appointment or not?—A. It was simply repeating the request for my appointment, and stating that the charge against me of being a democrat was of no consequence. The words were something to this effect, (I would not want to state them as exactly correct,) that he had known Mr. Collins from infancy, and that the charge against him of being a democrat was of no consequence, that he had had no warmer supporters than E. A. Collins and his two sons, and said that if the Secretary had no one else that he desired to give the appointment to and could give it to me, he had no doubt I would prove satisfactory to all with whom I was thrown in contact. That is, to the best of my recollection, the substance of the letter.

Q. You took that letter to the Secretary of War?—A. I did not. I called upon the Secretary in about one-half or three-quarters of an hour, and as I entered, he was stting at the table and he said, "Mr. Collins, I am making out your appointment; in whose name?" I said, "John S. Collins." He wanted to know where I would have it sent. I told him to Omaha, Nebr.

Q. You resided at Omaha at that time?—A. Yes, sir.

Q. Where had you formerly resided?—A. Galena, Ill.; also, in Montana.

Q. You had known the President during your residence there?—A. Yes, sir; I knew him personally, and my father and the President's father were in business together for some twelve or fifteen years.

Q. Were there any other influences than those used to secure your appointment with the Secretary of War?—A. When I came to Chicago I called upon Orvil L. Grant, at his residence in Chicago. He is a personal friend of mine, and a gentleman I have known ever since we were boys. I told him I was coming to Washington to solicit an appointment, and I asked him if there was any one here that he could give me a letter to, and he said he did not know of any one except General Dent, who was then in the White House, and that my knowing him might aid me in seeing the President without much delay. He gave me a letter of introduction, simply a letter of introduction, for I read the letter before delivering it. That was the only influence that I know of.

Q. You have held that post ever since?—A. Yes, sir.

Q. What number of troops have been stationed there?—A. That depends upon circumstances. There have been fifteen or eighteen companies there at one time when going through on an expedition. I think there have been times when there were not exceeding in numbers two full companies. Like all other garrisons it is subject to changes, owing to the demand for troops in the Indian country.

Q. Have you a partner in it?—A. I have not.

Q. Have you ever had?—A. I have not, sir.

Q. Has any one been interested in the profits of it other than yourself?—A. No, sir.

Q. Why were Taylor and McCormick removed—what were the charges against them?—A. I cannot tell you.

Q. What induced you to think of getting this particular post-tradership?—A. Mr. Arnold called in our store one day in Omaha, (I was then living there) and he said—his language was a little profane, but he intimated that the deuce was to pay at Fort Laramie, and he believed he would make application for the tradership himself. I at once took the cue, and in a few days I came on to Washington, and applied as I have told you.

Q. He did not tell you what recommendations he had for it?—A. I did not ask him.

Q. Did he come to Washington for it?—A. I think not; not that I know of, because immediately after securing my appointment I went West and employed George Arnold.

Q. Did you buy out McCormick & Taylor's stock?—A. I bought stock that was in charge of Mr. Arnold at the time. There had been some litigation in regard to it; I didn't know whether it belonged to them or not. I negotiated with Arnold on the supposition that he was the right person to dispose of it; I had that assurance from some one.

Q. What have been about the average profits of that post for years?—A. Never having made a careful estimate, I cannot say. It would run from eight, to twelve, fourteen, or fifteen thousand dollars. Why I make such a wide margin is this: since I have been there, I have had, by permission of the commanding officer in charge of the expedition, two or three minor trading-posts, or rather supply-tents, with the expedition. I have also had small outside contracts, and have engaged in some outside business, and the whole thing has been merged into my business at Fort Laramie; for that reason I cannot say definitely what the profits of the posts alone are.

Q. Have you in any way ever divided the profits of that post with any one?—A. I have not, sir.

Q. Directly or indirectly?—A. Neither directly nor indirectly.

Q. Have you ever paid any sums of money for political purposes?—A. I have, at various times.

Q. Did you pay any in 1872?—A. No, sir; I don't remember any little sums that I may have paid.

Q. But I mean as a post-trader?—A. No, sir.

Q. Have you since your appointment been assessed?—A. That depends a little upon what you mean by being assessed. I received a circular during the past summer, or rather one was received at my post in my absence. It may be well to state that during the past summer I have been engaged as secretary of the Sioux commission, and absent from my post three or four months. My book-keeper wrote me that a circular had been sent from Washington, asking me to contribute $100 for campaign purposes. I am at a loss to know whether that amount was paid by my book-keeper or not, from the fact that when I returned a great many things occupied my time, and I was ordered to Washington; since then it escaped my mind, until I had left Fort Laramie, and not knowing that a question of that kind would be asked me, I had no reason to inform myself. I can only say this, that had I been at home and received that circular, I should have remitted the money.

Q. Do you know General Hedrick?—A. I do not, sir.

Q. What other posts besides this one have you had?—A. I have had no posts; I have had camps. I had a camp at Camp Robinson, when General Smith took the troops over there to establish that camp. When he went to Red Cloud agency to establish a post there, I made application to him for permission to send supplies. It was not a post at that time, and that being so, of course I made no application to any one but the commanding officer, as I was simply a camp-follower, and I sent a supply-tent, and had a man there in charge of it for several months, and, of my own accord, I gave it up.

Q. You have had several of that kind of supply-camps?—A. Not several. I have had perhaps two or three. I had one with the Black Hills expedition, by permission of General Crook.

Q. You held no other post-tradership at all?—A. I did not.

Q. The President of the United States, then, ordered your appointment out of personal regard for yourself and your father?—A. I cannot say whether it would be considered an order or not.

Q. Well, his recommendation of you was based upon considerations of that kind?—A. With your permission, I would like to read or show you a letter which will give you the idea I am trying to convey. [Witness shows the chairman a letter.]

Q. Is there any information regarding these post-traders in your possession which would be of interest to the committee in this investigation?—A. None that I know of. I have tried to look after my own post, and never meddle with any one else, for I didn't care to have them meddle with me or my business.

Q. Have any efforts been made to have you removed from there?—A. That I could not state. I have received one or two letters from personal friends, saying that there was a possibility of an effort being made to have me removed by some people in remote places, but I paid no attention to it, because I considered from the way in which I received my appointment that unless I had given some cause for being removed I was perfectly safe, and that it depended somewhat on my own behavior.

Q. Were there ever any efforts made at the War Department to have you removed?—A.

Not that I know of positively. I only know that it has been told me or intimated to me that efforts have been made.

Q. Did you ever have any person employed to look after your interests here?—A. I never have, sir; for the reason that whenever I have had any business here I usually came here myself. I never came to Washington on the business of my post, except at the time that I made application and received my appointment.

Q. You have had no conversation with the President or with the Secretary of War about it since?—A. I have not, sir.

Q. How many troops are at that post now?—A. I cannot tell you; in the neighborhood of five companies, or at least there was when I left home a week or ten days ago

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WASHINGTON, *April* 4, 1876.

JOHN J. SAFELY, sworn and examined, testified:

I live in Ottumwa, Iowa; that is, I call that my home, although I am scarcely ever there. I am engaged in railroading, as a special agent for the Chicago, Burlington and Quincy, and several other roads.

Question. Are you in Government employment?—Answer. No, sir.

Q. Have you ever been?—A. I was a clerk in the Quartermaster-General's Office, a number of years ago, for a few months.

Q. You are acquainted with General Hedrick?—A. Yes, sir.

Q. Is he in town now?—A. I think he is.

Q. How long have you known him?—A. I have known him ever since 1862. He resides at Ottumwa. I think he is supervisor of internal revenue. He was also editor of a paper there, but whether he has any connection with that now or not I am not sure.

Q. Do you know of his being engaged in post-traderships in the Army?—A. No, sir; only by hearsay.

Q. Have you ever had any conversation with him in regard to the matter?—A. Nothing, only that he had a post-tradership, I believe; nothing special.

Q. When did you have a conversation with him about the matter?—A. I could not say the exact date, but it has been quite a number of years since, probably about the time that he had his appointment, when we were all at Ottumwa together—Mr. Leighton and Mr. Cheney and all of us.

Q. Did he say that he had an appointment himself, or that he was interested in it with others who had the appointment?—A. I could not remember the exact language that he used.

Q. Did he tell you where he was post-trader?—A. No, sir.

Q. Did he tell you anything about the profits arising from it?—A. No, sir.

Q. You never had any conversation with him about it more than once?—A. No, sir; and I could not call that a conversation.

Q. What do you remember of that?—A. I just remember the fact that there was talk at the time that he had a post-tradership.

Q. Between you and him?—A. No, sir; in general, in his office. He was then editing the Ottumwa Courier.

Q. Are you interested in any post-traderships?—A. No, sir.

Q. Have you never been?—A. Never.

Q. Do you know the Secretary of War?—A. Yes, sir.

Q. How long have you known him?—A. I have known him for about twenty or twenty-five years.

Q. Have you ever had any conversation with him with regard to post-traderships?—A. Never.

Q. Did you see him at the reunion at Des Moines?—A. Yes, sir.

Q. Did you not have any conversation with him on that occasion?—A. I have had conversation with him, but not in relation to this.

Q. I mean in reference to post-traderships or any other appointments?—A. No, sir.

Q. Where did your duties, as a railroad officer, carry you?—A. The Chicago, Burlington and Quincy runs through Illinois and Iowa. On that road I was an agent for superintending the weighing of mails. The superintendent of the road appointed me. I have been on several roads, but I am not on any now. I am through with the work.

Q. That is an appointment by the company?—A. Yes, sir.

Q. You never held a position under the Government?—A. No, sir; none whatever.

Q. Do the Leightons live in your town, too?—A. Yes, sir; the family live there.

Q. Do you know the three brothers?—A. I know Alvin well, but the other two brothers not so well.

Q. Do you know Joseph?—A. I have been introduced to the one that is here now, since I came here. That is the first time I ever met him.

Q. Do you know anything about their connection with Hedrick in post-traderships?—A. No, sir.

Q. You never heard them converse about it?—A. No, sir. I scarcely ever met them.

Q. Do you know anything of any one paying money to anybody for positions as post-traders?—A. No, sir.

Q. Have you ever heard of money being paid?—A. No, sir. All that I know about it is what I have read in the newspapers about money being paid, but I never heard anything about it before, because it was something I never paid any attention to at all. I never have been connected in business with Mr. Hedrick in any way, shape, or form, nor with the Secretary of War, except that I served on his staff during the war.

Q. Do you ever remember having said to any one that you knew of the arrangement between Hedrick and the Secretary of War?—A. No, sir. I could not say that, because I never knew of any arrangement that they had; I never knew what was said or done between the two.

Q. You do not know of it now?—A. I do not.

Q. Were you interested in any contracts under the Government?—A. No, sir.

Q. Neither directly nor indirectly?—A. No, sir; except—that is a very broad question.

Q. It is a very simple question whether you were interested, directly or indirectly, in any contracts under the Government?—A. No, sir.

Q. You have not been a contractor in any form under the Government?—A. No, sir.

Q. Furnishing supplies or anything of the kind?—A. No, sir; I never furnished the Government a dollar's worth of anything, except labor as a clerk and as a soldier.

Q. You were a clerk in the Quartermaster's Department you say?—A. Yes, sir.

Q. Where?—A. In the transportation branch, General Bingham's office.

Q. Where is his office?—A. He has a bureau here, as you might call it.

Q. How long were you here?—A. In the neighborhood of ten or eleven months, and I think it was during 1871-'72, but I would not be positive.

Q. What were your duties in the office?—A. To examine the transportation accounts of quartermasters.

Q. Did you ever examine any accounts for transportation in Texas?—A. I presume I might. I have no recollection of it. The quartermasters' accounts were sent in from all parts of the country, and they were examined by the clerks in the office.

Q. Was it your duty to examine bids for transportation?—A. No, sir.

Q. Your duties were merely to audit?—A. Merely to examine as to the correctness of the accounts of the officers, for transportation already furnished.

Q. While you were here, did you have any intercourse with the Secretary of War?—A. No, sir; not much. I would see him occasionally.

Q. Do you know General Rice?—A. Yes, sir.

Q. What business was he engaged in when you were here?—A. I think the same that he now is, an attorney. I made his acquaintance after I came here.

Q. He is from Iowa also, is he not?—A. I believe he is.

Q. Do you know what was his specialty as an attorney; was he pressing claims, or what was he doing?—A. That I cannot say positively. I merely met him socially, and then only occasionally.

Q. Do you know of his ever receiving money for assisting men to receive appointments in the War Department?—A. No, sir.

Q. Have you ever heard so from any one who paid him money?—A. No, sir; only as I have read this newspaper testimony since the investigation started.

WASHINGTON, *April* 4, 1876.

SIMON WOLF recalled and further examined.

By the CHAIRMAN:

Question. You stated in your examination before that the only post-trader you were ever interested in directly was William E. Friedlander—the only one you aided?—Answer. To the question that you asked me as to whether I had aided any one in getting a post-tradership, I replied that I had aided no one in procuring a post-tradership except that one.

Q. And then you said very distinctly that you received no money consideration whatever of any kind?—A. I stated distinctly that I had received no money for procuring any post-tradership at all.

Q. From any person?—A. I so stated.

Q. You stated that you did not know Joseph Loeb?—A. Not that I know of. I certainly do not know him in connection with receiving any money in post-tradership.

Q. You do not know that he was appointed post-trader at Fort Concho, Tex.?—A. I do not.

Q. Do you know a Mr. Trainor, post-trader at Concho, Tex.?—A. To the best of my knowledge I do not. It is possible that I did. I will state that Mr. Friedlander at the time that he was here introduced me to several persons from Texas, and Mr. Trainor may have been one of them. I am not certain.

Q. Was there ever any person from Texas who attempted to influence or interest you in procuring for him a post-tradership, or retaining one, save Friedlander?—A. I really cannot say as to that, because, as I said before, I have had various letters time and again from different parties.

Q. But was there any one that you personally aided, of your own personal knowledge?—A. To the best of my knowledge and recollection, I cannot think that I went with any one or attempted to aid any one else.

Q. I don't ask whether you went, but whether any one of them ever employed your service to procure or retain a post-tradership?—A. To the best of my knowledge and belief, I did not attempt to aid any one in retaining or procuring a post-tradership.

Q. Were you ever paid money by any one for so doing?—A. I stated before that I had not received any money from any one for business of this character.

Q. Did you ever receive money from James Trainor for any business of this character?—A. I have stated already that I don't know that I even know him.

Q. Did you ever receive money from him?—A. To the best of my knowledge, I have not.

Q. Did you ever receive $250 from James Trainor?—A. I never did.

Q. Never?—A. No, sir.

Q Did you never meet him in any hotel in this city and receive it from him?—A. Not that I know of. I may have been introduced to him.

Q. Did he ever pay you any money for any purpose?—A. I have already stated that he has never paid me any money for any purpose.

Q. And he never paid you $250, then, either to retain or procure a post-tradership for him or any one else?—A. Not to the best of any knowledge. Because, as I said, I do not even know James Trainor. I may know him when I see him.

Q. Are you quite certain that he did not pay that money to you at the bar at one of the hotels on Pennsylvania avenue?—A. There are a good many bars in the city.

Q. At the Metropolitan?—A. I really don't remember.

Q. Could you have received $250 from a man named James Trainor and not remember the fact?—A. No, sir; I could not.

Q. And therefore you did not receive it?—A. To the best of my knowledge I did not receive $250, as I have already said to you, in connection with any post-tradership. I want that distinctly understood, because I may have received hundreds and thousands of dollars in matters connected with my profession.

Q. Do you keep a record of the fees that you receive in your profession?—A. I do not. I used to, before I became recorder.

Q. Did you in 1872-'73?—A. No, sir; I did not.

Q. Were you recorder of the city at that time?—A. I was.

Q. Did you ever receive any money from Joseph Loeb for procuring him a post-tradership?—A. No, sir; most positively not.

Q. Then as I understand your answer, it is that you never received from Trainor, or from Loeb, or from Friedlander, or from any other persons whatever, any money for assisting them either in retaining or procuring a post-tradership?—A. That is what I want distinctly to state.

Q. And you don't know of Mr. Clarke receiving any money?—A. No, sir; I don't know Mr. Clarke in connection with any such business.

WASHINGTON, *April* 5, 1876.

ROBERT WILSON sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In Bismarck, Dakota Territory.

Q. Fort Lincoln is just opposite Bismarck?—A. Yes, sir.

Q. How long have you resided at Bismarck?—A. Since the 20th of July last.

Q. Samuel E. Dickey was the post-trader at Fort Lincoln from June 20, 1872, to May 24, 1874, and Robert C. Seip was appointed at that post July 1, 1874; were you interested with Dickey in that post-tradership?—A. Yes, sir; I was his partner.

Q. How long were you his partner?—A. During the time that he held the appointment.

Q. Did you attend to the post there?—A. Yes, sir; I had charge of the business.

Q. Did Mr. Dickey spend much of his time there?—A. Very little of it, sir.

Q. Please state to the committee the circumstances under which yourself and Mr. Dickey were dispossessed of that tradership and Mr. Seip appointed, so far as you know them.—A. I don't know what led to the removal of Mr. Dickey, only from hearsay.

Q. Do you know why he was appointed?—A. I understood that he got his appointment through the influence of his brother, who was detailed for duty in the Secretary of War's office.

Q. He also had another brother who was a member of Congress from the Lancaster district, Pennsylvania?—A. Yes, sir; and he was chairman of the Military Committee of the House of Representatives.

Q. Now state what you know about the circumstances of yours and Mr. Dickey's removal.—A. In the winter of 1873-'74 Mr. Leighton, in company with Mr. Morrow, came to Lincoln, (Morrow was also a partner of Dickey,) and while there Mr. Leighton had access to our books. We had just taken an inventory, and he saw what the profits of the business were for the time we were there, and I suppose he concluded that he would like to have it. He came back there in June with Mr. Seip and wrote me a note from the hotel at Bismarck, stating that he was married and would like to have me come over and call on his wife, and said also that, perhaps, I was aware that he expected to become associated with Mr. Seip in the tradership at Fort Lincoln. When I saw him he told me that, when they came over, Seip told me that Leighton was interested with him, and I asked him if there was any other, and he said, "No." I learned a few days afterward from Mr. Raymond that Mr. Leighton had reported to him that he was anxious to have me become interested, but before he could see Mr. Seip he had taken in two other partners, and he did not remember the names of them. I learn since that the two silent partners are J. M. Hedrick, of Ottumwa, Iowa, and E. W. Rice, I believe, of Washington City.

Q. Well, you were removed?—A. Yes, sir; Dickey was removed and Seip appointed. I have understood from Seip that he got the appointment before he saw the Secretary of War, and that he did not know him when he got it.

Q. Did you ever know Seip before you saw him there?—A. No, sir.

Q. Where does he come from?—A. Baltimore is his home.

Q. He has resided out there with you since that, has he not?—A. He has been living at Fort Lincoln since he held the appointment until recently, when he came over to Bismarck.

Q. Have you ever had any conversation with Orvil Grant with reference to post-traderships or Indian traderships on that river?—A. No, sir.

Q. Do you know Mr. Bonnafon of Philadelphia?—A. Yes, sir; I know both of the Bonnafons.

Q. Do you know Casselberry of Philadelphia?—A. No, sir.

Q. The Bonnafons are interested in post-traderships or Indian traderships on the Upper Missouri?—A. Bonnafon, junior, holds the appointment of trader at Stevenson. The business at Standing Rock was, until recently, carried on in the name of Casselberry & Co., and I have understood that it has been changed to A L. Bonnafon.

Q. Do you know anything about a telegram from Orvil Grant to Secretary Delano, sent from Bismarck?—A. I don't remember whether the telegram was to Mr. Delano or to Mr. Smith. Mr. J. W. Raymond, of Bismarck, showed me a telegram written by Orvil Grant, asking for Raymond's appointment as Indian trader at Fort Berthold.

Q. He had been trader there, and this was asking for a renewal of his license?—A. Yes, sir. The appointments were all revoked during Orvil Grant's trip up to Fort Peck, as I understood, and on his return he sent off this telegram.

Q. What was the nature of the telegram?—A. It was considered an order I think. "Appoint J. W. Raymond Indian trader at Fort Berthold." And the answer came the same day.

Q. Did you see the answer?—A. Yes, sir.

Q. What was it?—A. It was that he would be appointed.

Q. Do you know who the answer was signed by?—A. I don't remember whether it was Delano or Smith. I think it was Delano, but I am not positive.

Q. If you have any knowledge with reference to evil practices in post-traderships or Indian traderships on that river, state what you know on the subject.—A. Do you want me to go back to Fort Riley?

Q. Yes, sir; if you were there.—A. I was at Fort Riley ten years. Appointed in 1853, and vacated in 1863. I had some unpleasantness with James H. Lane, the Senator from Kansas.

Q. Why were you removed from Fort Riley?—A. I was not removed, sir; that is what I was going to state. The Secretary of War said that I was removed from there, but I never was. Mr. Lane applied to Secretary Cameron to have me removed, but as the law then existed, I don't think he could have done so, and I don't think he wanted to do so. Secretary Cameron wrote to the commanding officer asking General Wessells for the appointment of Dr. Danford, of Southern Kansas, as trader in my place, and the appointment of Mr. Samson as forage-master in place of D. A. Scott, afterward quartermaster appointed by Mr. Lane. Mr. Danford came there and announced to me that he had been appointed my successor, and wanted to know upon what terms he could buy me out. I made known my terms, and they were not satisfactory, and he asked then to see the commanding officer, General Wessells, and asked me if I would go with him. I told him I would show him the general's house, but I could not spare the time to go up there. He went up and saw General Wessells, and I never saw any more of him. It was merely a request from Secretary Cameron to have him appointed; so neither Scott nor myself was disturbed. The sole cause of my leaving Fort Riley was on account of the scandalous and infamous conduct of the then commanding officer, Captain J. E. Stewart, of the Kansas volunteers.

Q. What we want to know is, were there charges made against you on the ground of disloyalty; were those the alleged grounds of the attempt to remove you?—A. Mr. Lane

charged that I was disloyal in the breaking out of the war, because I denounced his lawless acts.

Q. Were those charges disproved at the time?—A. Yes, sir; and it is on file.

Q. When was this?—A. In 1862 and 1863.

Q. Then all those charges were disproved and you left Fort Riley, did you not?—A. Yes, sir; I sold out. My successor was of my own selection.

Q. And the papers disproving the charge of disloyalty are on file?—A. They were sent here to go, and ought to be, on file.

Q. Then subsequently you became interested with Dickey at Fort Fetterman; who appointed you trader there?—A. I was appointed by General Augur. I was there until General Belknap was appointed Secretary of War, and for months after that.

Q. Mr. Tillotson was appointed in your place at Fort Fetterman?—A. Yes, sir; but the Secretary of War had asked for the appointment of Campbell when he asked for my removal.

Q. But Mr. Tillotson was appointed on the 29th of December, 1870, and he is apparently the holder of the position there still?—A. I believe so.

Q. Did you make any efforts to retain Fort Fetterman?—A. Yes, sir. I was notified by an order from General Augur's office, on March 15, 1870, that my appointment would cease May 1, 1870. I took no notice of it for some time after. My wife was taken ill the same day I got the order, and I paid no attention to it until about the 1st of April. I wrote to General Sherman, stating the facts, and he ordered the appointments made by request of Belknap, Secretary of War, revoked.

Q. Ordered what appointments?—A. The appointments of my successor, and the successor of Mr. Ward, at Laramie, who was removed at the same time. Also Mr. Lowrie at Sill. General Sherman ordered the appointments made by request of the Secretary of War revoked, and ordered a council of administration to convene and appoint one or more traders as required.

Q. Then you were re-appointed by the council of administration?—A. Yes, sir.

Q. Then the Secretary of War, as I understand you, wanted to appoint a brother of the late governor of Wyoming, Campbell?—A. The Secretary asked for Campbell's appointment when he asked for my removal in March, I understood.

Q. And finally Mr. Tillotson was appointed in December, 1870, and you were removed?—A. I vacated there in July. I had made an arrangement with Mr. Campbell, supposing that it was the Secretary's wish that he should be appointed, by which he was to receive one-third of the profits on condition that he would secure the appointment of A. W. Stiles, a nephew of mine. He said it would be necessary to see his brother before he could consummate that, and General Augur, and he went back to Cheyenne and wrote me from there that he had seen the governor but did not get to see General Auger, and the appointment would be satisfactory so far as the governor was concerned. I have his letter here, and also the published orders. About that time Mr. Stiles was appointed trader at ————, in Dakota Territory, and the negotiations were broken off.

Q. Then Mr. Stiles was not appointed?—A. No, sir.

Q. Who was appointed, then, from the time you vacated in July, 1870, until this man Tillotson was appointed?—A. No one; if Mr. Tillotson was not appointed until December.

Q. Then what did you do; were you at any other post as trader?—A. When we got through with our inventory at Fort Fetterman, in July, General Augur told me soon after I was re-instated by General Sherman and the council of administration, that I had better dispose of my stock; that the Secretary would get control of these appointments and he would then undoubtedly remove me. I told him that I could make an arrangement with Campbell and Ecoffee, and I told him that I would bring them to his office and we would talk the matter over. He said, "Very well." I took them there the next morning, and General Augur said to Campbell, "Go to Fort Fetterman and carry out your agreement with Mr. Wilson, and I will appoint you." They came and carried out the agreement they had made with me to the letter, but before executing their notes and drafts, just after completing the inventory, I stepped to the front of my store and was handed a telegram from Stephen Wilcox, stating that Campbell would not be appointed under any circumstances. I put that in my pocket and went back and had the notes and drafts signed, and I then told Campbell, or Mr. Ecoffee. I handed him the dispatch, and told him he had better telegraph to Governor Campbell and have him go to Washington or do something. He did so, and Mr. Campbell telegraphed back that he would go to Washington, and he thought there would be no trouble about it. That is all about Fort Fetterman, except that there was another appointment made just after I went there. Mr. Dent was appointed just after I was. I bought him out.

Q You were there in the summer of 1870; Mr. Campbell was not appointed in July; who was appointed then; was it Mr. Dent?—A. I was there from the summer of 1868 to the summer of 1870. I sold out to Campbell and Ecoffee. They took posse sion.

Q. Did Dent hold the appointment there at the time Campbell was appointed?—A. Yes; I don't think it ever was revoked. That was J. C. Dent. General Augur told me that he was appointed.

Q. Were you ever a sutler or trader at Omaha?—A. Yes, sir; at Omaha Barracks. I

was a sutler there before and during part of the time that I was at Fort Lincoln; that is, I leased it. Mr. Sweezy was the sutler.

Q. By whom was Sweezy appointed?—A. Senator Hitchcock had him appointed, he told me. He was appointed by Mr. Belknap, but Senator Hitchcock got him appointed.

Q. Did Sweezy inform you so himself?—A. No, sir. I don't remember who did. He was on here, and he and Senator Hitchcock were very good friends. He did not reside at the post at all. He lived in Omaha, and he has been leasing it since I left there.

Q. Have you any knowledge of the sale of post-traderships in any way?—A. No, sir; I have no knowledge of any being sold.

Q. Do you know of any money being paid for any?—A. No, sir; I do not.

Q. Have you ever said that you knew?—A. No, sir.

Q. What was the value of Fort Lincoln when you had it? At the time Leighton examined your books what were the profits?—A. Our balance-sheet, taken just before closing out there, showed a profit of over $45,000 for a year and eight months.

Q. During the time that you were post-trader, in partnership with Dickey, at Fort Lincoln, did you share the profits of that post with anybody?—A. No, sir; only with those interested—Morrow, Dickey, and myself.

Q. Were you ever assessed for political purposes?—A. No, sir.

Q. Did you ever apply in person to the Secretary of War for any post?—A. I did. I applied when President Grant was last inaugurated—in March, 1873, when I was here.

Q. What post did you apply for?—A. I applied for one of the posts on the Yellowstone that it was contemplated to build. I applied to the Secretary of War direct. It was after the appropriation had been made for the posts. He snapped his finger, and remarked that he had made the appointments as quick as *that* after the appropriation. I then asked him, if it was not impertinent, to tell me whom he had appointed, and he declined doing it. Captain Dickey was with me at the time. He had gone to intercede for me to get the appointment. He was on duty in the War Department. I walked into the chief clerk's room—Mr. Crosby—after leaving the Secretary, and Mr. Crosby said it was very strange; that he certainly ought to know if the appointment had been made, but he did not think any had been made; and I have learned since that Mr. Leighton was to control that appointment—A. C. Leighton—and I suppose Hedrick also.

Q. Did the Secretary state to you anything about what influence was required to receive the appointment?—A. I presented a letter of introduction from General Carlin, who was the commanding officer at Lincoln at the time, and he remarked that letters of introduction from Army officers had very little weight—that those were political appointments, and they were to be controlled by the politicians.

Q. Do you know whether, when the change was made at Fort Lincoln in 1873, one of the reasons for making the change—was it that you were a partner of Dickey, and that your loyalty had been questioned during the war?—A. No. I have learned very recently—since I came here—that that was the impression of the Secretary; but Mr. Belknap changed his view after asking for my removal at Fort Fetterman, and after my being re-instated by General Sherman and the council of administration. When I turned over to Ecoffee and Campbell I sent in my resignation, and asked General Augur to carry out the agreement, and he appointed Campbell, and the papers were forwarded here. The Secretary afterward met Mr. Taft, a member of Congress from Nebraska, and inquired of him if he knew me. Mr. Taft said he never had met me, but knew me by reputation. Mr. Belknap said I had sent in my resignation, and he was sorry for it; that he was satisfied I had been misrepresented, and if I had not resigned I would not have been interfered with; so upon that I presumed to ask for the appointment in 1873.

Q. You did not know that reason before?—A. O, yes; I beg pardon; I knew it before. Captain Dickey, when he came out to Sioux City, just after I had made application to the Secretary, said that the reason the Secretary assigned for not giving me an appointment was that I had been removed from Fort Riley for disloyalty; but the appointment, it seems, was made before I made application for it.

Q. You say you did not know of your own knowledge of any money having been paid for those post-traderships?—A. No, sir.

Q. Do you know anything of flour belonging to the Indian department having been taken off the boats and exchanged for wood, or sold to people along the river?—A. Not of my own knowledge.

Q. Do you know anything of corn that belonged to the Indian department having been delivered to the military posts?—A. No, sir; I don't know of it. I have heard of it at Bismarck, but know nothing of my own personal knowledge.

Q. Where you have been post-trader—at Fort Riley, and Fort Fetterman, and Fort Lincoln—you have never paid any money to anybody other than to your partners?—A. No, sir.

Q. Have any post-traders ever informed you that they paid money?—A. No, sir.

Q. And you know of nobody else paying any?—A. No, sir.

Q. Has no one ever told you that he shared money with Mr. Hedrick, or with Mr. Rice?—A. Yes, sir.

Q. That is what I asked you a moment ago.—A. You said paid money. They were in-

terested in the profits of the concern. Mr. Seip informed me that Hedrick, Rice, and Leighton were partners.

Q. Did any other persons ever inform you of their sharing money with Orvil Grant and Bonnafon, or any man of that class?—A. No. sir.

Q. Do you know of Orvil Grant being interested in any of those posts on the Upper Missouri?—A. He is interested in Standing Rock, I was told by his attorney just before I left home, Mr. Stowell.

Q. Do you know anything about Raymond, who was appointed on his suggestion, paying any money to Orvil Grant?—A. No, sir; I have understood that he did, but I don't know it.

Q. From whom did you understand it?—A. Well, from Orvil Grant's testimony. I was told that he had testified before this committee that Mr. Raymond had paid him $1,000 at Berthold.

Q. You had never heard that before?—A. No; I don't know that I had.

By Mr. DANFORD:

Q. Did you ever have any talk with Governor Campbell about this post-tradership business?—A. Not in relation to his brother. I talked of selling out at one time to Mr. Blaine, a brother of Ex-Speaker Blaine, and Campbell remarked that that was soon after he had made complaint about my controlling the appointments in the interest of the democratic party, which General Auger knew not to be the case, for I was in Omaha at the time.

Q. What did Campbell say?—A. Well, he said the appointment of Mr. Blaine would be satisfactory to him. Mr. Blaine talked of coming to Washington to see about it.

Q. Did Campbell ever say anything else to you about post-traderships out there?—A. No, sir.

Q. You don't know whether there is any truth in this letter that he wrote in relation to his interview with his brother or not?—A. I don't know.

Q. You don't know anything about it?—A. No.

Q. All you know is what is in that letter. You know that is his signature to the letter, but you don't know anything about Governor Campbell, what interest he took in it?—A. No, sir; I do not.

Q. You learn that Mr. Campbell could not be appointed; you had a telegram; who was that from?—A. That was from Stephen Wilcox, of Omaha.

Q. Do you know why it was that he was not appointed?—A. I don't know positively; I have understood that it was promised to Leighton and this ring—Hedrick and Leighton, &c.

Q. Campbell was not in that ring, as you term it?—A. No, sir; I don't think he had anything to do with it.

Q. Hedrick, Rice, Leighton, and Seip are interested, as you have learned from Seip, in Fort Lincoln?—A. Yes, sir.

Q. Did you ever learn it from any one else than Seip?—A. No, sir.

Q. Did you ever learn from Seip whether Mr. Rice and Hedrick put in any capital?—A. No; I am under the impression that he told me that they did not put in any.

Q. When did you leave Bismarck?—A. I left there about the 22d of March.

Q. Were you subpœnaed to come here to testify?—A. Yes, sir.

Q. Do you know how you came to be subpœnaed?—A. No, sir.

Q. Did you ever give out the assertion that you had any knowledge of the sales of post-traderships, or of any corruption up there?—A. No; I have given out that I could bring witnesses to prove the sale of post-traderships.

Q. You never gave out that you had any actual knowledge?—A. No, sir; I never did. I always said I did not have, but could prove it by other witnesses. I stated that I did not know, a while ago, of any money being paid, and I don't know really, but Mr. Ecoffee told me that he had paid General Hedrick $500, and that the money was returned to him by Leighton.

Q. What connection had Ecoffee to Leighton?—A. They had been great friends in Omaha. I think, through the influence of Leighton, Ecoffee expected to get an appointment, through this man Hedrick, and he paid him $500, he told me; and that Hedrick concluded—well, he did not get it—he concluded that he would want the post himself, and Leighton refunded the money to Ecoffee.

Q. Was it paid through Leighton to Hedrick, or directly?—A. I think he told me he paid it directly to Hedrick.

Q. Where is Ecoffee now?—A. Jules Ecoffee; he is living at Fort Laramie.

Q. For what post was he an applicant?—A. I think it was Fort Fetterman. That is the one that I sold out to Campbell.

Q. Do you know General Hedrick?—A. Yes, sir; I have met him; been introduced to him once.

Q. Did he ever have any negotiations with you?—A. No, sir.

Q. Did Rice ever have any negotiations with you?—A. No, sir.

Q. Did you ever have anybody negotiate with you in Washington here?—A. No, sir; I asked Rice to look after a claim that I had here in the War Department.

Q. For no post-tradership or sutlership?—A. No, sir.

Q. You paid Rice for what he did. Was he your attorney?—A. Yes, sir.

Q. And you paid him his fee?—A. I paid him his fee. It was a small amount; he never did anything.

Q. Anything wrong about it?—A. About the claim?

Q. Yes.—A. No, sir.

Q. About Rice's employment by you?—A. No, sir.

Q. You got out because you were not square on the administration?—A. I reckon not.

Q. Are you an administration man?—A. Well, I was more of a Grant man than a Greeley man.

Q. That was the charge against you, that you had been disloyal?—A. Yes, sir; but it never was proved, and it was a vile slander.

Q. What were the names of those witnesses that you proposed to prove the sale of post-traderships by?—A. I proposed to prove that Leighton and Hedrick (I don't know that Rice was concerned) were interested in four different posts: Fort Griffin, Texas; Fort Fetterman, Fort Lincoln, and Fort Buford. Leighton wanted me to go there and take charge of that post before I went to Lincoln. He offered me one-third of the profits, on condition that I would put in $5,000.

Q. What he offered you was a square offer?—A. Perfectly square.

Q. You have not named the witnesses that you proposed to prove these things by.—A. I proposed to prove them by Jules Ecoffee, by Hedrick himself, by Mr. Seip, and Mr. Leighton, that they are interested in those posts.

Q. By Ecoffee, Hedrick, Rice, Seip, and Leighton?—A. Yes, sir.

Q. How many of them are here?—A. Mr. Seip is here. Leighton was in town this morning. Mr. Tillotson is another witness I would like to have. He was at Fetterman, but I have understood that he had been kicked out by this ring. He is living in Denver now.

Q. Where is Leighton now?—A. He is here in town—A. C. Leighton.

Q. Is there something that he did not swear to before, that you think he knows?—A. Yes; I have not read his testimony.

Q. Suppose you tell us what it is, so that we may know when he comes on the stand?—A. I should like to hear him testify in regard to Hedrick's interest with him.

The CHAIRMAN. He testified to that.

The WITNESS. That is what I proposed to prove.

By Mr. DANFORD:

Q. Then the new witnesses you have are Ecoffee, Seip, and Tillotson?—A. Yes, sir.

By the CHAIRMAN:

Q. Do you remember who you told, about Bismarck, that you knew all these things? -A. About what things?

Q. The sale of post-traderships.—A. The ring is composed of Hedrick, Leighton, and Rice. I don't know that Rice is interested at any of these other posts except Lincoln. I know he is there, and I have understood that he is interested at Fort Fetterman also. Mr. Tillotson has been put out lately, and a brother-in-law of Leighton's put in.

Q. Is the fort on the Yellowstone the only one you have applied for, or attempted, or expected to get, since you left Fort Lincoln?—A. I made application for that while I was at Lincoln.

Q. But have you made application for any fort since?—A. No, sir.

WASHINGTON, *April* 5, 1876.

ROBERT C. SEIP sworn and examined.

By the CHAIRMAN:

Question. You were appointed post-trader at Fort Lincoln on the 1st of July, 1874?—Answer. Yes, sir; I received the letter of appointment some days previous to that.

Q. Where did you reside when you received that appointment?—A. My permanent residence is in Baltimore. At the time I received the telegram announcing the appointment, I was in Boston.

Q. Who made application for it for you?—A. I made a personal application, upon the recommendation of a number of officers of the Army, not for this particular post.

Q. Had you a personal acquaintance with the Secretary of War?—A. No, sir.

Q. Did you bring your recommendations to him personally?—A. No, sir.

Q. By whom did you send them?—A. By mail, I think.

Q. Was there any personal intercession made with the Secretary of War for you by any one?—A. I should imagine there was.

Q. By whom?—A. I could not say.

Q. Have you any means of judging through whom?—A. I think through Mr. Alvin C. Leighton, a personal friend of mine.

Q. Is he a Baltimore man also?—A. No, sir; he married over there.

Q. Nobody else than Leighton that you know of?—A. Nobody that I know of.

Q. Had General Hedrick anything to do with it?—A. I could not tell you from my own knowledge.

Q. Have you any reason to suppose that he had?—A. I have.

Q. Anybody else? General Rice?—A. I don't know.

Q. Have you any reason to suppose that he was interested?—A. No; I cannot say that I have.

Q. What were the profits of Fort Lincoln at the time you received the appointment?—A. That is what I could not tell you; I merely took Mr. Wilson's talk.

Q. In a year or ten months there appeared to be forty-odd thousand dollars profit?—A. Yes, sir.

Q. You considered it a valuable post?—A. I did.

Q. Have you any partners in the business?—A. Yes, sir.

Q. Who are your partners?—A. W. B. Jerdan.

Q. Who was before him?—A. A. C. Leighton.

Q. What interest had Mr. Leighton?—A. He had three-fourths and I one-fourth.

Q. How much money had you invested in the business?—A. We each had about an equal amount; we originally put in about $3,200 apiece.

Q. And he had a three-quarter interest and you a quarter?—A. Yes, sir.

Q. Why was it that he, having put in but the same amount of capital that you did, had three-quarters and you only one-quarter?—A. I could not tell you that; that was the proposal made to me, which I accepted from Mr. Leighton.

Q. Was any person interested with Leighton in this matter?—A. I should imagine there was.

Q. Who were they?—A. General Hedrick.

Q. Who else?—A. Well, I could not say, positively; I did think for the time that General Rice was, but I could not say positively; but until within a few days since, I was under the impression that he had.

Q. What has occurred to change your impression in regard to that matter?—A. A conversation with Mr. Leighton.

Q. What does he say about it?—A. Well, he assured me that he had not. Previously I did think that he had, from the fact that Mr. Leighton had requested me, if I had any business to be transacted here before any of the Departments, to refer to General Rice; and General Rice had been very kind toward me, and I imagined toward our institution; and I imagined from that fact that he was interested.

Q. Had you ever any business here, during the time of your post-tradership, with the Departments here?—A. No particular business.

Q. Have you ever had occasion to write here about anything?—A. We had an issue with Captain Poland, who was then commanding the post.

Q. Who attended to that matter for you here?—A. I sent that direct to the War Department.

Q. Has General Rice ever rendered you any service here at all?—A. None except personal services.

Q. What do you call personal services?—A. About matters not particularly in reference to business at all, I have tried to refresh my mind upon that subject, and I cannot think of any particular subject upon which he corresponded with me.

Q. Where did you first become acquainted with him?—A. Here in Washington.

Q. When?—A. I think I first met him in 1873, the year before I was appointed.

Q. You did not see him when you made application for the post?—A. No, sir.

Q. You have had him render no professional service that you know of?—A. No, sir.

Q. Never have paid him any money for any services?—A. No, sir.

Q. Did he ever speak to you about this post?—A. Never, except that I called upon him for advice after I got the letter of appointment. There was a letter of transmittal from the Secretary of War, suggesting that I should see Hon. O. J. Dickey, of Lancaster, the attorney for his brother, in reference to buying Mr. Dickey out; and the Secretary strongly insisted on our taking the old stock, which we did at quite a loss to ourselves. It was not convenient at the time to go to Lancaster, and I called upon General Rice, and he advised me to go and comply with the Secretary's wishes, which I did.

Q. Have the profits of the business been paid to Leighton out of the concern?—A. No, sir; there has been no money taken out of the business. It is still there.

Q. There has been no division of profits at all?—A. No division at all, because, although our books showed a profit of $15,000, I did not feel that the business could bear it being taken out, and I strongly objected to its being taken out, or any portion of it.

Q. Has Hedrick ever applied to you for his portion of the profits. Has he ever written to Leighton on the subject?—A. I could not tell you.

Q. Has he ever been at the post?—A. No, sir.

Q. Have you ever had any communication with him on any subject connected with the post?—A. I had.

Q. Any money communication?—A. No, sir. I had a communication with him in refer-

ence to a matter of official business, he being a supervisor of internal revenue. The collector or deputy collector at Bismarck wanted to require two special licenses from us, and I referred the matter through him, as the supervisor of internal revenue, to the Commissioner of Internal Revenue.

Q. You have received letters from Hedrick?—A. Yes, sir.

Q. To what did they relate?—A. Principally to the business I have spoken of with the Internal Revenue Department.

Q. If they related to anything else, please state what it was.—A. I could not say any other subject.

Q. What have you done with these letters?—A. I imagine I have destroyed them.

Q. Do you know that you have destroyed them?—A. I think so.

Q. Have you made search for them?—A. I have, within a short time before I came over here.

Q. Do you recollect the tenor of those letters that you were in the habit of receiving from Hedrick, other than what related to internal-revenue business?—A. The letters that I received from him were so few that what may have been received previous to this internal-revenue business, if any, were when I went out first.

Q. Were they with regard to the pleasures of General Rice—with reference to his having to go cod-fishing in summer and going to Florida in the winter?—A. No, sir; that remark I repeated. I had understood that from Leighton.

Q. Leighton got a letter of that kind from General Rice?—A. No, I cannot say that he did; but that was a matter of conversation between Mr. Leighton and myself.

Q. Please state what there was between you with reference to Rice's codfishing in summer and going to Florida in the winter.—A. My understanding was at the time—what arrangements Leighton and Rice made afterward I don't know—my impression was that General Rice was to have an interest in the business, and in the course of the conversation Leighton, I think, remarked that he would like to see him make some money, or have some money, because he was a gentleman of easy habits and liked to enjoy himself.

Q. Did he talk about his fishing in summer?—A. Yes; he said he was a gentleman who liked to have a fishing trip in summer and a pleasure trip in winter.

Q. And that therefore he wanted to have some money made at Fort Lincoln?—A. Yes; and that was my impression at the time, that he was interested in the business.

Q. You never got any letter at all from General Rice on this subject?—A. No, sir.

Q. You never said so?—A. Not that I recollect; I have had some letters from General Rice, but not upon this subject.

Q. What did he write to you about?—A. It was principally in reference to buying out the stock of goods of Dickey & Wilson; they insisted upon certain terms which we thought were onerous and objected to them. I wrote to General Rice to know whether we would be compelled to accept their terms, as I looked upon Secretary Belknap's letter as equivalent to an order that we must buy them out.

Q. Why did you write to General Rice?—A. Because I was so requested by Leighton, who is a friend of his.

Q. Did you write to Rice because you believed or thought that he would see the Secretary of War on the subject and have his directions about it?—A. Well, I thought that he would give me all the advice necessary in the matter, and, as I have said, at that time I really thought he had an interest in the post.

Q. You understood your first orders from the Secretary of War to be to see the brother of Dickey, as imperative orders that you should buy out their stock?—A. Yes, sir; that was my individual interpretation of his letter; Leighton thought otherwise.

Q. Why did you not write to the Secretary on this subject, instead of to General Rice?—A. Because we thought Rice would be the proper person.

Q. Why?—A. Because he was friendly to the parties interested.

Q. To what parties?—A. Leighton and myself.

Q. You wrote to him for no other reason?—A. No other reason, but also knowing that he was a friend of the Secretary of War.

Q. And you wrote to him supposing that he would see the Secretary of War in regard to this matter?—A. That was the supposition—that is, that he was in the position to give us the proper information.

Q. Did you conceive, after you received this appointment, that the Secretary of War had any right to say what you should pay for the stock on hand to the parties whom you superseded?—A. No, sir; but the Secretary said it was his desire that the old trader should retire with as little loss as possible; that he would suggest that arrangement be made to buy them out.

Q. Had you any conversation with regard to your post-tradership there with General Custer about a week before you left?—A. Yes, sir.

Q. Did you tell him during that conversation that you, at the first division, had to pay about $7,500?—A. I think the general must have misunderstood me. I told him that our books showed a profit of about $15,000, half of which, $7,500, was taken, as I understood it from Leighton. Though our agreement calls for a three-fourths interest for him and one-fourth for myself, my understanding was that he had a quarter and the other

half was given to Hedrick, and that was the reason—one of the reasons, why I supposed that General Rice was interested, making four parties to the partnership. I told General Custer, so far as my recollection goes, (I think the general will bear me out in it,) that our profits were about $15,000, out of which half went to those parties and the other half was divided between Leighton and myself.

Q. To whom did you tell the general that this money was to go?—A. I think I told him at the time, as my impression was, to Rice, Hedrick, and Leighton.

Q. Did you not say that it brought it down so that your interest only amounted to about $2,500?—A. No; I think I said to about one-fourth of the $15,000.

Q. Then you say that you did not mean to say that you had actually given out this money?—A. No, sir; I was about to retire from the business and one of the objections was the small profits, and the profits were merely on the books. The profit consisted of stock, buildings, and indebtedness there—debts owing to the company; so I objected to any money being taken out of the business.

Q. From the testimony of General Custer here the other day, I think he was under the impression that you actually paid this money out?—A. General Custer misunderstood me at the time, because I did not mean to convey that impression.

Q. And the only reason you have now for supposing that Rice was not a partner is from the assurances of Leighton?—A. That is one reason.

Q. Have you any other reason than that?—A. Not at all.

Q. From all your intercourse heretofore with Rice and Leighton, and what Leighton said to Rice, and the necessity of his having money to take his summer and winter excursions, you did suppose that he was your partner?—A. I did.

Q. But now your impression is, from what Leighton tells you, that he is not?—A. Yes, sir.

Q. Have you and Leighton ever had any difficulties with reference to your business?—A. No, sir; no personal difficulties at all.

Q. Have you had any disputes about matters?—A. Yes, sir; some disputes.

Q. Did they ever require you to leave the post out there and turn the business over to any one else?—A. No, sir.

Q. You did leave there?—A. I did.

Q. To whom did you turn the business over?—A. To my partner, Jerdan. Mr. Leighton sold out to him last July.

Q. Therefore Jerdan is the trader there now with you?—A. Yes, sir.

Q. And Leighton has no interest in it now?—A. He has no interest now.

Q. How did you pay Leighton for his interest?—A. I did not pay him anything. Leighton sold out his interest to Jerdan, and I am about consummating a sale of my interest to Jerdan also; he supposing that he could get the post-tradership and I being about to withdraw.

Q. Have you resigned the post-tradership there?—A. No, sir.

Q. Is Jerdan preparing to make application for it?—A. I could not tell you.

Q. Do you know whether he has been promised the appointment from any source?—A. No; I believe he had been promised before the change.

Q. Mr. Leighton was to get that appointment for him?—A. I could not tell you who was going to get it.

Q. Was Mr. Rice going to get it?—A. I could not tell you.

Q. Was Mr. Hedrick to get it for him?—A. Jerdan said he could have Hedrick's influence.

Q. And that he could get the appointment if he would purchase Leighton's interest?—A. No, sir; if he got my interest he could get the appointment.

Q. Is he still an applicant for it?—A. I cannot tell you; I think not, though.

Q. He is there on the spot?—A. He is *en route* there. I met him at Fargo; he came east to buy goods, and was returning and got blocked by the snow.

Q. Had you any reason to believe that anybody else than Hedrick and Rice were your partners?—A. None except Leighton.

Q. Had you any supposition that anybody else was a partner?—A. No one.

Q. If you could have one man that you did not know was your partner might you not have had another one?—A. We might have had a dozen for all I know; our articles of agreement were only between Leighton and me. When I first got out there I was perfectly satisfied to accept this proposition, which I did accept.

Q. What induced you to accept that proposition?—A. I had heard that the post was a good one and the amount of capital that I put in it would bring in a very nice return. My share in proportion to the capital invested would be better than any other business that I could put the same amount of money in.

Q. But why were you willing to accept only one-fourth interest, having put in an equal amount of capital, and give Leighton three-fourths?—A. Well, as I said, I thought the thing would pay me.

Q. Why were you willing to allow Leighton to have this big interest on the same amount of capital?—A. I cannot answer it any further than I have.

Q. Suppose that I had come and made the proposition to you, would you have done it?—A. If I had thought you were a man of integrity I would.

Q. Would you not want something more—that I could get you the appointment and keep you there?—A. Yes.

Q. Would you have done it if I could not?—A. No, sir; I should not.

Q. Then it was because Leighton could get the appointment for you through Hedrick and could keep you there; and did not you know and feel that if he and Hedrick chose to turn you out they could do so?—A. No; because I had confidence in Leighton's integrity.

Q. But did not you suppose he had that power?—A. Yes; I supposed so.

Q. How did he have that power?—A. Through his acquaintance with the parties having power to make or revoke appointments.

Q. Who was that party?—A. I believed it was the Secretary of War.

Q. Haven't you said or believed that the Secretary of War might have been a partner of yours?—A. I may have said it, but if I did I certainly had no grounds.

Q. Other than that you felt that there was some influence which appointed and kept you there?—A. Yes, sir; I may have made the assertion, but if I did I had no grounds other than a supposition.

Q. Then Leighton has not drawn a dollar of money out of that concern?—A. He has not drawn any out there.

Q. Who is Jerdan?—A. He is a brother-in-law of Leighton, from Ottumwa, Iowa.

Q. He is out there now?—A I imagine so. We passed him on the road.

Q. Have you ever been interested in business with the Leightons and Hedrick or any of them in any other way than this?—A. No, sir; I never have.

Q. When did you first know Leighton?—A. I first knew him in 1872, I think.

Q. Where did you become acquainted with him?—A. At Fort Buford.

Q. He was the trader there, was he?—A. Yes, sir.

Q. What were you doing there?—A. I was in the Quartermaster's Department.

Q. Did you serve during the war?—A. I was in the Quartermaster's Department.

Q. Had you known General Belknap officially?—A. No, sir.

Q. Do you believe that there was any other influence that secured you the appointment at Fort Lincoln than that of Leighton, exercised through Hedrick?—A. I could not answer that question.

Q. What Army officers recommended you?—A. I believe every one that was then at Buford; the gentlemen of the Sixth Infantry.

Q. Then these were not new papers that you presented to the Secretary of War, but they were papers gotten up a year or two before?—A. I think they were gotten up in 1873.

Q. You did not file them until 1874?—A. Yes, sir; they were immediately forwarded and were on file.

Q. You got your appointment in 1874 but they were forwarded in 1873?—A. Yes, sir.

Q. During that interval, who pressed that matter at the department?—A. I cannot tell you.

Q. At the time you received your appointment had you been looking for it?—A. I cannot say that I had.

Q. It came to you rather unexpectedly?—A. Yes, sir; rather unexpectedly.

Q. Who sent it to you?—A. I got it right from the Adjutant-General's Office.

Q. Did you know it was coming?—A. Yes, sir; from Leighton. It was dated in Washington.

Q. Had you written to him to press your appointment?—A. I don't think I had.

Q. Had you ever said anything to him about the appointment at Fort Abraham Lincoln?—No, sir.

Q. So this came to you as a very unexpected pleasure, did it not?—A. Yes.

Q. Did you come over to Washington?—A. Yes.

Q. Here you saw Leighton?—A. Yes.

Q. And here you made the bargain?—A. No; we talked the matter over in Baltimore.

Q. He said to you that he had got the Secretary of War to give you this position?—A. Yes, sir—no; I must not say "yes" to that. I did not ask any questions about it.

Q. Why didn't you?—A. Well, because I had my own ideas about it, and I did not care to be too inquisitive. I had an idea that it was procured through the influence of Leighton and his friends, and I was satisfied to receive it.

Q. At the time you made the bargain, when he made the proposition to you to put in $3,200, and that he should put in the same, and he should have three-fourths and you one-fourth of the profits, what induced you to agree to it?—A. I really could not tell you that. I do not know any particular grounds. I recognized the fact that he procured me the appointment. He said, "Seip, I am to put in as much capital as you do and you take one-fourth interest, and I will take three-fourths." I accepted his proposition at once; the available funds that I commanded then were along about $3,200, and he put in a corresponding amount.

Q. You never inquired of him why, although you were the man who held the office, and had all its rights and privileges, apparently, you were to have but one-fourth, and he, a man who was not known to the transaction, was to have three-fourths?—A. One reason was that I knew him to be a man that could command capital, and that a large capital was neces-

sary in that business, and we had to borrow from him to sustain us right along; consequently, for the sake of capital, I had to make some concessions.

Q. Had he ever before in his life proposed going into the post-tradership business with you?—A. Not before he knew of my application for a post-tradership.

Q. Was not that application sent here with the expectation that you were going to go into business on the Yellowstone?—A. Yes, sir; that was my idea when the Yellowstone posts were first spoken of.

Q. That was what you were after, then, before you suddenly landed at Lincoln?—A. Yes, sir.

Q. Was Hedrick at Washington at that time?—A. No, sir.

Q. When you came over here and saw Leighton and then went to Baltimore, did you see Rice?—A. No; I came direct to Baltimore and saw Leighton, and then called on Rice.

Q. Why did you go to Rice?—A. As being a friend of Leighton.

Q. Did Leighton tell you?—A. Yes, I think he did.

Q. You say you received your appointment about the 1st of August, and you say that the Secretary of War made it a condition precedent that you should buy out Dickey?—A. He did not say must; he said it was his desire.

Q. How did he say that?—A. In writing.

Q. Who has that letter?—A. I have it. It is transmitting the letter of appointment of myself as post-trader at Fort Lincoln, and saying that it was customary, and, besides, was his desire that the retiring party should retire with as little loss as possible, and requesting me or suggesting rather, that I should go and see the Hon. O. J. Dickey, of Lancaster, Pa., who, he thought, was the attorney of the post-trader, and he would probably facilitate the transfer there, and it appeared that O. J. Dickey had had some conversation with the Secretary of War on the subject.

Q. Had Mr. Dickey ever recommended you for Fort Lincoln?—A. No, sir.

Q. Do you know that anybody anywhere ever recommended you for that fort except Leighton?—A. Not for that fort. The question was just here. There happened to be a vacancy, and my application was on file, and I suppose, when it was known by Leighton and his friends that there was this vacancy, they pressed me for an appointment.

Q. Do you know why Mr. Dickey resigned out there?—A. I could not tell you ex ept from hearsay. c

Q. What was the hearsay?—A. I believe that complaint had been made by General Custer.

Q. Had any complaint been made with reference to the loyalty of Mr. Wilson, his partner?—A. I know nothing about that except rumors from Mr. Wilson himself.

Q. And you had no personal knowledge of the Secretary at all?—A. No, sir.

Q. And you did not apply for this particular post?—A. No, sir.

Q. All you knew was that one day you were waked up by a telegram from Leighton announcing your appointment?—A. Well, previous to this, I think, if my memory serves me right, I had a telegram saying that I could be appointed to Fort Rice, but at the time I imagined that Fort Rice was to be abandoned, and as I wanted to secure what little means I had, I naturally declined.

Q. From whom was that telegram about Fort Rice?—A. From Leighton.

Q. Had you told Leighton to be looking out for a place for you?—A. He understood that I desired to get a place.

Q. Had you ever had any business relations with him in your life before?—A. No, sir; except buying goods of him.

Q. Before this statement was made had you any agreement with Leighton, in case he should procure it for you, what should be your division of profits?—A. No, sir.

Q. If you had got one up the Yellowston, ewhat was to be the proportion of your interests respectively?—A. The details never had been discussed between us, so far as I can recollect. I only know that if he assisted me in procuring the appointment he was to be interested in it.

Q. Why did you go to him about getting these appointments at all; was it because he was the recognized head of the ring who controlled these appointments?—A. No, sir; I did not recognize that fact, but I knew that he had an extensive acquaintance. I knewthat he w as an honorable man, and I knew, or rather I thought, he was acquainted with the Secretary, and probably would have some influence.

By Mr. DANFORD:

Q. When where you appointed post-trader at Fort Lincoln?—A. I think the letter is dated the 29th of May. I arrived there on the 26th of June, and we completed our transfer on the 9th of July.

Q. And after you had received this appointment, you understood that it came through the influence of Leighton?—A. Yes, sir.

Q. He made the proposition to you that you should enter into that business, and you receive one-fourth of the profits, and he three-fourths; you and he put in equal sums of money?—A. Yes, sir.

Q. Did he inform you as to how much of the three-fourths he was to retain for himself and how much was to go to other parties?—A. I understood from casual conversation tha

he was to retain one-fourth, I one-fourth, and the other one-half was to go to Hedrick, whose name was particularly mentioned in the matter.

Q, How soon after you entered into business with him did you understand that to be the arrangement?—A. I guessed it at the time we drew up our agreement.

Q. You had an impression that Rice was interested, also?—A. Yes, sir; at the time.

Q. But after further conversation with Leighton, you have concluded that, perhaps, you were mistaken about that?—A. Yes, sir; I think so.

Q. The profits, as shown by your books, amounted to about $15,000.—A. Yes, sir.

Q. Of that you would have $3,750, and the remainder would go to Leighton.—A. Yes, sir.

Q. He controls the remaining three-fourths himself; but whether General Hedrick or any one else is to be sharer of it, that is a matter between Leighton and them?—A. Yes, sir.

Q. You had no arrangement between you and anybody but Leighton?—A. No, sir.

Q. You put in $3,200 each, and all that has accumulated there is still in the business?—A. Yes.

Q. How much do your books show as likely to be lost by bad debts?—A. By bad debts and depreciation of stock. We have this profit upon an inventory taken for our own satisfaction, and we took it very closely. It was generally taken on the 1st of January. When Leighton sold out to Jerdan, he accepted this inventory as the basis for his sale, and we took it closer than we would otherwise; that is, we took the cost-prices of the articles without allowing anything for the depreciation of stock.

Q. When you come down to the real fact, is there a profit of $15,000?—A. I would not take it at that.

Q, Would you take it at $10,000 of profit?—A. Yes, sir; I think I would if I had sale at cost-price for the goods.

Q. You do not know anything about Hedrick receiving any money except what you have heard from Leighton?—A. I do not.

Q. You never transmitted anything to him?—A. No, sir.

By the CHAIRMAN:

Q. This $15,000; was that the profit from the 1st of July, 1874, to the 1st of July, 1875?—A. We averaged our inventory on the 7th of July. We bought out Dickey & Wilson on the 9th of July, and this was one year from the date we commenced business.

Q. That stock you kept. You did not divide anything.—A. No, sir.

Q. That profit went into the capital stock.—A. Yes, sir.

Q. Have you any knowledge what have been your profits from the 1st of July up to the 1st of January?—A. I could not really tell you.

Q. Haven't they been, in proportion, a good deal more than they were during the prior year?—A. They ought to have been.

Q. But haven't they been?—A. I could not say they have been. Our competition has been greater than before.

Q. Do you not believe that you have made more than $7,500 in the last six months, from the 9th of July, 1875, up to the 9th of January, 1876?—A. If you take our debts as good I think we have.

Q. Therefore, in a year and a half there would have been an apparent profit there of at least $22,000, of which you would have one-fourth, and Leighton three-fourths?—A. Yes, sir; an *apparent* profit.

Q. What has Jerdan agreed to pay Leighton?—A. I could not tell you.

Q. What have you agreed to sell your interest to Jerdan at?—A. I have agreed to sell it at cost price.

Q. Haven't you ascertained it?—A. We had a difference upon the prices. The understanding was, I insisted upon selling him the goods at cost price with transportation added; but on the contrary, after taking the inventory, he put down arbitrary prices, which I objected to, and as I had already made a proposition to sell out, I suggested that we place the business in the hands of a receiver; but after considering the losses that would entail upon us, we agreed to submit the inventory to Leighton and abide by his prices. Jerdan had taken an inventory with him East, and I met him in New York going out, and he said that Leighton had objected to having anything to do about it.

Q. What did you deem your one-fourth interest worth?—A. I thought I would get out five or six thousand dollars—about $5,000.

Q. Were those negotiations all dropped on account of the removal of the late Secretary of War?—A. It is not dropped yet.

Q. Didn't that bring the negotiation to a halt?—A. It brought it to a halt.

Q. The appointment is dated the 1st of July, 1874; you say, however, that you went out there earlier than that?—A. I arrived there June 26.

Q. The whole agreement had been made prior to that here in Baltimore?—A. Yes, sir; it was put in writing in Saint Paul.

Q. What time did you make that verbal agreement in 1874; early in June, wasn't it?—A Early in June.

Q. How does it happen, then, that you were able to make an agreement about a thing

which you did not have until a month afterward?—A. I think my letter of appointment will show that.

Q. There may have been a prior notification to go and see Dickey, but your letter of appointment is dated July 1; according to your testimony you must have had a letter from the Secretary of War a month before you were appointed, telling you to go and settle with Dickey, and you did go. Here is a report which shows that you were appointed on the 1st of July, 1874?—A. Well, certainly it is an error.

Q. If it is not an error it is very remarkable, is it not?—A. It is, sir.

Q. Have you a copy of your agreement?—A. No, sir; it is at home.

Q. Please send us that agreement and the letter of the Secretary of War?—A. I will, if I can find them.

Q. Are you certain that the letter of the Secretary of War, telling you to go and settle with Dickey, contains your appointment, or does it merely say that you will be appointed?—A. I have a kind of a letter of appointment, accompanied by this letter of transmittal, directing me to go and see Mr. Dickey and buy him out with as little loss as possible, and this letter is dated May 27 or 29, and it reads: "You are hereby appointed a post-trader at Fort Lincoln," &c. Those are the only two letters I got, and if my recollection does not fail me they both came together.

Q. Who was present when you reduced that agreement to writing?—A. We had a lawyer who drew it up, and it was duly signed and witnessed.

Q. Was Hedrick there?—A. No, sir; nobody but Leighton and I.

Q. Have you ever acted as agent for any of the contractors when they delivered corn?—A. No, sir; not as agent.

Q. In any capacity?—A. I have.

Q. Did you ever pay any one there $150 for receiving corn?—A. No, sir; I paid one man $50 on the contractor's account.

Q. Who was the man?—A. A man named Gilmore, sergeant of Company B, Sixth Infantry.

Q. What did you pay him that $50 for?—A. By his own demand and by request of the contractor, a man named Nichols.

Q. What was the duty of the sergeant; to receive the corn, was it not?—A. No, sir; his duty, as I understand it, was to take charge of transportation.

Q. Was it his duty to see the corn weighed?—A. No, sir.

Q. It was merely to look after the transportation of the corn?—A. Yes, sir.

Q. Were the contractors in the habit of paying the sergeants money?—A. I do not know; I never was a contractor.

Q. But they told you to pay him?—A. They told me to pay any demand made upon me.

Q. What did the sergeant demand this $50 for?—A. For services in facilitating the delivery of corn, as I understood.

Q. Was this very corn afterward weighed and found to be short ten or twelve pounds to the sack?—A. Indeed I could not tell you that.

Q. Did you never hear that?—A. Yes.

Q. Was it the fact?—A. I could not tell you.

Q. You never heard that that very corn had run short ten or twelve pounds per sack?—A. No; it was said that they weighed five sacks at a draught, and that it ran short five or six pounds on a draught; but I will tell you in this connection that the quartermaster, in my presence, and in the presence of others, had gone down while the corn was being weighed, had weighed one or two draughts himself and had averaged them, and on the number of sacks received by the forage-master the quartermaster told me that the average held out.

Q. What service could this sergeant have rendered for which you ought to have paid him $50?—A. Nothing more than to facilitate the transportation of the corn. It was in his power to either put the teams at that or to put them to other work.

Q. What could the contractors gain by having transportation facilitated?—A. They could get their vouchers. They were paying heavy interest for their money, and the corn was lying there and had not been received.

Q. Why was it not received?—A. The quartermaster told me that he had no place to store it.

Q. Was there any other reason?—A. Well, I believe General Terry declined to receive it because some sacks were marked "U. S. Ind. Dept."

Q. It was not received, then, because it was supposed to belong to the Indian Department by the commanding officer?—A. Well, General Custer can tell you what was the supposition about it. I know nothing about it, except that it was put on the bank. The clerk of the boat came up and asked me if I would not receipt for it. I told him that I would not, that I did not know the contractor. The contractor came up afterward. He came to me to get a man for watchman. I got him a man. He employed him. Then the corn had to be rehandled, which he was informed of, and he asked me if I would not pay the expense attending it. I believe the contractor gave bonds, and it was finally received by the quartermaster, but under the condition that these marks should be obliterated, which was done, and I paid those bills.

Q. Then you paid this money to this sergeant for facilitating the transportation of this corn?—A. Yes, sir; I will state in this connection that I had no interest, pecuniary or otherwise, in it, nor did I know the man until he came up there and introduced himself, and I must confess to feeling sorry for the fellow, because he was borrowing money, as he told me, at a high rate of interest, and the corn was lying there and being damaged.

By Mr. DANFORD:

Q. Are you controlled in any way as to the price you put on your goods?—A. No, sir; it is regulated naturally by the competition we have in the town of Bismarck right opposite. I think General Custer and I talked that matter over, and he agreed with me that the matter would regulate itself.

WAR DEPARTMENT,
Washington City, May 25, 1874.

SIR: In transmitting your appointment as post-trader at Fort Abraham Lincoln, I beg to say that in this case, as is the general rule, it is my desire that you make some satisfactory arrangement with the outgoing trader, Mr. S. A. Dickey, as to the purchase of his stock and the buildings which he has erected, so that he may retire with as little loss as may be.

You will be required to assume your duties on the 1st of July next, or as soon thereafter ss possible.

Mr. O. J. Dickey, of Lancaster, Pa., represents his brother, the trader, and you had better see him at that place.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

ROBERT C. SEIP, Esq.,
Baltimore, Md.

I hereby certify that the foregoing is a true copy of the original, now in the possession of Mr. R. C. Seip.

IRWIN B. LINTON,
Clerk Committee on Expenditures in War Department.

WAR DEPARTMENT,
Washington City, May 23, 1874.

SIR: Under the provisions of section 22 of the act of July 15, 1870, you are hereby appointed a post-trader at Fort Abraham Lincoln, D. T., to take effect July 1, 1874, and will be required to assume your duties as such within ninety days from the date of this appointment.

You will please report to this Department, through the Adjutant-General's Office, your acceptance or non-acceptance of this appointment.

WM. W. BELKNAP,
Secretary of War.

ROBERT C. SEIP, Esq.,
Baltimore, Maryland.

With printed copies of circulars, dated War Department, Washington City, March 25, 1872, and June 7, 1871, annexed.

I hereby certify that the foregoing is a true copy of the original in the possession of R. C. Seip.

IRWIN B. LINTON,
Clerk Committee on Expenditures War Department.

WASHINGTON, D. C., *April* 6, 1876.

JAMES TRAINOR sworn and examined.

By the CHAIRMAN:

Question. You were post-trader at Fort Concho, Tex., appointed, the official record shows, on the 9th of March, 1872, and you held the office until December 18, 1873?—Answer. Yes, sir.

Q. Please state the circumstances under which you received that appointment.—A. When this law which is now in force was passed, in 1870 some time, I immediately went to work and clothed myself with the necessary documents, the indorsements of General Mackenzie General McCook, and all the officers, (and General Meigs and General Bingham here in Washington,) and I came on to Washington. I was about twenty-two or twenty-three days getting across the country by way of Fort Arbuckle and the Indian Nation. When I got to Dexter Springs, I met Mr. Sawyer there. He informed me that Hedrick had been appointed; but he gave me the name wrong; he told me Henderson instead of Hedrick, and I telegraphed to "Henderson," at Ottumwa, Iowa, but I found there was no such person there. Then when I got to Saint Louis I telegraphed E. W. Clarke, to know who was appointed. I came here and interviewed Belknap. He told me that I must see his friend Hedrick, and he kept me here until nearly Christmas—nearly six or seven weeks, waiting for him.

Q. Can you state any conversation you had with him at the time? Did you present to him your credentials, signed by General McCook and others?—A. Yes, sir; and by General Mackenzie and all those gentlemen; and I also got Mr. Hamilton, the Senator from Texas, and he wrote a beautiful letter in my behalf. The Secretary of War told me I must see Hedrick.

Q. Did you see Hedrick?—A. Not until nearly Christmas.

Q. Did the Secretary of War tell you to have an interview with anybody else?—A. No; only with Hedrick.

Q. Did you have the services of any person besides Hedrick?—A. Yes, sir; a man named Simon Wolf. He said he had to have a retainer, and I gave him $250 at the Metropolitan Hotel. He said he would get my appointment for $2,000, and I gave him $250 retainer; but I told him at the time that it would not amount to anything.

Q. How did you pay it?—A. In greenbacks.

Q. Was any person present when you paid it to him?—A. There were five or six at the bar.

Q. What time did you pay him?—A. In December, 1870, some time.

Q. You did not get the appointment at that time?—A. I did not.

Q. Did you have any interview with a gentleman named General Rice, here?—A. No, sir.

Q. Did you with Mr. Clarke, who was at that time a member of Congress from Texas?—A. Yes, sir; he worked in my behalf, and did everything he could.

Q. Did you pay him any money?—A. Yes; I paid him money three or four different times.

Q. For this purpose?—A. I don't know what purpose it was for.

Q. Was it during that time?—A. Yes; I gave him $100 at the Saint Nicholas Hotel, New York.

Q. For services he rendered you in this matter?—A. I don't know. He just borrowed it and never paid it back.

Q. Did you pay him any other sum of money?—A. Yes, sir; I paid him drafts. He kept drawing on me until I got sick and tired.

Q. How much?—A. About $700 or $800.

Q. He was then your member of Congress?—A. Not mine; he belonged to the Galveston district; he was postmaster at the time.

Q. Were you indebted to General Clarke in any way whatever?—A. In no shape whatever.

Q. Why did you pay those drafts?—A. I thought he was poor and he needed it. I should not have paid it for any other purpose; he never did me any service.

Q. It was an act of charity?—A. Yes, sir.

Q. He had assisted you, however, in thus getting the appointment?—A. Well, he did not assist me at all. I had to do business with this man Hedrick. Those other fellows were all moonshine.

Q. What did he demand?—A. Six thousand dollars a year for the post. At first he wanted to be a partner, but I would not have a partner, and we had some pretty sharp talk. I went back to Texas, and he sent Al. Leighton there, and he came down with a letter by Hedrick, written to the post-commander there, and countersigned by the Secretary of War, and in that it said Leighton was perfectly right and correct—anything he did was correct.

Q. J. M. Hedrick was appointed post-trader at Concho on the 6th of October, 1870?—A. Yes, sir.

Q. Then while your negotiations were going on who was the post-trader?—A. He was.

Q. And your object was to have him give you the post?—A. Yes, sir.

Q. And to get yourself appointed, and he offered to let you have it for $6,000?—A. Yes, sir.

Q. Which broke up the negotiations, and you went back to Texas?—A. Yes, sir.

Q. And after you were down there Al. Leighton came with a letter to the post-commander, from Hedrick, countersigned by the Secretary of War?—A. Yes, sir; saying that anything Leighton did he must approve of.

Q. Did you see that letter?—A. Yes, sir; General Mackenzie has the letter now I expect.

Q. Have you ever paid any money to other persons than Clarke, Wolf, and Hedrick?—A. Yes, sir; I paid $1,500, the first payment, to Mr. Leighton.

Q. What did you pay him that for?—A. As the representative of Hedrick.

Q. How was that? Hedrick held this appointment from October 6?—A. He held it, and I paid him for it. I was doing the business and was paying him rent, I expect; that was the amount of it; until I quit paying, and then he kicked me out.

Q. He held the appointment until March 14, 1872, and in March, 1872, Owings was appointed?—A. There was no such man.

Q. He only held it for a week, and then you got the appointment March 9, 1872, and held it until December, 1873?—A. Yes, sir.

Q. How did you get the appointment on March 9?—A. I really don't know myself. If Mr. Sawyer was alive he could tell you something about it. It came through Mr. Clarke in some way. I know I had a draft of $1,000, that I had to pay, and I had to pay it through him. Mr. Sawyer, the mail-contractor, telegraphed to ask if I wanted the post-tradership, and I said yes; and I got a draft about three weeks afterward for $1,000, and I paid it and did not ask any questions.

Q. Prior to that you had been paying Hedrick regularly?—A. Yes, sir. The first payment I made was to Mr. Leighton, October, 1871, $1,500. Then I gave Cheney $1,000 afterward, and then I told him I was not going to pay any more. Cheney was the post-trader at Fort Davis; he had a letter of authority from Hedrick also. I paid him for Hedrick.

Q. Afterward you received the appointment and held it from March 9, 1872, to December 8, 1873; did you pay anybody during that time save this one draft?—A. Yes, sir; I was postmaster out there at $52 a year and they fined me $350 for electioneering purposes; that I paid to Mr. Cook here, and Mr. Chandler.

Q. Was that for your position as postmaster or as post-trader too?—A. I don't know; sort of mixed, I guess.

Q. On the 6th of December, 1873, Joseph Loeb was appointed; how was that brought about?—A. By paying this fellow, Wolf, $3,000.

Q. How do you know that?—A. Because Loeb told me so himself, and so did Mr. Vick, his partner. Mr. Merritt, of San Antonio, sent the money.

Q. What have been the aggregate amounts you have paid to Mr. Hedrick?—A. I paid him $2,500, sum total. I quit paying, and then he kicked me out. I paid my initiation-fee for Grant's campaign, $350, and little odds and ends, which amounted to a heap.

Q. Then you paid Clark about $250?—A. I paid him about $700 altogether; then I paid Wolf $250 retainer—Wolf, a celebrated lawyer in this town. He was going to do anything in the world for me that I wanted.

Q. Had you any business here except to procure this appointment?—A. Nothing. I was introduced to Wolf by Mr. Degener, a member of Congress from Texas; and I paid him $250 to procure the appointment at Fort Concho, which I was to give him $2,000 for it I got it; but I did not get it.

Q. Then you paid $1,000 to Sawyer, who is dead?—A. Yes; I don't know anything about that. I don't know where it went. I asked no questions.

Q. Give us, in some detail, your conversations with General Belknap when you came here in the fall of 1870, at the time you wished the appointment in your own name.—A. When I first came here in October, I immediately went up and met my friend, General Meigs, and he told me to go direct to the War Department and report my case; and I had all the papers necessary to have, but I could get no satisfaction out of Belknap. He always told me that he had appointed Hedrick, who had been an intimate friend, a captain in the regiment that he was major in and colonel in; that they were raised together, and he was bound to sustain him. Every two or three days he would say, "You wait; I have got a letter from Hedrick. He will be here in a day or two. His people are down with the measles;" and I came pretty near getting the measles myself staying here. He was at Ottumwa, Iowa, and I proposed to go there; but Belknap said, "No; you stay here. Hedrick will be here in a day or two. I have just got a letter from him." I would go to see him two or three times a week; but he declined to do anything. I even went so far as to get Mr. Flanagan and Mr. Hamilton to go there and intercede for me; but it was no use, nothing could be done. Politics was of no account anyhow; and I had to wait on my oars here until the day before Christmas; and then I could not transact any business with Hedrick, and I had to go back to Texas without doing anything.

Q. Prior to October 6, 1870, when Hedrick was appointed a post-trader under the new law, you had been the old sutler there?—A. Yes, sir; I had buildings there that cost me $15,000.

Q. How long had you been in that business?—A. I think it was since December, 1867, when the post was established there.

Q. You were the old sutler, and your efforts were to be retained under the new law?—A. Yes, sir.

Q. And you came on here with the recommendations of the post-officers and the Senators and members of the Texas delegation?—A. Yes, sir; and even Mr. Cox, from New York, came over to help me. I told him he would ruin me if he came here. He was on

the wrong side of the House. My brother sent him over here. My brother lives in New York and was a constituent of Mr. Cox.

Q. That was the reason of Mr. Cox's interest in you?—A. Yes, sir; he came over to help me, and he came very near ruining me.

Q. Do you know Wicks & Adams, the contractors?—A. Very well. I met Mr. Wicks a few days ago.

Q. Have you knowledge of an interview with Wicks and W. T. Clark about the sale of the post-tradership at Fort Concho?—A. Yes, sir.

Q. What was that?—A. Mr. Clark went to Wicks and said, "Mr. Crosby, the chief clerk of the War Department, has just returned from Europe and is very hard up, and he needs money, and if you will give me $1,000 I will get you the post-tradership at Fort Concho." He said, "No; Jim Trainer is there, and I shan't do anything of the kind;" and a little talk like that which I paid no attention to. Wicks told me this himself. He is here in town now, at Willard's. He said that Crosby offered to sell that tradership for $1,000. That was before Loeb got it.

Q. That is the time that you were holding it, which must have been between March, 1872, and December, 1873?—A. I guess it was some time along about October or November. I came here a year ago last September, and saw Belknap about this thing. I understood I was going to be removed, and he said I should not be relieved, and I went back. I had to go to Tucson on some cattle business, and when I came back I found that I was *ausgespielt*—put out—and I found Loeb in my place. He was a book-keeper at Killingham & Co.'s, San Antonio. He is the post-trader there now.

Q. How lately have you seen that letter which was signed by Hedrick and countersigned by the Secretary of War?—A. General McKenzie had it in his office the last I saw of it. I think that was in February or March, 1871, just after General McKenzie got back from this officers' "benzine" board that they had here.

By Mr. DANFORD:

Q. Where were you yesterday?—A. What time of day?

Q. At 2 o'clock, say?—A. I guess I was down at the National Hotel.

Q. Do you know Simon Wolf?—A. Yes, I have seen him; I met him day before yesterday. He did not know me; he said he didn't know that I was in the land of the living.

Q. Did you know him the day before yesterday?—A. O, yes, sir.

Q. Who introduced you to him?—A. Some fellow at the hotel.

Q. What was the name of the gentleman who introduced you?—A. I don't know; it was late in the evening.

Q. Don't you know him?—A. No, I cannot say now; I meet hundreds of people here; they are strangers to me; I ain't keeping faces all the time.

Q. Do you know who it was that gave you the introduction to Mr. Wolf?—A. No, I don't.

Q. Didn't you know Wolf at the time?—A. Yes. sir; as soon as I met him.

Q. And knew him before you were introduced?—A. Yes, sir; and I asked him about that letter, and he said that he didn't know I was in the land of the living. He said, "I would not have published it if I had thought you was here.

Q. Was that other gentleman by when he said it?—A. There were a dozen gentleman by there. It was at the bar-room of the National Hotel.

Q. That was where you and Wolf had your talk?—A. Yes, sir; and I said, "When you wrote that didn't you tell a damn lie?" He said he didn't know whether——

Q. Give us the name of one person that was present when you and Wolf had that talk.—A. I don't know; I don't know a soul in the house except old Dr. Jenney himself.

Q. Was the bar-keeper present?—A. I guess so.

Q. Do you know his name?—A. I do not.

Q. Was it the bar-keeper that introduced you to Wolf?—A. No, sir; some man on the outside; I don't know his name.

Q. When you paid Wolf the money you paid it in the bar-room of the Metropolitan Hotel?—A. Yes, sir.

Q. That is where you do your business; on the counter, in the bar-room?—A. No, sir; I do not.

Q. You say you did it in the bar-room of the hotel with a half a dozen people?—A. No; you ask me one question, and now you change off on the other.

Q. I am asking you about the payment of Wolf, where was it?—A. In the bar-room of the Metropolitan.

Q. How many persons were there?—A. God only knows.

Q. Do you know anybody that was present?—A. Yes, sir; Mr. Bagley was present; he was a clerk in the hotel.

Q. Was he by when you paid the money?—A. I got the money out of the safe for him; I got $400, and gave Wolf $250. I did not tell Bagley what I was going to do with it.

Q. Did you tell anybody?—A. No, sir.

Q. How many persons saw you?—A. I don't know; I don't know that anybody was looking at me.

Q. Did you take any receipt for it?—A. No, sir.

Q. Any letter from him acknowledging it?—A. No, sir.

Q. Any evidence acknowledging it?—A. No, sir; except mine, and that is good.

Q. That is good for you?—A. Yes, sir.

Q. You say you paid Hedrick money?—A. No, sir; I paid Leighton $1,500.

Q. Did you ever pay Hedrick any drafts?—A. Yes, a $1,000 draft.

Q. Drawn to his order?—A. Yes, sir.

Q. On what bank?—A. Bennett & Thornton's draft on Northrup & Chick, No. 11 Wall street, New York. Bennett & Thornton sent me a $1,000 draft, which I turned over to Cheney.

Q. The draft was drawn to you?—A. Yes; and I made it payable to Hedrick.

Q. It was drawn to you, and you indorsed it to Cheney?—A. No, sir; I indorsed it to Hedrick direct.

Q. When was that?—A. I think it was along about July or August, 1871, or the latter part of the year, I would not be certain; I can see, though.

Q. Did you ever pay Clark anything except ready cash; any drafts or anything that can be traced?—A. I guess so.

Q. If you know, I want to know, because he has denied all payments of that kind.—A. I did pay him. I paid him two drafts that I know of, and I have got them yet. They are $500; $250 apiece; one draft he sent through Sawyer, of $250; I have not got that.

Q. Where are these drafts?—A. At Fort Concho, among my books and papers; when I was summoned here, I had no idea what I was coming here for. I have not seen a paper in three months.

Q. Were those drafts paid Clark made payable to you?—A. No; he drew on me; Sawyer cashed them for him here, two of them, and the other came there to Concho, and I paid it; and then he sent another draft on me and I refused to pay it. I also gave him an order on Colonel Gordon, the internal-revenue commissioner at Galveston, for $250.

Q. You have those drafts?—A. Yes, sir; but they are away yonder.

Q. You can send them to the committee, can't you?—A. I guess so; if I ever get out there myself, I will.

Q. When you were making these negotiations with Hedrick in the first place, he had the commission as post-trader there?—A. Yes, sir.

Q. How long were you negotiating at that time?—A. I was here from the 20th of October until Christmas, and did not succeed in making any transaction at all.

Q. And during all that time Hedrick was the post-trader?—A. Yes, sir.

Q. Then, when you were talking to the Secretary of War about Fort Concho, Hedrick was the post-trader, and he did not want to make any negotiation or change until Hedrick came?—A. Yes, sir.

Q. And when you talked with Hedrick about this money, did he own any stock at that post?—A. No, sir; he didn't have a thing. I don't suppose he had a pair of shoes in the State.

Q. He had nothing then except the appointment?—A. No, sir.

Q. No goods?—A. No, sir.

Q. Who was running it?—A. I was running it, myself.

Q. You have stated, I believe, how much money you paid Hedrick in all?—A. $2,500.

Q. What was the agreement between you?—A. We never had any agreement between us; we could not agree.

Q. Was there anybody that agreed for him?—A. Yes, sir; Leighton. He came down there in the latter part of February, with an order (or power of attorney it might be) from Hedrick, that anything that Leighton might do would be all right. I think it was countersigned by W. W. Belknap. I think it is in the hands of General McKenzie now.

Q. When Leighton came, you and he made an arrangement?—A. Yes, sir; I said to Leighton, "I will give you $1,500 now, and I will give you $5,000 a year if it pays; but it ain't going to pay; I can't afford to do it." I gave him $1,500 down, and then I sent Hedrick a draft for $1,000, and told him that was the last I was going to pay him, and I did not stay there but a little while afterward; I got kicked out.

Q. What were you paying this money to Leighton for?—A. For staying there; for the privilege of living in Texas, I guess.

Q. For the privilege of being post-trader at Fort Concho?—A. Yes; and to wind up a pauper.

Q. That was the business you were in, the tradership?—A. Yes, sir.

Q. Was the tradership transferred to you afterward?—A. It was, afterward; and that is where Clark came in with his little riffle.

Q. How long afterward was it transferred to you?—A. Hedrick telegraphed out that he didn't want it any more, and Sawyer telegraphed me to know if I wanted it; I said yes; and I paid $1,000.

Q. To whom did you pay that?—A. To the collector of Adams Express Company.

Q. To whom did you pay that $1,000?—A. I don't know. I put that to profit and loss account.

Q. Who drew on you for that $1,000?—A. I was notified to send $1,000 more.

Q. Do you know who got that money?—A. Well, I guess yes.

Q. Who was it?—A. I think maybe Clark or somebody—some of those fellows.

Q. Will you swear that it was?—A. No, I will not. If Sawyer were alive I would find out in a minute.

Q. Who signed the draft?—A. Sawyer did, but he is dead and gone.

Q. Then you paid it to him?—A. Yes; but where it went to I don't know. It is one of those things that a man don't know anything about.

Q. What have you got from Clark?—A. Nothing; I am out $700 or $800 by him, though.

Q. Have you any letters from him, or did he ever draw on you?—A. Yes; that is all he ever did do, draw.

Q. Where are those drafts?—A. At Concho, among my books and papers.

Q. Were you subpœnaed to come here as a witness?—A. Yes, sir.

Q. Didn't you have a suspicion of what you were brought here for?—A. No; I didn't know anything about it until I got half-way up here, when I saw it in the papers; I had been away down in Mexico.

Q. And you didn't think to look after the drafts?—A. No; I didn't care to.

Q. Is there any man that you can send out there to get them?—A. No, sir; no man in the world except myself. I keep my own keys and my own doings. Nobody can get in there except he breaks in.

Q. Will you send them when you get out there?—A. I will with pleasure.

Q. How many drafts have you from Clark?—A. I don't know. I think three. I would not be certain.

Q. And one through Hedrick?—A. O, no; I have not got any draft from Hedrick; I sent my draft. I paid Leighton $1,500, and then sent Hedrick a draft on New York for $1,000.

Q. There was some other party that you said had drawn on you, and you had the draft?—A. That was Mr. Zach Chandler and Mr. Harlan, $350 that I paid Mr. Cook. The draft had been there several weeks before I came back.

Q. You paid Wolf cash. You paid Clark cash, and you have also drafts from him?—A. Yes, sir.

Q. You paid $1,000 through your New York bankers, Northrup & Chick?—A. Yes, sir; that went to Hedrick. Cheney took it; Cheney came there with a letter from Hedrick, and said he was hard up and wanted the money.

Q. That was the first payment?—A. No, sir; that was the second. The $1,500 was before that.

Q. But that was cash?—A. Yes, sir; that was cash right from the safe. The other $1,000 was a draft on New York, on Northrup & Chick, from the house of Bennett & Thornton, San Antonio. I am all right, but I ain't sure about dates.

By the CHAIRMAN:

Q. You say that some one introduced you to Mr. Wolf the other evening at the National Hotel?—A. Yes, sir.

Q. There was a large crowd of people about?—A. Yes, sir.

Q. How does it happen that you were introduced to him when you knew him before?—A. I hadn't seen him before since 1870. I recognized him as soon as I saw him, and I remarked, "Wolf, I understand you have got off the handle pretty wrong." Said he, "I don't know." Said I, "You have published a letter, and you knew when you published that letter you told the most infamous lie you ever told in your life." He hummed and hawed around.

Q. He said he thought you were dead, didn't he?—A. Yes, sir; something like that; that he didn't know that I was in the land of the living. He seemed to be embarrassed and troubled that when I said that when he published that letter he told a falshood.

By Mr. ROBBINS:

Q. What did he say to that?—A. He didn't have much to say. He chewed it.

By the CHAIRMAN:

Q. Have you any doubt that the Mr. Wolf to whom you were introduced there is the same person to whom you paid the money?—A. Yes, sir; he is the identical man, if I ain't mistaken, because he has sharp features, long nose, gold spectacles, tall, and he aint as big around as my thumb; and he don't look like a man that has got much, any way.

Q. Is he the same individual that you knew in 1870?—A. Yes, sir.

Q. And there can be no mistake about his identity?—A. No, not a bit.

Q. You paid him $250 in greenbacks?—A. I did pay $250 in greenbacks.

Q. You were to pay him $2,000?—A. Yes, sir; if he accomplished his object.

Q. Were there any reports about your being dead, lately?—A. I don't look as if I was dead.

Q. Were you ever reported as being dead?—A. Not as I know of. I have got no wife, and no insurance either.

Q. Did you ever make the acquaintance of General Rice?—A. Yes; I have known him since I have been in the country. I knew him on the Atlanta campaign.

Q. Did he ever render you any assistance in this matter?—A. No; none in the world. He never did anything for me, and I never asked him, but Hedrick warned me not to go near him.

Q. What was the object of that warning?—A. I don't know; he told me to keep away from Rice. I suppose he wanted to shear the lamb himself. Hedrick told me that in December, 1870; he and I had a conversation here then, and also two years ago at the Grand Central Hotel at Chicago. I met him there by appointment, and he told me to keep away from Rice; and I came down to see Belknap, and he told me that I was going to be retained as post-trader. I went back home, and the first thing I knew here comes Loeb with a warrant in his pocket. I never dreamt of it.

Q. Did you know William E. Friedlander out there?—A. Very well indeed.

Q. Has he any knowledge on the subject?—A. Yes, sir. I met him here in 1870. I was introduced to Crosby, the chief clerk of the War Department at that time. He was then Belknap's private secretary, and we had a little conversation together, but everything had to go to Hedrick. I didn't have much to say. I kept my mouth shut; and Friedlander told Mr. Raphael, a lieutenant now on General Ord's staff, at Concho, that he paid Wolf $3,000 for his appointment.

By Mr. DANFORD:

Q Have you seen Hedrick since you have been in this city?—A. No; I met Rice for two or three minutes this morning. I have not seen them. They ain't out much, I think.

WASHINGTON, *April* 10, 1876.

JAMES TRAINOR recalled and further examined.

By the CHAIRMAN:

Q. Please state what occurred at your interview with Mr. Wolf.—A. I will tell you one thing. I met Wolf and he was a little bit excited, and I asked him, when Gregory introduced me to him, "What did you publish that letter for? When you did that, you told what was not so. It is a falsehood. I paid you money myself;" and we were inclined to get a little wrothy, and he went off.

Q. Did he say anything else to you?—A. No; he said he didn't know me, or something like that. Said I, "You ought to know me; I paid you money—don't go back on that; and when you published that letter that you did not receive any money, you told what was not true."

Q. Did he say that he did not suppose you were alive?—A. He said something about like this, "I didn't know you were in the land of the living;" and I said, "I am liable to come here almost any time you send for me." I did not intend any violence on him. He ain't big enough for me.

Q. Did you know him as soon as you saw him?—A. I did. I shall never forget them gold spectacles. I will remember them as long as I live.

Q. Were you at Fort Concho in June last?—A. Yes, sir, I was there in June. I went from San Antonio along about the 5th of June, to go out with Colonel Shaffner on that scouting party, as trader, and I was there until—I think we got up on the North Concho on the 4th of July. The order of General Ord was to leave on the 20th of June from Fort Concho.

Q. Did you see Mr. Loeb when you were there?—A. Yes, sir.

Q. Did you ever talk to him about this post-tradership at Concho—what it cost him?—A. Yes, sir; he told me, going from the mess-house one day, that it cost him $3,200; and Mr. Vick told me also, and so did C. H. Merritt, of San Antonio.

Q. Is it your impression that he told you that he paid it to Mr. Wolf?—A. That was my impression, because he did not know anybody else here but Wolf; and I asked him if he knew Wolf and he said he did; and I said, "He bled me too."

Q. Are you quite certain that he said it was Wolf?—A. He did not say. I took it for granted it was.

Q. Because you had paid Wolf, you thought ———A. I thought everybody else had paid Wolf. He did not say anything about Rice at all, and I took it for granted that he had paid Wolf.

Q. You had never known General Rice?—A. O, yes; I have met him several times. He is all right. Nothing crooked about him at all in my business down there. Hedrick warned me to keep away from him. My meeting with Rice was merely sociable and agreeable.

Q. Then your impression as to what Loeb told you might have arisen from the fact that you thought Wolf was the only person getting money for such influence?—A. That is what I want you to understand. I would not be certain, but I had the impression that Wolf was the man that he paid the money to. He told me that he had paid—Mr. Vick told me so; and he told F. C. Taylor and C. H. Merritt when this thing came out; he said everybody knows that Loeb says he paid $3,000. I told him the other day that I was summoned down here, and he said, "You will let me out?" I told him that I would not tell anything about him if I could help it.

WASHINGTON, *April* 12, 1876.

JAMES TRAINOR recalled and further examined.

The WITNESS. I notice in the papers something about Mr. Wolf not knowing me, never seeing me, and never hearing of me at all. Very true, I am very small, but I am able to hold my ground with anybody. I was introduced to Mr. Wolf just before the meeting of Congress in 1870, by Mr. Degener, of San Antonio. I went up to Mr. Wolf's house, (I don't remember the name of the street, it is away up back of the Patent-Office,) and I there met him and made an engagement with him. He came to the hotel to see me; for which consideration he received a retainer of $250, and I was to pay him $2,000 if he would get me that appointment, but he never got the appointment, nor anything that I know of except that $250.

Q. Do you remember who were present when you paid him that money?—A. There were five or six of us, all living at the Metropolitan Hotel; Jackson, and I don't know but Aleck Moore was present.

Q. Did you ever talk to Jackson about it?—A. No. Well, I remember telling Jackson, "I have just paid out $250;" and he asked me what for, and I told him.

Q. Have you ever had any conversation with Wolf about Degener?—A. No, sir; he says the other day, "You will get your friend Degener in trouble." I says, "Very well, if my friends get me in trouble I will probably do it." Mr. Wolf told me this morning that he was very sorry we were in trouble. I told him that we had no trouble at all, and that if he would come to San Antonio I would give him a ride behind my horses. He said his wife was very much embarrassed and troubled, that this troubled her a good deal, and I said I was very sorry for it, but at the same time his troubles had cost me more money than I could make up for the next ten years. Then about this man Gregory, I don't think he is a competent judge; neither do I think he is a competent man to criticise any man. A man that has not sense enough to take a glass of beer, I don't think he has any sense at all.

By the CHAIRMAN:

Q. I must protect Mr. Gregory. I think it is due to him that I should say that his testimony was given with great apparent fairness. He only said that you had been drinking, somewhat; he did not say that you were not able to understand everything that was going on.

The WITNESS. Well, the President of the United States drinks, once in a while, and a good many other fellows. We frontier fellows are liable to get a little off now and then. What I have said is the truth and nothing but the truth. What I said about Wolf is the truth; what I said about Hedrick is the truth, and what I said about my conversation with Belknap is the truth, and I am equal to any emergency, on any occasion I am called for, in any quarter of the globe; and I want to leave here to-night, if I can. Mr. Clark came to me the other day and said he thought I made a mistake in dates about the money I paid him. Maybe I did. It was at the time that the "Benzine" board sat here, and Clark wanted to impress upon my mind that that was in 1871. Of course, if I have made any error in dates I am willing to rectify it.

Q. You paid him money?—A. O, yes; it don't make any difference whether it was in 1870 or 1871. I have got his draft stowed away.

By Mr. DANFORD:

Q. You had a talk with Mr. Clark yesterday or the day before?—A. O, yes; we meet every day.

Q. You and he understand each other?—A. We understand each other simply this: he is begging me and praying me to let up on him, and I told him I would see the committee and Mr. Clymer, and if it was agreeable I would change the date, but my recollection is that it was in 1870, though he says that it was in 1871, that I was here. To the best of my recollection I came here in October, 1870, and staid here until Christmas eve, and I paid him money—I don't know how much I paid. I kept paying out all the time.

Q. What did you pay money to Clark for? Was it for his influeuce or supposed influence in getting you that post-tradership?—A. No; I never supposed he had any influence.

Q. Was he a candidate for re-election?—A. Not in my district. We don't run such men.

Q. What did you pay him that money for?—A. Well, he was hard up and I loaned him the money.

Q. You gave it to him, then, as an act of charity?—A. Yes, sir; I knew him during the war; a fine social companion.

Q. You didn't pay him, then, because you expected him to do you any good in getting your post?—A. No; because Belknap told me that nobody could do me any good except Hedrick. This man Wolf came here and told me he could do me good, but Belknap told me distinctly that no man could do me any good except Hedrick, and Hedrick was the only man that did me any good.

Q. Hedrick had the post at the time?—A. Yes, sir.

Q. And Belknap had that——A. (Interrupting.) He had a kind of a *feeling* for Hedrick.

Q. And he would not turn him out?—A. No; he would not turn him out. He said he was raised in the regiment with him and so on, and he put me off from October till Christmas eve, and then Hedrick and I could not agree upon prices, and I went off without making any arrangement.

Q. Then, really, whatever money you paid Clark, you paid as a matter of kindness, charity, and good feeling?—A. Yes, sir; I would lend you $1,500 if you were hard up.

Q. Did you expect to get that money back?—A. O, no; I never expected anything back. I would give to him to-morrow, if I had it to spare.

Q. Did you ask him to go to the Secretary of War for you?—A. Yes, sir; I did. When I got to Saint Louis, on my way from Concho, I met Sawyer there and he told me that Hedrick was appointed, but he gave the name wrong. Ben Ficklin, Sawyer, and myself were together. I telegraphed to Ottumwa, Iowa, to "Henderson," which was the name that Sawyer gave me, but I found I was wrong and that there was no such man there. Then I telegraphed to Clark to know who was appointed at Concho, and he telegraphed me that it was J. M. Hedrick, and to come to Washington immediately. I thought everything was smooth and nice. When I came here he came with me to see the Secretary of War, and we met Mr. Crosby, the chief clerk, in the office, and I had as strong letter of recommendation as a man could have, but Belknap said I must stay here and see Hedrick. I met Belknap, I suppose, a dozen times before Hedrick came.

Q. What I wanted to know was whether you had asked Clark to go to the Secretary of War and insist on your appointment?—A. Yes, sir; he did.

Q. Did you pay him that money in consideration of that, or was it for some other consideration?—A. Well, I don't know; I don't think there was any consideration of that kind.

Q. You paid him some money at the Saint Nicholas Hotel?—A. Yes, sir.

Q. What was he purchasing in New York at that time?—A. There was a meeting of the Southern Pacific Railroad there, and he didn't have any money.

Q. Was not he buying a press, or something of that kind, at that time?—A. No, I don't think he was buying much of anything, except five or ten cents' worth of lager.

Q. Do you remember whether Mr. Wolf's name was ever mentioned by you to the Secretary of War, or by the Secretary to you?—A. No; I never mentioned any man except one, and that was General Hedrick. That was the only man that he ever referred me to, to do business with; but I thought I would be a little sharper than most of the fellows, and I got Degener and he took me to see Wolf. Degener is now in San Antonio, in the lumber business. I met Wolf afterward at the Metropolitan Hotel. He said he required a retainer. I gave him $250, but I told him at the time, "You cannot do it; because General Belknap tells me that Hedrick has got the appointment, and nobody else."

Q. Still you were willing to give Mr. Wolf the $250 even with that statement of the Secretary?—A. O, well, I go $250 wild sometimes anyhow.

Q. Did you regard it in the nature of a bet?—A. I am neither a member of Congress, nor we have no Shankey-Monkey institution down in our country, and we don't hesitate to bet or go to a chicken-fight on Sunday morning, if we want to.

Q. But when you paid Wolf this money it was after you had received notice from the Secretary that Hedrick was the man to be consulted?—A. Yes, sir.

Q. Can you fix about the time when you paid Wolf the money?—A. Yes; I think it was about the 25th November; about five or six days before the meeting of Congress in 1870. Degener came up here and I met him and he said he had a friend who was a very intimate friend of the President's, and influential in the Departments, and says I, "That is the man I want." He came down here; I met him, and he went to the Sergeant-at-Arms and drew his pay, and I think it was about the 25th or 26th of November.

Q. It was about that time that you paid the money to Wolf?—A. No; Degener came here and drew his own money, and we walked to Wolf's house, and there I was introduced to him, and I went twice afterward to his office and met his brother.

Q. Where was his office?—A. In the court-house on Louisiana avenue, up-stairs; and afterward he met me in the Metropolitan Hotel.

Q. Did he have an office with any other person?—A. I think his brother was in the office. He is not quite so tall a man as Wolf, and a little stouter.

Q. Did you ever talk with Mr. Wolf in the presence of his brother?—A. No, sir; it was always private conversation that we had; except what somebody might overhear, because you cannot tell what anybody will listen to in Washington. I met Wolf in the Metropolitan Hotel, and he approached me, right between the office and the bar-room, and we walked to the bar and he told me he required $250 for a retainer, and that he would take $2,000 for the appointment. I says, "Wolf, I don't think you can get it, because I have been already told that Hedrick is the appointee of that position and he won't give it to anybody;" and he said he could get it, and I said if he got it I would give him $2,000. It was worth it at that time, too.

Q. How many times do you say you were at his office?—A. I think I was at his office twice, and never found him in.

Statement of Simon Wolf in regard to certain charges preferred against him by James Trainer, with accompanying letters and telegrams.

RECORDER OF DEEDS' OFFICE,
DISTRICT OF COLUMBIA,
Washington, D. C., April 27, 1876.

Hon. H. CLYMER,
Chairman of Committee on War-Expenditures:

DEAR SIR: I have the honor most respectfully to submit to you and your worthy col leagues the following documents and references in answer to the allegations made by one James Trainer before your committee "that he paid me $250;" "that Mr. Degener, of Texas, introduced him to me at my house;" that one A. H. Jackson, of this city, was "about" or "around" when the $250 were paid; "that he knew me before being introduced by Mr. Gregory;" "that he saw my brother at my office;" "that he knew those gold spectacles;" "that Loeb had paid me $3,000;" "that Friedlander had paid me $3,000," &c.:

1st. My sworn testimony.
2d. The letter and telegram of Mr. Degener.
3d. The letter of Mr. A. H. Jackson.
4th. The testimony of Mr. Grêgory.
5th. Loeb's testimony and Trainer's retraction.
6th. Friedlander's letters and telegram.
7th. The copy of report (sent to you March 20 from the War Department) made by Colonel Merritt November 8, 1873, as to Trainer.
8th. *I never had a brother* in my office or in my employ.
9th. I have only worn gold spectacles since 1874.

I could amplify on this defense, but have no desire to bore you with any long statements. My character as a man and official is known in this city and throughout the country, and, if you desire, can be referred to. I have faith in your love of justice and equity.

I am, dear sir, very truly, your obedient servant,

S. WOLF.

WASHINGTON, D. C., *April* 15, 1876.

Hon. S. WOLF:

SIR: In reply to your note of the 14th instant respecting the testimony of James Trainer before the Committee on Expenditures in the War Department, I have to say that some years since, I believe in the fall of 1870, I was standing in the vestibule of the Metropolitan Hotel, in this city, when Mr. Trainer came from an adjoining room, and made generally the remark, using an epithet with strong language, "There is $250 more I have paid," or words to that effect. He mentioned no name. I have no recollection of ever having seen you until this morning.

Very respectfully, your obedient servant,

A. H. JACKSON.

OFFICE OF W. E. FRIEDLANDER & CO.,
Fort Clark, Tex., April 7, 1876.

FRIEND WOLF: Please let me know, if you can without much inconvenience to yourself, if any parties are trying to injure me with the new Secretary of War. My appointment at this post, which the records of the War Department will show, was given me on the merits of my case. My recommendations were from the highest military officers in this Department, including General Augur, the department commander at the time, and the governor of the State. I do not think any injustice will be done, yet I thought to ask your advice and opinion. Please let me know about it, so I can govern myself and my business. Your early reply will much oblige your friend,

W. E. FRIEDLANDER.

[Telegram, dated San Antonio, Texas, April 18, 1876.—Received at 10.4 a. m., 19th.]

To SIMON WOLF, *Washington, D. C.:*

Don't recollect having been at your house except on invitation there to meet the learned rabbi Wise—not the faintest idea that I ever visited you with Trainer or any one else as far as my recollection goes. I always ascended your door-steps alone.

E. DEGENER.

SAN ANTONIO, TEX., *April* 19, 1876.

Mr. SIMON WOLF, *Washington, D. C.:*

DEAR SIR: Your telegram of 17th was received yesterday morning. I replied at once through dispatch-carrier. "Don't recollect having been at your house, except on invitation there to meet the learned rabbi Wise—not the faintest idea that I ever visited you with Trainer or any one else, as far as my recollection goes. I always ascended your door-steps alone."

Your letter of April informing me that Trainer had sworn that I introduced him to you came to hand in the evening, and I was glad that I had received your telegram previously, informing me that you swore that I never brought Trainer to your house. Otherwise I would have had the mortifying conviction that my sixty-seven years are commencing to tell on my memory. Be assured, my dear sir, that if ever there should be contradiction between your oath and Trainer's, I would "*a priori*" believe yours. Not that I believe Trainer would knowingly swear to a falsehood, but because he has the habit of consuming a great amount of liquor, not enough to make him "drunk," but just enough to render him very talkative, when he sometimes will deal with figures, and seems as if he were a cousin of Rothschild.

Persons of such habits are generally "one-idea men." They will corner you in a club-room or saloon, and unburden themselves of the great secrets then on their minds, and refresh themselves with a repetition of a dozen times. If they have any recollection next morning, their own fancies assume for them the consistency of real facts. In the course of several canvasses I have stumbled over such a number of such men that I feel inclined to call them a species. It seems Trainer belongs to them.

Mr. Loeb, I believe, was formerly a book-keeper of a dry-goods firm in this city, and if the same man I have in view, enjoyed the very best reputation. I do not recollect ever having spoken with him.

Friedlandler I have known for many a year, and think very highly of him. Although he has often visited my family circle, I am not aware that your name was ever mentioned between us.

In conclusion, let me say that I have always had the highest opinion of your character, and always believe you to be incapable of dirtying your fingers with any dishonorable action. I know of nothing calculated to produce a change of opinion, and therefore sign myself as truly your friend,

E. DEGENER.

[Telegram, dated Fort Clark, Texas, April 24, 1876.—Received at 12.19 a. m.]

To Hon. SIMON WOLF, *Washington:*

Never mentioned your name to Trainer pro or con; on the contrary, ever grateful for your disinterested motives and friendship.

W. E. FRIEDLANDER.

OFFICE OF W. E. FRIEDLANDER & CO.,
Fort Clark, April 25, 1876.

DEAR SIR AND FRIEND: Your telegram at hand, same time letter. I am very sorry that you should have been assailed by Trainer. He is known in this part of the country as "Truthful James," and it amounts to nothing.

I never mentioned your name to him, or ever said such a thing "as ever having paid you a cent."

On the contrary, your kindness toward me emanated from pure motives on your part, and I shall ever be grateful. With regards to your dear family,

I am, your obedient and grateful friend,

W. E. FRIEDLANDER.

Hon. SIMON WOLF.

WASHINGTON, *April* 6, 1876.

J. FRIEDLANDER sworn and examined.

By the CHAIRMAN:

Question. You were appointed post-trader at Fort Clark, Tex., on the 26th of April, 1872, and still hold the post?—Answer. No, sir; Fort Stockton.

Q. You were appointed post-trader at Fort Stockton on the 30th of April, 1872?—A. Yes, sir.

Q. And continued there until September, 1872, as post-trader?—A. No, sir; I continue still.

Q. There is a Michael F. Corbit set down as appointed September 28, 1872.—A. Yes, sir; there are two traders at that post. I am still there.

Q. Who secured you this appointment?—A. My brother, William E. Friedlander. I made application through him.

Q. Is he your partner?—A. No, sir.

Q. Do you know by what means your brother secured you this appointment?—A. No, sir; I do not.

Q. Or whether he paid any money for it?—A. No, sir.

Q. Have you ever paid any money for holding it?—A. No, sir.

Q. Or shared the profits of it with any one?—A. No, sir.

Q. Have you never paid, directly or indirectly, any money to any one for holding your place?—A. No, sir.

Q. Did your brother pay any for you?—A. Not that I know of.

Q. Have you accounts between yourself and your brother?—A. No, sir.

Q. He has no interest with you, directly or indirectly, at that post?—A. No, sir.

Q. Are you interested with him?—A. No, sir.

Q. How many troops are there at Fort Stockton?—A. It is a four-company post.

Q. And there is another trader there—Corbit?—A. Yes, sir.

Q. He was appointed a little later than you were?—A. Yes, sir.

Q. Hence, there is opposition at that post?—A. Yes, sir; and there are several outside stores besides that. There is a settlement around there—a great many Mexicans. The reservation is very small—it is not more than 200 yards to get off the entire reservation, so that any one can come there and put up a store.

Q. So that your post is not of any very great value?—A. No, sir; it does not amount to a great deal. The trade is quite small. It is only one hundred yards from my place to the edge of the reservation. There are now two outside stores besides the two traders—four stores altogether.

Q. Did you make application for this post yourself?—A. No, sir; my brother did for me.

Q. Was he here at Washington to get it?—A. Yes, sir. He was previously a trader at Fort Stockton, and on his resignation I was appointed.

Q. You don't know what means, if any, he took to secure your appointment?—A. I do not.

Q. You have paid no money to any one?—A. No, sir.

Q. Have you ever been taxed for political purposes?—A. Yes, sir.

Q. How much?—A. I don't remember exactly.

Q. When; at the presidential election in 1872?—A. Yes, sir; I believe it was.

Q. Have you no idea of the amount?—A. I think it was about $100.

Q. Was it assessed on you as a fixed sum that you were to pay—was the amount stated?—A. I think it was.

Q. From whom did you receive the order to pay?—A. From the chairman of the republican executive committee, Mr. James Harlan, I think.

Q. Did you send the money?—A. I did not send it; my brother sent the money.

Q. I thought you said you had no business relations with your brother whatever?—A. Merely in this way, that he attended to everything in regard to my appointment.

Q. He having got your appointment, he attended to everything of that kind?—A. Yes, sir.

Q. You paid it back to him?—A. I paid the money myself. That is, he drew it from me, and forwarded it to Washington.

Q. Have you ever paid any since?—A. No, sir.

Q. You have not paid any this year?—A. No, sir.

Q. And you have got no notice to pay any?—A. No, sir.

Q. Are you quite sure that you never paid your brother anything for getting your appointment?—A. Yes, sir.

Q. Has he ever told you that he paid anything to a man named Clark?—A. No, sir.

Q. Have you ever heard anything of that kind?—A. No, sir; I have heard it spoken of but I never spoke of it with him.

Q. By whom was it spoken of?—A. It was spoken of by everybody, about money being paid, but not for my post.

Q. Or by your brother, for his post?—A. No, sir.

Q. What post have you heard of?—A. Well, about every post. I have heard the general remark that money had been paid.

Q. How does it happen that you or your brother did not have to pay anything?—A. I don't know, sir.

Q. Are you quite certain that nothing was paid for your post?—A. That I don't know. I did not pay it. I don't know whether he did or not; if he did, I don't know it.

Q. Is Fort Clark, which your brother holds, more valuable than yours?—A. Yes, sir; a good deal. I think there are eight companies there.

Q. What would you deem a post like that worth a year?—A. I really have no idea. I have not been there, and do not know.

Q. I mean rating the posts by the number of companies. Don't you base the value on the number of the companies at the post?—A. Sometimes we do, but sometimes there are several companies at a post, which don't contain half the number of men.

Q. If there are eight full companies at Fort Clark, what would you estimate the value of that post at?—A. Well, I really could not give any idea.

Q. Judging from your own experience as a trader?—A. I should think it was worth $10,000 or $12,000 a year.

Q. You were your brother's clerk when he was post-trader at Fort Stockton?—A. Yes, sir.

Q. Were you ever clerk at any other post-tradership?—A. No, sir.

Q. How long have you lived in Texas?—A. Five years.

Q. How long has your brother been there?—A. I think he was there about three years before that.

Q. Where did you reside before you went to Texas?—A. Saratoga Springs, N. Y.

Q. Did your brother reside there, too?—A. My parents live there.

Q. Where were you born?—A. Albany.

Q. On what business did your brother first go when he went to Texas?—A. He did not go out on any business. He went to see a relative of mine there, so far as I know, and to get into some business, I suppose.

Q. Do you know what time he first went out there?—A. No, sir; I don't remember. I think it was in 1867 or '68.

Q. Did he become a sutler shortly after going out there?—A. Yes, sir.

Q. He was a sutler at the time the law was changed, in 1870?—A. Yes, sir; at Fort Stockton.

Q. Do you know how he got Fort Clark?—A. I do not.

Q. Do you know General Hedrick?—A. No, sir.

Q. Have you never seen him?—A. No, sir.

Q. Is your brother acquainted with him?—A. I don't know, sir.

WASHINGTON, *April* 6, 1876.

GEORGE BOWERS sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. At Fort Whipple, Arizona.

Q. You were appointed post-trader to Fort Whipple the 10th of January, 1874?—A. Yes, sir.

Q. Herbert Bowers was the post-trader appointed January 6, 1871, and he died in office, and you were appointed to succeed him?—A. Yes, sir.

Q. Who is your partner at Fort Whipple?—A. Hugo Richards.

Q. How long has he been your partner there—was he your brother's partner there?—A. He was not. We were in partnership before I was appointed, in Prescott, Arizona.

Q. Who secured your appointment as post-trader?—A. I don't know whether it was General Crook or Mr. McCormick. The only one that I spoke to about it in particular was General Crook.

Q. Who had your brother appointed?—A. I think Mr. McCormick, but I will not be positive. He had been there for a long time at that post, from the time it started up to the time of his death.

Q. Your brother was a sutler prior to the change in the law, and was continued as post-trader at Fort Whipple?—A. Yes, sir.

Q. What number of troops was at Fort Whipple?—A. It is a two-company post. There have been two companies there most of the time.

Q. Are you interested at Camp Apache?—A. I am not.

Q. Were you ever?—A. No, sir.

Q. Is your partner, Richards, trader at Camp Apache?—A. I think he has an interest in that.

Q. What means did you use to secure your appointment?—A. Not any.

Q. Did you ever pay any money to any one?—A. No, sir.

Q. Directly or indirectly?—A. No, sir.

Q. Did Mr. Richards do anything toward securing it for you?—A. He did not.

Q. You merely sent your recommendations to Mr. McCormick, the Delegate?—A. No; I did not even do that. I went down to see General Crook, and he made the remark that he didn't know that he could do me any good, but what little he could do he would do. I asked him if it was necessary for me to do anything, and he said not. I got the appointment about three weeks afterward, and have held it ever since.

Q. You were not interested with your brother when he was the post-trader?—A. No, sir; I was not.

Q. Have you any interest in any other post than this one?—A. I have not.

Q. Have you had?—A. No, sir.

Q. What business were you and Richards engaged in prior to receiving this appointment?—A. We had a subcontract for furnishing the Indians some beef at Camp Birney.

Q. How long have you been engaged together as partners in the beef contract?—A. I won't be positive, but somewhere near a year; it might not have been over six months.

Q. Is Richards a relative of yours?—A. He is not.

Q. Are you related in any way to the late Secretary of War, or any member of his family?—A. Not that I am aware of.

Q. Neither by marriage nor by blood?—A. No, sir.

Q. Were you ever so related?—A. Not that I am aware of.

Q. Have you never paid any money for any purposes at all for holding that post?—A. No, sir.

Q. Any for political purposes?—A. Well, I don't know. As far as regards political purposes, I paid $25. Soon after I had the appointment, I was called on for it. That was all I paid. I could not say who I paid that to, it is so long ago. I received a circular; I don't remember who it was signed by. I don't think I could remember the name even if it was suggested.

Q. Was it signed by Mr. Harlan?—A. I don't remember. I received the circular and paid the money. That is the only money I paid.

Q. Do you know General Hedrick?—A. I do not.

Q. You were never in Washington in reference to your appointment in any way?—A. I never was here before.

Q. Have you any opposition at Fort Whipple?—A. I have not. We are only a mile from the town of Prescott—quite a town.

Q. So that your post is not so valuable as if you were entirely without opposition?—A. No.

Q. Are the soldiers permitted to go and purchase in the town?—A. Yes, sir.

Q. So that there is competition in your trade?—A. Yes, sir.

Q. The post is of no great value, then?—A. No, sir.

Q. Was it when your brother held it?—A. No; about the same as it is now.

Q. What amount of money had Mr. Richards invested in the business with you?—A. I could not say exactly.

Q. Had he an equal amount with you?—A. An equal amount.

WASHINGTON, *April* 10, 1876.

JOSEPH LOEB sworn and examined.

By the CHAIRMAN:

Question. You are a post-trader at Fort Concho, Texas, appointed December 6, 1873, I believe?—Answer. I think so, sir.

Q. Were you at Washington when you received that appointment?—A. I was, sir.

Q. Who recommended you?—A. I was recommended by Governor Davis, of Texas, and General Augur, commanding the department, Senator Hamilton, of Texas, Leonard Myers, of Pennsylvania, members of the State legislature, the attorney-general of the State of Texas, the secretary of state of Texas, and the leading merchants and bankers of San Antonio.

Q. Who is your partner in that post-tradership?—A. A gentleman named Veck. He has a half-interest with me.

Q. What is the size of your post?—A. There are stationed there six companies of cavalry and two of infantry, and the headquarters of the Tenth Cavalry.

Q. Were there any other applicants for the place at the time you got it; James Trainor had held the post and failed?—A. Yes, sir; he threw it up and sold out to Conrad, who also applied for that post.

Q. Where did you reside at the time you received that appointment?—A. In San Antonio, Texas, previously to that.

Q. How long had you resided there?—A. Upward of four years.

Q. Were you recommended by the officers stationed at Fort Concho?—A. I believe I was recommended by General Merritt. I think he recommended Mr. Conrad and myself alike. I never saw his letter of recommendation, but I heard so.

Q. Are you certain that you were recommended by General Wesley Merritt?—A. I am not positive that I was.

Q. Do you know whether he wrote a communication to the Secretary of War protesting against your appointment?—A. I don't know whether he did or not. I never heard of it.

Q. When you were in Washington to secure the appointment, in the fall of 1873, did you

ever telegraph to anybody in Texas regarding this matter?—A. Well, I sent several telegrams to different parties.

Q. To whom did you telegraph?—A. I telegraphed to Kœnaghier & Co.; also to William S. Veck.

Q. What did you telegraph to Veck regarding it?—A. I telegraphed to him how the case stood, and applied to him for funds.

Q. How much did you telegraph for to him?—A. I don't remember the exact amount. I telegraphed on various occasions. I was stationed in Washington about fourteen weeks; or, rather, I was North fourteen weeks altogether.

Q. Did you telegraph to anybody else for funds?—A. I am not quite positive.

Q. Please state who else you did telegraph to for funds.—A. There would be no other parties, except Kœnaghier & Co., that I would telegraph to.

Q. Were funds sent you?—A. Yes, sir.

Q. Do you know what amount?—A. I think there were $2,500 sent me.

Q. You are quite certain it was not $3,000?—A. Yes, sir: I am positive.

Q. You telegraphed for $3,000?—A. I don't remember the exact amount I telegraphed for.

Q. Did C. H. Merritt, of San Antonio, raise the money for you for Veck?—A. I don't know whether he did or not.

Q. When you went back home, to whom did you pay the money that you telegraphed for?—A. Some of that I expended myself.

Q. I don't ask how you expended it; to whom did you repay it when you got back?—A. Well, I have not repaid it yet.

Q. To whom do you owe it?—A. William S. Veck, my partner.

Q. You got $2,500, and you were here how many weeks?—A. I should judge about fourteen weeks, not exactly in Washington, but I was North; in Philadelphia and New York.

Q. Where did you board when you were here in Washington?—A. At the Washington House.

Q. By the day, or by the week?—A. I lived by the day.

Q. What is the price per day there?—A. I believe they charge $2.50. It was several years ago.

Q. What did you do with this $2,500 when you were here, besides paying your necessary hotel bills?—A. Well, I spent it in different ways.

Q. Did you spend it in furthering your application for this appointment?—A. A portion of it.

Q. To whom did you give it?—A. A portion of it I gave to General E. W. Rice.

Q. Who else?—A. No one else, sir; that is, to any person in furthering my application and securing my appointment.

Q. Were you engaged in any lawsuit here?—A. I had no lawsuit.

Q. Did you need the assistance of any attorney on account of any law business you had here?—A. I did not. I was a stranger here, and I was recommended to Mr. Boise, a prominent lawyer of Washington, and he introduced me to General Rice, and I looked on the position as not exactly a law case, but then it was a business point for a business man and for business purposes.

Q. What did he charge you?—A. Well, I paid him $2,000.

Q. Did you pay any other person but General Rice?—A. No, sir.

Q. Was he to share that fee with any other person?—A. I don't think he did.

Q. Are you quite certain that he did not?—A. I am not positive; I think he can give you the information.

Q. I want to know what you know.—A. I am not certain about that. I gave it to him for his services.

Q. Was there an understanding between you and him that he was to share that fee with anybody?—A. No, sir.

Q. Did you ever hear that he did?—A. I have never heard so.

Q. Did he ever tell you so?—A. He never told me so.

Q. Do you say that you don't know that any one save General Rice was paid by you, directly or indirectly, for that appointment?—A. No one but General Rice.

Q. Did you pay Boise anything?—A. No, sir; I did not.

Q. What services did Rice render you for $2,000?—A. He assisted me materially in procuring the appointment.

Q. How?—A. Well, he attended to my case while I was in New York and Philadelphia.

Q. What was your case?—A. In obtaining this appointment.

Q. But you had the recommendations of these distinguished gentlemen, civil and military. Did you go to see the Secretary of War regarding the matter yourself?—A. I went up there and saw Mr. Crosby. The Secretary was absent at the time in the West.

Q. You got your appointment December 6, 1873. You say you were here fourteen weeks; so you must have been here from early in September?—A. Yes, sir. I started from Texas early in September. I am not positive about the date, but it was right early in September.

Q. You got here early in September, and you received your appointment on the 6th of De-

cember following. Now, the first person you saw here was Mr. Crosby; what did he say to you?—A. He said he would place my recommendations on file.

Q. Did he tell you to do anything further?—A. No, sir; nothing further.

Q. What did you do further?—A. I went around to see different persons that I had letters of introduction to, and I saw Mr. Boise, and told him I was a stranger, comparatively speaking, in Washington, and I thought I should need some assistance in obtaining my appointment. He said he knew of no one except General Rice. I told him I had heard of him, and that he and General Belknap had served together in the volunteer service. I think it was said that he would aid me materially in obtaining the appointment, I went to see him. He said that he would interest himself, but I don't remember the exact conversation.

Q. That he would interest himself for a consideration?—A. Yes, sir; for a consideration.

Q. Did he name his fee?—A. He did not.

Q. Did you pay him anything that day?—A. No, sir.

Q. What did you promise to pay him?—A. Three thousand dollars.

Q. Was that your own voluntary offer?—A. Yes, sir; it was. I looked on the appointment as a business point for business purposes.

Q. This was in September, during the first week you were here, when the Secretary of War was not in town?—A. Yes, sir.

Q. How soon did the Secretary get back?—A. I don't remember. I was over in the city of Philadelphia visiting my friends.

Q. When did you return to Washington?—A. I don't remember the day. I suppose I came back in the latter part of September or October.

Q. How long did you stay here then?—A. I staid for a short period of time, and went over to Philadelphia again.

Q. During that short period, whom did you see?—A. General Rice.

Q. Did you see the Secretary of War?—A. I did not.

Q. What did General Rice tell you?—A. He told me that he thought the case looked gloomy; did not think we would get it.

Q. This was in the beginning of October?—A. Yes, sir.

Q. Where did you go then?—A. I staid here part of the time.

Q. How long did you stay here?—A. I don't remember the exact time.

Q. You vibrated between here and Philadelphia?—A. Yes, sir.

Q. Did you ever go to see the Secretary of War?—A. No, sir.

Q. Did you keep vibrating backward and forward from October until the 6th of December?—A. Different portions of the time.

Q. How long did you stay here?—A. I don't remember; sometimes a week or ten days.

Q. Did you ever go to see the Secretary during that time?—A. No, sir.

Q. Did General Rice ever tell you that he had been to see the Secretary of War?—A. Yes, sir.

Q. Finally you got the commission on the 6th of December; where did you get it?—A. General Rice handed it to me at his office.

Q. Did you pay him the money on that day?—A. I believe I did. I am not positive. Yes, sir, I did. I had it at the hotel.

Q. You still owe Veck that money?—A. Yes, sir; a portion of it. It is charged on the books to me, and credited to him.

Q. Have you ever talked to anybody about the way you procured your appointment?—A. No, sir; I have not.

Q. Have you told anybody whom you employed at Washington?—A. I don't remember doing it. I don't generally speak about those things.

Q. Did you ever tell Sandy Wallack, post-trader at McKavitt, about it?—A. I don't remember doing so.

Q. Did you never tell him that you employed a gentleman named Wolf here?—A. No, sir; I did not. I never had any transaction whatever with Mr. Wolf. In justice to that gentleman, I would state that I never had any dealings with him whatever. My transactions were entirely with General Rice.

Q. Did you ever say so to any other person than Wallack?—A. No, sir; I did not.

Q. Did you ever tell Mr. Trainer that you paid anybody any sum of money for it?—A. No, sir; I did not.

Q. Did you ever hear your partner say so?—A. I don't remember ever hearing him say so.

Q. Are you certain that during the last summer you did not tell Mr. Trainer that you paid $3,000 for the appointment?—A. Yes, sir; I am positive, because I never had any transactions with Mr. Wolf.

Q. Did you not say that during the early part of last September that you had paid $3,000 for your appointment?—A. No, sir.

Q. Two thousand five hundred dollars?—A. No, sir.

Q. Two thousand dollars?—A. No, sir.

Q. Did you say anything about it at all?—A. No, sir.

Q. Do you know Trainer at all?—A. Yes, sir; I have known him for a number of years.

Q. Did you ever tell Mr. Merritt that you paid $2,000 here?—A. No, sir; I did not.

Q. Do you know whether he raised that money from Veck and sent it to you at the time you telegraphed for it?—A. I could not state.

Q. Have you never heard of it?—A. I don't remember ever hearing of it.

Q. Do you know it?—A. I do not know it, sir. The supposition is that it was Mr. Veck's money, for I give him credit for it on the books.

Q. Do you recollect Mr. Trainer being at Fort Concho last June?—A. No, sir; he was not there in June.

Q. Do you recollect his going out with Colonel Schaffner's scouting expedition in the latter end of June?—A. It was the latter end of July.

Q. Are you quite positive that it was in July rather than in June?—A. I am not positive, but it strikes me very forcibly that it was, because I remember being in San Antonio in June, and I know it was reported in July—the 4th of July—that they were about to start, and people were talking about the expedition, and that was on the 4th of July. I am quite positive they did not start in June.

Q. Did they assemble there in June?—A. They did not assemble there until about the 10th or 12th of July; the main portion of the column.

Q. Were any of the column there at all in June?—A. Of course, the troops of the Tenth Cavalry were there. They were the greater portion of the column.

Q. Do you know Colonel Schaffner, the lieutenant-colonel of the Twenty-fourth Infantry?—A. Yes, sir; I am personally acquainted with him.

Q. Do you know whether Veck, your partner, has ever stated to Colonel Schaffner that this money was paid here in Washington?—A. That I don't know.

Q. You have never heard him tell Colonel Schaffner?—A. I never heard him tell any one in my presence.

Q. Did you ever tell any one in the world about it yourself?—A. Well, my partner knows it.

Q. Any other person than your partner?—A. I don't remember telling. I am not in the habit of telling those things.

Q. Did you break through your habit in regard to this matter?—A. I don't remember.

Q. Did you ever tell Colonel Schaffner about this?—A. No, sir; I never was intimate with him to tell him anything.

Q. Is Mr. Veck intimate with him?—A. I don't know.

Q. Have you seen them together?—A. I don't remember seeing them together.

Q. Who is post-trader at Fort Clark; William E. Friedlander?—A. Yes, sir.

Q. Do you know how he got his post-tradership through here?—A. No, sir; I don't know anything about it.

Q. Before you left for Washington in September, 1873, you made an arrangement with Veck that you should come on and try and get this thing, did you not?—A. I told him that I had considerable influence, and as there was a vacancy there, or about to be, that I thought I stood an equal show with any one else. This was at San Antonio. I told him I would take my chances to come on.

Q. Did he advance you the money to come on?—A. He did not advance me the money. I had some money of my own.

Q. Did he give you any money to come on?—A. He gave me some. I think it was $300. I don't remember exactly.

Q. How much money had you with you when you came?—A. I think I had about $300 or $400.

Q. Then you telegraphed and got $2,500 more?—A. I think so.

Q. Is there any other party at that post now save Veck?—A. He is the only person that has an interest besides myself. He has one-half interest.

Q. You don't share the profits with anybody else?—A. No, sir.

Q. The $2,000 is all you have ever had to pay for this thing?—A. Yes, sir.

Q. And did you pay it to General Rice?—A. To General E. W. Rice.

Q. Did you pay anything for political assessments?—A. I voluntarily paid one sum.

Q. When was that?—A. I don't exactly remember. I presume it was last summer. The amount was $100. It was paid to the republican committee at Washington.

Q. Did you get a little circular on the subject?—A. I did.

Q. To whom did you send the money?—A. I sent it to Washington; I don't remember the address. I never paid particular attention to it.

Q. What are the profits of that post?—A. I don't know. You cannot estimate the profits. I have not taken stock for a great while. There are about eight companies of cavalry and two of infantry there, but they are in the habit of being on long scouts, and you cannot estimate the profits in that way.

Q. Is it worth $10,000 a year?—A. I don't think so.

Q. Do you know General Hedrick?—A. No, sir, I do not.

Q. Is Mr. Boise the only lawyer who ever told you anything about Mr. Rice?—A. He is the only lawyer.

Q. Is he the only person?—A. I have heard of General Rice. I heard Mr. Cobran speak of him, coming over from Baltimore to Washington. Cochran was formerly a wholesale

grocer in San Antonio. He did not advise me to go to General Rice. I think he was the only person that mentioned it.

Q. Did you know Mr. Wolf when you were in Washington?—A. No, sir, I did not. I met him the other day; was introduced by Captain Kelley, of the First Cavalry.

Q. You had never seen him before?—A. No, sir; I had no knowledge of him.

Q. Did he ever speak to you about this subject?—A. At the Metropolitan Hotel last Friday morning Captain Kelley introduced him to me, and he stated his business, and said that his wife had been very ill, and that the newspaper reports were affecting her, and he asked me if I would go up and go before the committee and state what I knew about the matter.

Q. Did you ever hear Trainor say that he paid anything to get his appointment here?—A. I have seen it in the papers.

Q. Did he ever tell you so in Concho?—A. I don't remember his ever telling me.

Q. Did he ever talk to you about it?—A. I don't remember his talking to me about it.

Q. Are you interested in any other post down there?—A. No, sir; I have no other interest at all.

Q. Have you any written agreement with Veck?—A. Yes, sir; a regular partnership agreement.

Q. When did you make it; before you left Texas?—A. No, sir; after I returned to San Antonio.

By Mr. DANFORD:

Q. When did you first meet Simon Wolf?—A. Last Friday I was introduced by Captain Kelley, of the Tenth Cavalry.

Q. Was that after Mr Trainor testified here?—A. Yes, sir; it was only last Friday morning, at the Metropolitan Hotel.

Q. Had you never met him before?—A. No, sir; not to my knowledge.

Q. Did you know of each other?—A. I had heard of him.

Q. How had you heard of him?—A. Well, I have seen different lectures that he has delivered, and have read some of them.

Q. You had a talk with him on Friday after Trainor's testimony?—A. Yes, sir; I believe so.

Q. Did he come to see you about that?—A. Yes, sir; he came to the hotel to see me.

Q. You say you never told Trainor that you paid Wolf $3,000?—A. Yes, sir; I am quite positive of it. I never had done it, and I never said a word in reference to anything of that kind at any rate. I have never met Mr. Wolf, and I have no knowledge of ever telling Mr. Trainor that.

Q. Have you ever talked with Trainor about what this post cost?—A. No, sir.

WASHINGTON, *April* 10, 1876.

L. M. GREGORY sworn and examined.

By the CHAIRMAN:

Question. What is your occupation?—Answer. I am post-trader at Fort Richardson, Texas.

Q. You were appointed there on February 19, 1872. I perceive by the official record that E. W. Rice was made post-trader at Fort Richardson, Texas, on the 6th of October, 1870, and continued as such to the 20th of February, 1872, you being appointed the day before. Please state the circumstances under which you received the appointment of post-trader at Fort Richardson.—A. General Rice held the appointment as trader at that post, and, principally through General Van Antwerp, captain and military storekeeper of the Army, an old friend of my family, I was able to associate myself with General Rice as his partner. The nature of the partnership was that in consideration of the appointment which he held I desired to enter into business with him, and his portion, if any profits accrued, was one-third. My appointment came to me almost unsolicited.

Q. During the time that Rice held the appointment in his own name, from October 6, 1870, to February 20, 1872, you were his partner yourself; you put all the money into the concern, and you were there on the spot and attended to the business, and you paid him one-third of the profits?—A. Yes, sir.

Q. What is the size of the post?—A. It has fluctuated a great deal; it is impossible to give the average of it. It has now only three companies, and it has been as high as ten or eleven companies.

Q. When did you make the agreement with Rice to pay him one-third of the profits?—A. One-third of such profits as were made I was to pay. I don't recollect when the agreement was made. I think it was in 1871, prior to my going there.

Q. Where did you go to make this agreement with General Rice?—A. I did that principally through General Van Antwerp, who did it entirely from feelings of friendship. My brother also, who is here a clerk in the Treasury Department, assisted me in making this arrangement.

Q. Where were you when you made this agreement with General Rice?—A. I was living in San Antonio. General Rice was here. I wrote to General Van Antwerp, knowing that he was from Iowa, (General Rice being from Iowa,) and solicited his interest in my behalf.

Q. Who conducted the post prior to the time when you went there?—A. The post-tradership was vacant.

Q. There was no one there although he held the appointment?—A. No. I understood that he sent an agent out there who did not accomplish anything.

Q. He had no money?—A. I do not know that; I never met him.

Q. What amount of money did you invest there?—A. I put in a stock of goods worth about $10,000.

Q. What profits have you paid General Rice?—I have paid him to this time nearly $2.000.

Q. After you got your appointment in February, 1872, did you continue the agreement with General Rice?—A. I did.

Q. Why was it that you were appointed in 1872?—A. I thought that was done rather to facilitate the business.

Q. Did you make application to have it done?—A. I do not think I did, myself. I think my brother did, in my name.

Q. Who sent you your commission in February, 1872?—A. It came to me through the post headquarters, and my recollection is that I have simply an official copy.

Q. Did you make a new arrangement with General Rice, or did the old one continue?—A. The old one continued.

Q. Is General Rice the only person to whom you have ever paid any money for this thing?—A. The only person.

Q. He never put any money into it at all?—A. No.

Q. At the time you applied to General Van Antwerp he was here in Washington, and the matter was negotiated here?—A. I think it was.

Q. Have you ever paid anything for political purposes?—A. Yes, sir; at the last presidential election I cheerfully paid $100.

Q. Did you receive a circular on the subject?—A. I did; signed by Senator Harlan, I think.

Q. Do you still hold the place?—A. No, sir; I resigned the position last summer.

Q. The post is abandoned now?—A. No, sir; there are a few troops there.

Q. Who is post-trader there now?—A. I think no appointment has ever been made. I have been winding up my business there. I do not desire you gentlemen of the committee to think I was foisted there on an unwilling post, because I was acquainted with all the officers, and my belief is that if my application had gone in to them I would have been recommended.

Q. Are you acquainted with James Trainor?—A. Yes, sir; I have known him a number of years.

Q. If anything took place in your presence between him and Mr. Simon Wolf recently, please state it.—A. I was in this committee-room, and heard Mr. Wolf testify some days ago. Later in the day I went into the National Hotel, and walked up to the counter, and I saw him there looking at the register. I accosted him, and asked him what had occurred in the committee-room after he had finished his testimony. His reply was that he had left the room immediately afterward, and my recollection is that he then said that Mr. Trainor was here, and he did not know him, and I asked to see Trainor's name, and Mr. Wolf turned the leaf of the register and pointed to the name James Trainor; and just then I happened to turn toward the door, and I saw Trainor, and said, "There comes Trainor now." Mr. Wolf asked which man, and I said, "The gentleman putting his hands in his pockets;" and as Trainor approached I stepped forward and accosted him, (it was the first time we had met since we had been here,) and innocently and rather inadvertently I said, "Do you know this man?" turning toward Mr. Wolf. Mr. Trainor looked at him without speaking, and it became a little awkward after a time, and I said, "Let me introduce you to Mr. Wolf." Trainor then, without taking his eyes off him, said, "I should think I did know him. He is the man to whom I paid money." Then, I think, Mr. Wolf said, "How is that?" Trainor then said, "I believe you published a card." That was all that I heard. I believe I said, *sotto voce*, to Mr. Wolf, "Pay no attention to Trainor. Jim is pretty full."

Q. What hour in the evening was this?—A. I don't recollect.

Q. From Trainor's manner could you judge whether he had ever known or seen Mr. Wolf before or not?—A. No, sir: that is a point which I would like to have brought out clearly, that I inadvertently and innocently gave him that introduction to Mr. Wolf; and although I was a witness of it, I was unable, and am unable, to form an opinion either way, *pro* or *con*. One denies and the other makes the statement.

Q. And therefore you could not tell from Trainor's manner whether he had known him before or not?—A. I was unable to form an opinion.

Q. Mr. Wolf deduces from the facts an argument that Trainor did not know him, and Trainor that he did know him.—A. One thing is certain, that I had no sooner said, "Let me introduce you to Mr. Wolf," than he said, "I should think I did." It was, however, after I had mentioned the name Wolf.

Q. Do you know of any transactions in the Quartermaster's Department, out there, that have been irregular or improper?—A. No.

Q. Do you know Wicks & Adams?—A. Yes, sir.

Q. Do you know anything of their contracts with the Government for hay or corn or forage?—A. I know they were general contractors; that is all. There is one fact that I know connected with their contracting. One of the first official acts of General Belknap was to break up the ring of Adams & Wicks, and in my opinion it caused the dissolution of the partnership.

Q. Mr. Wicks is in town, is he not?—A. He is.

Q. Where does Mr. Adams reside?—A. In San Antonio.

Q. Were you in San Antonio at the time that General Reynolds came there from Austin?—A. Yes, sir.

Q. Do you know anything of the present of a house made to him by Adams & Wicks, or other people of San Antonio?—A. Nothing more than hearsay.

Q. Were you one of the subscribers to the fund?—A. No, sir.

Q. Were you ever asked to subscribe?—A. No, sir.

Q. Do you know of a fund having been subscribed?—A. I know of a fund having been subscribed to furnish the house.

Q. Do you know anything about the way in which the purchase-money of the house was raised?—A. No, sir; I do not know that a subscription was raised to purchase the house.

Q. How did he get the house?—A. Well, my recollection is that Mr. Wicks bought it from Major Minter, and that Wicks went round with a subscription-list for the furniture to furnish the house. That is my recollection of it It is all hearsay evidence. The house was given over to General Reynolds furnished, the furniture having been subscribed for by citizens of San Antonio.

Q. Does General Reynolds own that house now?—A. I am not able to state; he is not stationed there now.

Q. Do you know whether he sold the house?—A. I do not.

Q. Do you know whether he ever owned it?—A. Yes; I know that he owned it, because I asked for a copy of the deed.

Q. Who was the deed from?—A. My recollection is, it is from Mr. Wicks to General Reynolds or Mrs. Reynolds, I forget which.

Q. Do you remember the consideration in the deed?—A. Ten thousand dollars.

Q. Do you know of any money being subscribed by people there to support his family while he was there?—A. No, no.

Q. Do you know of General Reynolds being interested in any contracts, either with Adams or Wicks?—A. I do not know of any.

Q. Were you a clerk in the quartermaster's department?—A. I was a clerk of Col. J. G. C. Lee, depot-quartermaster.

Q. While you were there were any bids made and opened and awarded for forage and supplies?—A. Undoubtedly there were, but I do not recollect any particular instance, because I was with Colonel Lee some two years or more.

Q. Do you know of contracts being awarded to Adams & Wicks at higher prices than any other person's bid?—A. No; I had nothing to do with the awarding of contracts.

Q. But do you know, from an examination of their bids, that they did have such favors shown them?—A. No; I do not know that at all.

Q Would you have had means of that knowledge if it had been the case?—A. No, sir; because it would have been out of the line of my business; I was transportation-clerk.

Q. Do you know of any abuses in the transportation department?—A. No, sir.

Q. Do you know whether they gave presents to any other people?—A. No.

Q. Did you ever hear that?—A. No.

Q. No persons ever told you that?—A. No. If I had facts to testify to I would be glad of it.

Q. Did Adams & Wicks furnish mules to the Government?—A. Yes, sir; they had contracts for horses and mules.

Q. Were they men of large wealth?—A. Not when they started there.

Q. Are they now?—A. Yes, sir; they are considered wealthy men, and are said to own large tracts of land.

Q. Do you know when they went to Texas?—A. Adams has been there a number of years. Wicks came there in 1867 or 1868.

Q. Where did he come from?—A. He is a New Yorker.

Q. What brought him out there?—A. Well, following the Army. He probably thought that there would be Army contracts.

Q. Was he reputed to be a man of means when he came there?—A. Yes; a man of some small means.

Q. Worth $10,000?—A. I do not know; I never heard as to that.

Q. Lately, they are reputed to be men of large wealth?—A. They are.

Q. Have you ever heard their wealth estimated?—A. No; really I have no idea of what they are worth. There is another thing: I would not like to leave the committee under the impression that because I did not have the whole of the profits I increased the prices. There is competition there. Under the old system and under the present system, where a trader is a popular man, people who desire to interest themselves with him will do so if they can, and in this instance General Rice held the appointment, and I desired to associate my-

self with him, and the solicitation was entirely on my part. He held the appointment. I desired to go into business with him.

Q. But the capital of the business, and the supervision also, was furnished by you?—A. Yes, sir.

Q. Was Rice ever there?—A. No, sir; not that I know

By Mr. DANFORD:

Q. How much have you paid him out of that post?—A. Nearly $2,000.

Q. How long have you held it?—A. I have had it about four years.

Q. He is the only party you paid?—A. Yes, sir.

Q. In this meeting between Mr. Trainor and Mr. Wolf you are not able to state to the committee whether, from Mr. Trainor's appearance or actions, or anything he said, he had ever met Mr. Wolf before or not?—A. No, sir.

Q. How late in the day was it?—A. It was about 4 o'clock.

Q. You said something to Wolf; what did you say to him?—A. I spoke to him *sotto voce*. I think my words were, "Do not pay any attention to Trainor;" and I then turned to Trainor and said, "Jim, will you take a toddy?" thinking there might be an unpleasant scene there, and perhaps that would stop it.

Q. Was Mr. Trainer intoxicated at the time?—A. Well, he was pretty full. He knew what he was doing perfectly well.

Q. Did this occur after the introduction? Did Mr. Wolf lay his hand on Trainer's shoulder and say, "I didn't know you were in the land of the living?"—A. That I did not hear.

Q. If that occurred it was after you had got away?—A. The moment I saw the *faux pas* I had made, I bethought me that Wolf was a stranger and a man in whom I had no interest, and Trainer a friend who was capable of taking care of himself, and I went away.

Q. If there was to be anything unpleasant you did not want to be there?—A. No, sir.

Q. If that took place you did not hear it?—A. No, sir.

WASHINGTON, *April* 10, 1876.

E. D. L. WICKS sworn and examined.

By the CHAIRMAN:

Question. You were a member of the old firm of Adams & Wicks?—Answer. Yes, sir.

Q. How long were you engaged in contracting there?—A. About eight years, from 1865 on.

Q. When did your partnership expire?—A. Three years ago this coming July.

Q. When did General Reynolds move from Austin to San Antonio?—A. I cannot tell you the precise date. It was very soon after the inauguration of Governor Davis as governor. I cannot tell the date; General Reynolds was the military governor of Texas up to that time, and he resided at Austin.

Q. And after the inauguration of the civil governor he moved from Austin to San Antonio?—A. He did.

Q. Please state whether there were any inducements held out to him by yourselves or others to get him to come to San Antonio?—A. None at all that I know of.

Q. Was he ever presented with a house?—A. Yes: Mrs. Reynolds was.

Q. Who presented it to her?—A. Fifty or sixty of the citizens of Western Texas.

Q. Where was the house situated?—A. In San Antonio.

Q. What was the value of the property?—A. It cost $5,000. The house belonged to me, and I think I paid $5,000 for it.

Q. The consideration in the deed was $10,000?—A. I don't recollect what the consideration was. The house would have been worth about $10,000, at the time he got it, because it was in fine repair and very nicely furnished.

Q. The real estate was made a present to his wife, and it was furnished by the citizens of Western Texas, and presented to the wife of General Reynolds?—A. Yes, sir.

Q. He came from Austin and occupied the house?—A. He did.

Q. Do you know of any other money being raised for his use while he was in command of that department?—A. No, sir. I don't think there was any. If there had been, I should have been very apt to have known of it.

Q. When did General Reynolds quit that department?—A. He was relieved by General Augur—I cannot tell just when, but about three or four years ago.

Q. Has he sold the property?—A. Yes, sir.

Q. At public sale?—A. No, sir; he sold it to Colonel Andrews, vice-president of the road there.

Q. What did he get for it?—A. I think he sold it for $7,000.

Q. Furnished?—A. Everything complete, just as it stood.

Q. You were largely interested as Government contractors in transporting and furnishing

forage, and almost everything that was needed by the Government?—A. Yes, sir; most of it.

Q. You commenced in 1865?—A. Yes, sir.

Q. You went out from New York?—A. Yes, sir; from New York City.

Q. Had you known Mr. Adams before you got there?—A. No, sir; I met him there.

Q. What amount of capital did you put into the firm?—A. I don't know what amount of capital we did put in. We did not put in anything particular, however. We went to work in contracts that required very large amounts of money, and had facilities for getting any amount that we wanted there. I was also engaged in mercantile business at tha time.

Q. Was Mr. Adams a man of fortune?—A. Mr. Adams is a man very well off.

Q. In any of the contracts that you had from the Government, do you know that you were unduly favored by the Government?—A. No, sir; the Government has always taken everything and given nothing. So far as I am concerned in contracts, I never have been favored in any way.

Q. You never were given higher prices?—A. No, sir; the contracts were all duly advertised and opened, and if we were the lowest bidder, we of course got the contract, but we never were paid any higher prices than any one else. We may have had one or two contracts given us in open market, but with the exception of one or two we have never had any.

Q. Did you ever attempt to prevent other people from bidding?—A. No, sir.

Q. Did you ever pay any person money to get them to withdraw their bids?—A. No, sir.

Q. There was nothing unfair in your dealings with the Government by having straw-bids made?—A. No, sir; nothing of the kind.

Q. Did you ever have any difficulty with the Government or any of its officers with reference to either the quality or weight of the articles with which you supplied the Government?—A. Not at the time it was received. We had a little trouble up at Richardson about some corn. They let it lie and be kicked around until General Mackenzie refused to accept it.

Q. Why did he refuse to accept it?—A. My understanding of that was this, that at the time the corn was delivered, General Mackenzie said we were getting too high a price for it. He did not object to the quality of the corn, and after it had lain there for a while he called a board of survey. We appealed to General Reynolds, and finally the case was referred to General Halleck's headquarters, Louisville, Ky., and he sent out his inspector-general, and the corn was inspected and pronounced good, ordered to be received, and us to be paid.

Q. What was the amount of that corn?—A. I cannot remember—several thousand bushels.

Q. Was it as much as 20,000 bushels?—A. I think not.

Q. Do you know what your contract-price was for that corn?—A. No; I do not. The contract was given openly, in San Antonio, the same as other contracts. They were not given by General Reynolds at all.

Q. What were the complaints of General McKenzie about that corn?—A. It was against the price of the corn. He thought the contract had been given to us specially, but the contract was let the same as other contracts, and we being the lowest bidder got it.

Q. Was not there an allegation that the sacks were light in weight?—A. No, sir; I never heard anything of the kind. It was received and weighed by the quartermaster as we took it in, and I don't suppose he would take light weight.

Q. Was there any money paid by you or your agents to the quartermaster's clerk for giving receipts?—A. No, sir; nothing of the kind. I could state to you the circumstances of this house and lot presentation. General Carleton was over there spending an evening in my room, and he said, "General Reynolds has decided to move his headquarters to San Antonio; will you be kind enough to try to rent him a nice house that he can occupy?" There is a very nice house there now occupied by General Ord; it has been occupied by General Augur. I had a consultation with some of our citizens, and we thought we would furnish that house and give it to General Reynolds free of rent. I knocked round and got the money, and after we had it I went to Mr. Lauffer, a banker, who occupied the house, and he refused to give it up even to General Reynolds. Houses were scarce at the time, and it was suggested that we would fix up this house of mine for General Reynolds, and so I kept along, and had no difficulty in raising sufficient funds to cover it. We furnished it very nicely, and when General Reynolds came we presented it to him as an agreeable surprise. He did not think that he ought to accept it, but he did so. We felt under obligations to him for the able and impartial manner in which he had conducted the civil affairs, and outside of that we were very glad to get the headquarters back there.

Q. Had the headquarters been there prior to that?—A. Yes, sir; they had been there for a great many years, and were only moved to Austin on account of his being at the head of the civil affairs also.

Q. Had you any correspondence with General Reynolds or any conversation with him regarding his removal to San Antonio before he came?—A. No, sir; no conversation with him. The conversation was with General Carleton, inspector-general on his staff.

Q. Do you know James Trainor?—A. Very well.

Q. How long has he been down in that country?—A. He went down with me in 1865.

Q. What is his character for truth and veracity?—A. I think he stands pretty high as a truthful man.

Q. You never have heard his veracity questioned?—A. No, sir.

Q. Do you know of any money being paid at any of these posts for traderships?—A. No, sir; I do not.

Q. Have any of the post-traders ever admitted that they had paid?—A. I may have heard talk, but I was not interested in it.

Q. You never have held any post yourself?—A. No, sir; I have not.

Q. Is your partner interested in any post?—A. None at all.

Q. Do you know Mr. Loeb?—A. Quite well.

Q. He was a citizen of San Antonio when he was appointed to Concho?—A. Yes, sir.

Q. Do you know Simon Wolf of this city?—A. I do not.

Q. Do you know of any official abuses in that department—any abuses of law or authority?—A. No, I do not. Things are pretty straight there.

Q. Do you know of any officers being interested in Army contracts there?—A. No, sir. You will find that kind of officers pretty scarce.

Q. You have never known of any of them being so interested?—A. I never knew of an instance of the kind.

By Mr. DANFORD:

Q. This house was presented to General Reynolds by the citizens of San Antonio partly in consideration of his able administration of the civil affairs of your State?—A. Yes, sir; we were always very grateful to him for the impartial manner in which he had conducted the civil affairs.

Q. What are your politics?—A. Well, I vote for the best man as a general thing.

Q. Were you a democrat?—A. Yes, sir; I suppose I am a democrat, and my people are all democrats, although I have voted the republican ticket recently.

Q. At the time that this house was presented to General Reynolds it was not a matter that was engaged in solely by partisans of the administration?—A. Not at all; by citizens of the town generally.

Q. Rather by parties opposed to the administration?—A. Seven-eighths of them, I guess.

Q. Did you ever hear any charges made against General Reynolds's administration of matters there?—A. No, sir.

Q. He has been away from there about three years?—A. Yes, sir.

Q. Do you remember General McCook's visit of inspection down there?—A. Yes, sir; I knew him very well when he was there. I knew that he made an inspection. I understood that General McCook said in his testimony that there was a meeting called in San Antonio to raise $25,000. I don't think such a thing was ever thought of. I know there was no meeting ever called, and I don't think it was thought of. I never heard of it.

By the CHAIRMAN:

Q. We have a copy of your deed; it was dated September 18, 1870. The deed was made by you, to Mrs. Mary E. Reynolds, county of Bexar, State of Texas, and the consideration is $10,000. Do you recollect the price you were receiving for that corn, under your contract, at the time when General McKenzie objected to it?—A. I do not. I think it was somewhere about $1.55 or $1.60, I cannot tell within twenty or thirty or forty cents. Probably there were some twelve or fifteen different contracts at that time.

Q. Can you tell me what it could have been bought for in open market at that time?—A. I don't think it could have been bought in open market at the price we put it in for. It was when corn was scarce and the roads very bad.

Q. You say you are a democrat, but have not been giving the democrats material aid lately?—A. No, sir; not material.

Q. I mean for the presidential election in 1872?—A. No, sir; I am not much of a politician.

Q. You did not get any circular from Mr. Harlan in 1872?—A. I don't remember whether I did or not.

Q. You don't know whether you paid anything?—A. O, I did not pay anything; I will guarantee that.

Q. Do you know whether the firm paid anything?—A. No, sir; but I am pretty sure they didn't.

Q. Do you know the total amount of money subscribed for that house?—A. It was enough to cover the purchase; it was between $9,000 and $10,000. We are inclined to be somewhat liberal in San Antonio.

Q. So you do not think there was any complaint about that corn except on account of the price?—A. At first there was none: afterward it was condemned, but after it was condemned it was inspected by the Inspector-General of the Army and pronounced to be good, and we were ordered paid.

L. M. GREGORY recalled and further examined.

By the CHAIRMAN:

Question. You have known James Trainor for some years?—Answer. Yes, sir.

Q. What is his character for truth and veracity?—A. I have never heard it questioned.

WASHINGTON, D. C., *April* 11, 1876.

FRANK L. SHOEMAKER sworn and examined.

By the CHAIRMAN:

Question. You are a lieutenant of the Fourth United States Cavalry, I believe?—Answer. Yes, sir.

Q. Where were you stationed last year?—A. In the first part of the year I was stationed at Fort Clark.

Q. You went subsequently to what is now known as Fort Reno?—A. Yes, sir.

Q. What was the name of that camp at that time?—A. Camp near the Cheyenne agency.

Q. Who was in command of that camp?—A. When I went there Major Davis (captain Fourth Cavalry) was in command.

Q. If at any time during your stay there last summer a contract was made with Lee & Reynolds for the supply of wood, please state what you know about it to the committee.—A. I do not remember the exact date the contract was made.

Q. It was during last summer?—A. Yes, sir. The quartermaster put some few notices around in the country that this contract was to be let; I do not remember exactly how many bids were put in, but there were several.

Q. For what amount of wood was it?—A. It was a year's supply of wood for two companies of cavalry and two of infantry.

Q. About 1,500 cords of wood?—A. Yes, sir.

Q. What do you know about the letting of the contract?—A. I know that the contract was not let to the lowest bidder, but it was let to the very highest, Lee & Reynolds.

Q. At how much per cord?—A. Eight dollars.

Q. How much did others bid?—A. I did not see the other bids, but I was informed by men who did bid that they bid as low as $3.50.

Q. Did the commanding officer and the quartermaster protest against the acceptance of Lee & Reynolds's bid?—A. They did.

Q. In what form did they protest?—A. They wrote a letter; all their communications had to go through the regular military channel; that is, they went through General Pope's department headquarters.

Q. If you were there subsequently when the order came there from the Secretary of War regarding this matter, will you be kind enough to state what it was?—A. Yes, sir; it was an order to receive the exact amount of wood that would be required for the troops up to the end of the year.

Q. At $8 per cord?—A. Yes, sir; at the original figure of Lee & Reynolds.

Q. Did the officers there make any offer to the Secretary of War in order to save the Government the expense of paying for this wood?—A. I did not see the letter myself, but I was told by the captain of my company that he had written a letter to the department headquarters, asking that the wood be not received; that they did not wish the wood, and rather than receive such wood as that he would send out his own troops and cut it at no expense whatever, and haul it in; that they did not want it at all.

Q. The wood was received at the price of $8 per cord after the receipt of the order from the War Department?—A. Yes, sir.

Q. And notwithstanding the protest of the commanding officer and the quartermaster?—A. Yes, sir.

Q. Where ought these papers to be on file; in the War Department?—A. They should be either in the War Department here or at General Pope's headquarters. Copies of all those papers are at the post.

Q. From the fact that the Secretary of War sent a peremptory order that this wood should be received, is not the presumption a fair one that he had seen the letter of the commanding officer regarding the same, which went through General Pope's headquarters? Is not that a military presumption?—A. That is a military presumption, but, of course, I cannot swear to it. I do not know whether it is so or not.

Q. Is it at all probable that such an order should have been issued by the Secretary of War if he had not been informed that there was a protest?—A. He must have known that there was a protest, or they never would have gone to him to get such an order; they would not have needed it.

Q. Are you acquainted with James Trainor?—A. Yes, sir.

Q. How long have you known him?—A. Since 1868.

Q. What is his character for truth and veracity?—A. I have never heard Mr. Trainor's

veracity doubted; that is, I know Mr. Trainor is a drinking-man sometimes, and under the influence of liquor he talks pretty largely; but as far as his veracity is concerned, when he is himself I should not doubt it in the least; I never heard it doubted.

Q. From his reputation as a man you would not doubt it?—A. I would not; that is, when he was talking business. When he was on his oath I would believe him.

By Mr. DANFORD:

Q. Suppose that you knew Mr. Trainor came to this committee on one day and testified positively that a gentleman by the name of Loeb had told him, in a conversation, some time last summer, that he, Loeb, had paid to one Simon Wolf $3,000 for getting a post-tradership for him; and then you knew the further fact that a few days afterward he had come before this same committee and said that he might possibly be mistaken about that, and that it might be that what Loeb had told him was simply that he had paid $3,000 for his tradership; what would you think of that kind of testimony? Would you think that he was intoxicated at any time when he testified, either first or last?—A. I should think probably he was. I can very readily see why Mr. Trainor should swear to a good many things, because that was several years ago and this post-tradership business was a matter of common talk at the post where he was, (Fort Concho.) I remember the talk about Loeb's getting this position, and it was generally supposed (and I have heard it, not from Loeb himself, but from others) that he paid here $5,000.

Q. What I want to ask about Mr. Trainor is whether he is not in the habit of drinking, and to excess, and when in that condition whether he does not talk pretty wildly and loosely?—A. That is what I said to Mr. Clymer just now—that when he was drinking he was apt to blow a good deal.

Q. But when he came down to his sober moments?—A. Then he would tell the truth; that is, as far as I know him.

Q Now, about this wood-contract. All the evidence in relation to those bids, the contract and all communications ought to be on file in the War Department?—A. Yes, sir.

Q. In which one of the bureaus?—A. It should be in the Quartermaster-General's Office.

Q. And what one of the bureau officers would have the immediate supervision of the letting of that contract?—A. Those contracts are generally let by the department commanders themselves. Each department commander has a chief quartermaster of his department, who is generally of pretty high rank.

Q. When they come to Washington here, to the War Department, for supervision, what bureau officer would have supervision of this contract—the Quartermaster-General, would he not?—A. The Quartermaster-General—General Meigs now.

Q. He was Quartermaster-General at the time?—A. I think he was. When did General Meigs go to Europe?

The CHAIRMAN. Last spring, I think, some time.

The WITNESS. I think General Meigs had gone to Europe. This contract was not let until about July.

The CHAIRMAN. Then General Meigs was in Europe?

The WITNESS. I think so; but I doubt very much if this contract ever went to General Meigs at all. I think probably it went to the Secretary of War without ever having gone through the regular channel.

Q. Right over his head? Is that usual?—A. No, sir.

Q. Do you know of any other instance in which matters of contract have gone right over the heads of bureau officers?—A. I do not recollect any just at present. I am not swearing to this, because I do not know it.

Q. The letters and communications on file will show whether you are right?—A. They will show everything about it.

Q. This wood was of inferior quality, was it?—A. Yes, sir.

Q. Was that the reason why the captain offered to cut it himself?—A. His reason was that the wood was almost worthless, and was delivered at an exorbitant price.

Q. What kind of wood was it?—A. It was cottonwood.

Q. Have you any other wood out there?—A. Yes, sir.

Q. Of course cottonwood is inferior to oak for burning, is it?—A. Yes, sir.

By the CHAIRMAN:

Q. How near to your camp was this cottonwood cut at that time?—A. I think the wood was all cut within a distance of three miles—probably from a mile and a half to three miles. I do not think they allowed any to be cut within a mile of the creek on either side. In fact I know it was cut within a distance of three miles from the camp.

Q. Is the opinion you have, that all these things went directly to the Secretary of War without going to the Quartermaster-General, based upon the fact that the order came directly from the Secretary of War himself that this wood should be received?—A. That is what I say.

Q. If the communications had gone to the Quartermaster-General the orders would have come from him, would they not?—A. Yes, sir.

Q. That would be Regular Army procedure?—A. Yes, sir. They would come through him.

Q. They came directly from the Secretary?—A. Yes, sir.

By Mr. DANFORD:

Q. You do not know that fact?—A. That is what I was told.

Q. You did not see the order?—A. I saw it, but I did not read it. The quartermaster brought it out, and it was passed around among the officers, and I saw it.

By the CHAIRMAN:

Q. Who was the quartermaster at that time?—A. Lieutenant Henkle, Fifth Cavalry.

Q. And Captain Davis, Fourth Cavalry, was in command?—A. Yes, sir.

WASHINGTON, *April* 12, 1876.

J. M. HEDRICK sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. I live at Ottumwa, Iowa.

Q. How long have you resided there?—A. About thirty-one years. I should like to state, if you permit me to, that I have been before the Judiciary Committee and made a sworn statement as to my connection with post-traderships, which was a prolonged statement on each occasion, and I have not since been able to see the testimony. I called to see it the other day and they said it was in the hands of another committee, a subcommittee. I state that for the information of the committee.

The CHAIRMAN. As your testimony there was very full, it will lessen our labors here to-day, I think.

Q. Please tell the committee in what post-tradership and with whom you are interested.—A. I am interested with A. C. Leighton at Fort Fetterman, Fort Buford, and Fort Lincoln; though from the latter place I have never received any money or anything else.

Q. Who else are you interested with?—A. No one else.

Q From what other persons, if any, have you ever received considerations for having them appointed post-traders?—A. I never received any consideration from any one for procuring an appointment.

Q. Is Mr. Leighton the trader at Fort Lincoln?—A. The trader is Mr. Seip; it is in his name.

Q. Please state what is your interest at these different posts?—A. I have a third interest in each one of them.

Q. State what amount of capital you have invested in each one?—A. I never put in anything.

Q. When did you become interested in Fort Fetterman?—A. I cannot state positively, but it was some time in 1871.

Q. Mr. Tillotson is apparently the trader there?—A. Yes, sir; he has a third interest. Mr. Leighton has another third, and I the other third.

Q. You became interested in that in 1870, you think?—A. In 1871, I think; it was the next summer. I am not certain about the date.

Q. When did you become interested at Fort Buford?—A. At the time that Mr. Leighton took charge of the post. I cannot tell when that was exactly. I think it was in the summer of 1871.

Q. That is an Indian post?—A. No, sir; military. I do not think he entered on the post until the spring or summer of 1871.

Q. At Fort Lincoln, when did you become interested?—A. I think it was last July, a year ago, that Mr. Seip took charge.

Q. Who secured the appointment of Mr. Leighton or Mr. Tillotson, or either of those gentlemen?—A. I helped them. They had very strong indorsements for these places, but I helped them.

Q. Were you a personal friend and acquaintance of the late Secretary of War?—A. Yes, sir; I have also lived in the same town with Mr. Leighton for over thirty years.

Q. What was the consideration upon which Mr. Leighton made you one-third partner in all this business without your having advanced any capital?—A. Well, it was his proposition, and it was our agreement.

Q. Please state what the proposition was.—A. His proposition was to go into that business with me, and what capital was necessary to furnish he would furnish and charge me reasonable interest on it.

Q. Was that all his proposition?—A. That was all, sir.

Q. Was the fact that you aided him in getting the appointment part of the consideration?—A. I cannot say that it was.

Q. Are you quite positive it was not?—A. Will you please repeat that question?

Q. I ask you whether the consideration or part of the consideration of his giving you one-third interest in all this business was that you were to secure him the appointment?—A. I think not, sir.

Q. Are you quite certain that it was not?—A. Yes, sir.

Q. Was nothing ever said between you and him upon that subject?—A. Nothing more than that we were to be equal partners in the business in the way I have spoken of.

Q. You did assist him in securing these appointments, did you not?—A. I did.

Q. Did you come here to Washington on that subject?—A. Yes, sir; frequently.

Q. And saw the Secretary of War about the matter?—A. Yes, sir.

Q. You presented Mr. Leighton's papers and Mr. Tillotson?—A. I cannot recollect whether I presented them in person or not.

Q. You spoke to the Secretary of War upon the subject?—A. I think I did.

Q. Would you have done so had that not been a part of the consideration that moved Mr. Leighton to make you his partner?—A. I was personally interested in making the application together with Mr. Leighton.

Q. You were interested because you were to have a third interest in the business?—A. Yes, sir.

Q. Can it be possible that you would have done this if it had not been to your own interest to have it done?—A. I do not think I would.

Q. Then, as you would not have done it without that, was not that the moving cause which induced him to offer you an interest in the business that he held?—A. The moving cause, as I understood it, was that I was to be a partner in the business.

Q. I ask you whether the motive was not that you were to secure him that appointment?—A. I do not see how I can answer that question any better than I have. I may not perhaps comprehend. In securing the appointment for him I was to secure it also for myself.

Q. Suppose he had started an industrial operation in your town, say a foundery or anything of that kind, do you think it is likely that he would have offered you a third interest in that without any consideration?—A. No, sir; I do not suppose he would; in this case the appointment was the capital sufficient to run the business.

Q. And that you secured for him?—A. I helped to secure it. There were certain other friends that helped.

Q. Can you tell me what amount of money you have received from your interest in these three several posts?—A. I have not received anything from Fort Lincoln, as I said before; but I have not any memoranda here. It has been paid to me at various and sundry times, and in various amounts. In fact, the only evidence I have upon this subject is what Mr. Leighton has given me in his testimony.

Q. Can you state about what amount of money you have received from your third interest in this business?—A. Mr. Leighton says he has paid me about $10,000 since 1870.

Q. As one-third interest in those three posts? At Fort Lincoln you have drawn nothing out?—A. No, sir.

Q. What is the estimated value of your interest at Fort Lincoln?—A. Well, sir, if the trader there should be summarily dismissed, which I understand is likely to happen, there would not be any profits.

Q. I ask you what was the estimated value of your interest.—A. I do not know. I never estimated that.

Q. Have you never heard any estimated value of it from Mr. Leighton?—A. Nothing, except on the assumption that it was to be continued, and that the property, the buildings, and the stock of goods, &c., should be disposed of at fair prices.

Q. He has never told you what the estimated value was?—A. He has told me that there was an apparent profit there of $15,000 the first year.

Q. That was re-invested and put into goods?—A. That simply remained in the old stock.

Q. But what I want to get at is not the profits for any particular year, but the estimated value of the whole interest there.—A. I have never had any estimate, except for the first year.

Q. What was it for the first year?—A. In the neighborhood of $15,000.

Q. That was profit; there must have been some capital stock in there before: add the $15,000 to it, and then we will get at the aggregate. What was it worth as a whole, including profits?—A. I have no data upon which to give you a reliable opinion, any more than that he has stated to me that after they invoiced the goods the first year and accounted for the property, the building, &c., that they bought, and after figuring up the expenses of running the place, that there was, in the stock and in the building, and in the increase, an apparent profit of about $15,000.

Q. That is still not an answer to my question. I ask you what was the whole investment there?—A. I cannot give you that.

Q. Have you never heard it? I will get at it in this way: Was your interest in that post only $5,000?—A. It was less than that—the apparent profit for the first year.

Q. I am not asking about the apparent profit; I am asking what was the total value of your investment there, not profit.—A. I think the stock of goods cost about $17,000.

Q. Then add $15,000 to it as profits?—A. That was at the end of the year.

Q. That is what I am trying to get at. Then there would be $32,000 there as capital stock?—A. Yes, sir.

Q. Then you had one-third of that?—A. No, sir; only one-third of the profits.

Q. That was at Fort Lincoln. You have been at Fort Lincoln haven't you?—A. No, sir.

Q. Do you know what the value of the buildings was?—A. No, sir; I don't know anything about that.

Q. In this $17,000 do you include the value of the buildings or merely the stock?—A. I think that included the value of the buildings.

Q. Have you ever heard what the buildings were valued at?—A. I believe I have heard that they were worth about $5,000.

Q. Then there was $12,000 of stock and $5,000 in the buildings, and that makes $17,000, and $15,000 at the end of the year in profit?—A. I do not swear positively to that amount, because I have no memoranda before me, but that is my best information on the subject.

Q. Then the investment there is about $32,000, the whole investment, in which you say you have an interest of one-third in the profits. Now, at Fort Buford, do you know anything about the value of the investment there?—A. I am not prepared to say.

Q. Have you any idea?—A. I don't think I could give you any reliable statement about the whole investment there.

Q. You have been in business there for nearly six years. Have you any conception of the amount of money you have coming to you from that point?—A. I have not received any profit from that concern for the last year.

Q. I want to get at whether you have not somewhere, from Mr. Leighton or somebody else, a statement or estimate showing what the amount of the total investment is there?—A. I cannot give you that.

Q. Have you got it?—A. I have not got it.

Q. Have you never had it?—A. I think I have the data at my house.

Q. Have you no recollection at all as to what the value of the concern at Fort Buford is?—A. No, sir.

Q. Is it $10,000?—A. The value of the whole property, you mean?

Q. Yes, sir.—A. I think it is greatly in excess of that. I think it is probably more than twice that, but I am not prepared to give you the value.

Q. Is it twice that?—A. I cannot say. I should think it is fully that.

Q. Is it three times that?—A. I cannot say.

Q. Have you an idea that it is three times that?—A. You mean the stock and the buildings?

Q. Yes.—A. I could not give an opinion upon that point.

Q. Is it between $25,000 and $50,000?—A. I could not answer that question.

Q. Have you ever been there?—A. No, sir.

Q. What amount of money have you drawn out from Fort Buford, do you recollect?—A. I cannot answer that question any better than I did before. Mr. Leighton has stated that he has paid me (and he has kept the books) about $10,000 from those two places.

Q. Do you know about what amount of profits there is in Fort Buford, which has not been drawn by you?—A. I could not tell you whether there is any.

Q. You do not have any accurate knowledge upon the subject at all?—A. I have not.

Q. You trust the thing entirely to Mr. Leighton?—A. Mr. Leighton is in my town a good deal of the time and makes me a statement occasionally about the profits.

Q. Have you drawn out all your profits from Fort Buford?—A. No, sir.

Q. What amount of profits, if any, have you drawn out?—A. I have drawn out of these places, Fort Fetterman and Fort Buford, in the neighborhood of $10,000. I have not got them separate.

Q. You went into business with Mr. Leighton at Fort Fetterman in 1871. Do you know what the amount of the investment there is?—A. I cannot tell you.

Q. Have you ever heard what amount was invested there?—A. Yes, sir; I heard, of course, at the time, but I don't recollect now.

Q. How lately have you heard about it?—A. I have not heard for four or five years.

Q. Is there $10,000 invested there?—A. Do you mean in stock and buildings?

Q. Yes, sir.—A. I think more than that.

Q. How much more than that?—A. I would not like to say precisely.

Q. I do not expect you to be precise without notes: come within a gunshot of it.—A. My recollection is now that the buildings and stock cost in the neighborhood of $12,000 or $15,000.

Q. Are they as valuable now as they were four or five years ago?—A. I do not think they are.

Q. You do not think there is more than $12,000 worth there now?—A. That I do not know.

Q. Do you know that there are not $20,000?—A. I do not know anything about it.

Q. Your own profits there were accounted for regularly by Mr. Leighton?—A. Yes, sir; by Tillotson.

Q. He represented Mr. Leighton there?—A. Yes, sir; they both lived in my town.

Q. Who runs the business for them down there?—A. Mr. Tillotson is a great deal of the time there, and Mr. Leighton at Fort Buford.

Q. You never have any accounts of any of these posts yourself; never kept any accounts?—A. I have from time to time, and from year to year. I do not keep any regular bank account. I suppose that from my memoranda I could make that statement for the benefit of the committee if they desire it. I left that almost entirely with Mr. Leighton, in whom I have confidence.

Q. Have you any accurate conception of the amount of money you have received from Fort Fetterman and Fort Buford; can you state within a thousand dollars of the amount of money you have received from these two forts?—A. No, sir.

Q. Can you state within five thousand dollars?—A. I think I can.

Q. Have you received as much as $10,000?—A. I think so.

Q. Have you received as much as $15,000?—A. I think not.

Q. Between those two sums, please tell me what amount you have received?—A. I only know from what Mr. Leighton tells me about the exact amount.

Q. How did Mr. Leighton pay you this money?—A. In various and sundry amounts, and at various and sundry times, and I have no accounts of it here.

Q. Did you keep a separate account of it in any way, or did you mingle it with your other accounts?—A. I mingled it with my other accounts, but I have it.

Q. Has Mr. Leighton within the last week or so furnished you an account of money that he has paid you?—A. No, sir; nothing more than what I saw in his testimony, and I consulted him about that afterward.

Q. Have you requested him since he has been here to give you an account of the amount of money?—A. I asked as to the amount of money that he received at another place, but not as to this aggregate.

Q. At what other place was that?—A. Fort Concho.

Q. I thought you were not interested in any other forts than these.—A. No; you asked if I was interested in any other posts at present.

Q. No, sir; I asked you if you had ever been.—A. I did not understand your question in that way.

Q. Then you say you have received between $10,000 and $15,000 from these two posts?—A. I should say somewhere in the neighborhood of $10,000.

Q. If you have ever received any consideration whatever at any time from any other post-traders, I wish you would give me their names.—A. Prior to this business at Fort Fetterman and Fort Buford, Mr. Leighton and myself secured Fort Griffin and Fort Concho, in Texas. I think that was directly after the passage of the law authorizing the Secretary of War to make those appointments, in the fall of 1870.

Q. Mr. Leighton was appointed post-trader at Fort Concho February 3, 1871, and resigned March 14, 1872; you were interested with him there?—A. We were equal partners at these two places, Fort Griffin and Fort Concho.

Q. Do you mean to say that you put in equal amounts?—A. I do not think that there was any money put in.

Q. You mean to say that Mr. Leighton advanced the money at both these forts to do the business, and that you were to have a half-interest?—A. I don't think he advanced any money at all. He took the money down there to buy the post, but there was no necessity to use it.

Q. Did you ever do any business there?—A. He went with a power of attorney from me and a partnership agreement to run the two places and divide the profits.

Q. What profit did he divide with you at Fort Griffin?—A. I cannot give the profit separately at each place, but, taking the two I should think my profit was about $2,000. I was the post-trader at Fort Concho. The appointment was in my name. He had Fort Griffin in his name.

Q. You sold Fort Concho to Owings, did you not, who held the appointment for a few days?—A. I never heard of Owings; I resigned in favor of Trainer.

Q. What amount of money did you receive from Trainer for that resignation?—A. Nothing.

Q. What amount did Leighton receive for you?—A. Mr. Leighton went there with a power of attorney from me, and made the arrangements with Trainer, and ran that post for six or eight months.

Q. During that time what amount of money did you receive from Trainer?—A. In the neighborhood of $2,000; that is my recollection. I got it through Leighton. He was superintending the business.

Q. You got about $2,000 as your portion?—A. As my portion of the two places, Fort Griffin and Fort Concho.

Q. Do you know how much money Mr. Trainer paid to Mr. Leighton for Fort Concho? Do you know that Trainer paid Leighton for yourself and him $2,500 for Fort Concho during the time he had it?—A. He did not have it until during that year; I had it myself.

Q. I mean when Trainer was there acting under you?—A. Mr. Leighton had a power of attorney from me to run the post, and he made arrangements with Trainer to run it.

Q. Do you know whether Trainer paid you for that privilege $2,500?—A. It is my recollection and Leighton's recollection that it was altogether $2,000. Mr. Trainer says $2,500.

Q. You gave the power of attorney to Mr. Leighton to go down?—A. Yes, sir.

Q. Was there any indorsement of that power of attorney by any one?—A. I think there was an indorsement by the Secretary of War.

Q. What was the nature of that indorsement?—A. Approving the appointment of Mr. Leighton as my agent for the time being. I was making my preparations to follow and take charge of the business.

Q. Approving the appointment of Mr. Leighton as your attorney, and directing that faith and credit should be given to his acts, was it?—A. Yes, sir; that is my recollection of it.

Q. Mr. Leighton was appointed at Fort Griffin, and you were equal partners there?—A. Yes, sir.

Q. Mr. Leighton sold out to Mr. Adams, didn't he?—A. I cannot tell you.

Q. Do you know whom he did sell out to?—A. I do not.

Q. Do you know how much he got for selling out to certain parties?—A. I do not.

Q. You know nothing about the transaction, then?—A. No, sir.

Q. Do you know how much he realized out of that fort for you?—A. My recollection is that I realized about $2,000 as my interest in the two places for the time that Leighton was down there with a clerk running them. He was down at considerable expense on two or three trips.

Q. Have you ever had any statement from Leighton as to the profits at these two posts?—A. I had at the time. I cannot give it now.

Q. Are you quite certain that $2,000 is what you realized as your share in these two forts?—A. I think that was all that Leighton accounted to me for; it may have been more. It is so long ago that I don't recollect with certainty.

Q. Are these two forts, Griffin and Fort Concho, the only others, in addition to Fort Fetterman, Fort Buford, and Fort Lincoln, in which you have ever been interested in any way?—A. No, sir.

Q. You were interested where else—at Fort Laramie?—A. I never got any profit out of Fort Laramie.

Q. Had you ever an agreement with McCormick?—A. I had an agreement before those other posts were secured with Leighton, McCormick, and myself, that we were to try and secure the post at Fort Laramie and be equal partners, but I never got any profit out of it, because the arrangement was broken up before it was finally secured, or after it was secured.

Q. Mr. McCormick was appointed post-trader at Fort Laramie May, 1871; displaced December 30, 1872, and John S. Collins appointed December 28, 1872, and is still the trader. You have no interest in Collins's post?—A. No, sir; I never had.

Q. Why was it that you never entered into business with McCormick?—A. It was about a year from the time the application was made until he was appointed, and by that time there were other parties in the store with him, and that made so many in the store that Leighton and myself withdrew. We never had any interest in it at all. I think they paid me my expenses once or twice coming down here to see about it; that is all.

Q. Were you ever interested at Fort McPherson with any one?—A. No, sir.

Q. Were you ever interested at Camp Sheridan with any person?—A. No, sir.

Q. Were you ever interested in any way with Lewis M. Gregory?—A. Not in the slightest. I suppose that is the Gregory who has been before this committee.

Q. Yes.—A. No, sir; I have met him here for the first time.

Q. You were never interested with him. At what forts were you interested, if any, other than those you have named?—A. At the time I secured Fort Concho in my name, I secured the appointment at Camp Supply for my brother and my brother-in-law and myself.

Q. Was that Latimer?—A. Yes, sir; he was not my brother-in-law, but he was to be one of the partners. The appointment was to be in his name, and my brother and brother-in-law and myself were to run the post.

Q. Latimer received the appointment in his name, but you secured the appointment?—A. I helped him so far as regards papers, &c.

Q. Did you go into business there?—A. No, sir; I did not go into business as was originally contemplated. I got the appointment with the expectation of going down there and going into business.

Q. Did you ever invest any money in it at all?—A. Yes sir; indirectly.

Q. You say you never did any business; did you withdraw from it?—A. I sent my brother down, and Mr. Reynolds, the man in charge, declined at that time to enter into the parnership. Subsequently I was appointed supervisor of internal revenue, and the arrangement failed.

Q. When were you appointed supervisor of internal revenue?—A. I think I was appointed about the middle of February, 1871; I entered upon the discharge of my duties about the first of March, 1871.

Q. I see that Reynolds was appointed there November 17, 1870; that was prior to the time you were appointed supervisor?—A. Yes, sir.

Q. Were you ever interested with Reynolds?—A. He was the gentleman we subsequently made arrangements to go into partnership with, but it never was consummated, on account of this appointment of mine.

Q. Had you ever an interest in his business?—A. He agreed to give me and my brother and my brother-in-law an interest in the concern, and they were to go down and represent me, and as soon as I could make my arrangements I was to go down and enter into the business, but I did not do it, because I was subsequently appointed to this office of supervisor of internal revenue.

Q. Have you ever drawn any money from there?—A. Yes, sir; he has paid me some money.

Q. Why on account of your being in that office could you not hold an interest in that post; you did it elsewhere?—A. I do not suppose I could have gone there and taken active charge of it.

Q. How much money did you put in there?—A. I paid the expenses of my brother to go down there, and the expenses of his being out of business on account of the matter for a year. I came here frequently through 1870, at the request of Mr. Reynolds, to serve him in regard to matters connected with the post, and altogether incurred considerable expense in the matter.

Q. Do you know what amount?—A. I do not know the amount.

Q. Would it amount to $1,000?—A. I should suppose it would amount to more than that, considering time and expenses.

Q. Would $2,000 be a liberal estimate of what you invested in that way?—A. I don't think I invested that much in that way.

Q. Would $1,500?—A. I don't suppose it amounted to as much as that; it would be difficult to estimate the exact amount of expense.

Q. That represents the amount of capital you put into that concern?—A. Yes.

Q. Did your brothers put in any more?—A. No, sir.

Q. What amount of interest had you in it?—A. I had an agreement with him at the start that we were to have a third interest, and that my brother and my brother-in-law were to go there and look after the post; unless I could make other arrangements I was to go there also..

Q. But that was broken up by your appointment as the supervisor of internal revenue, and you never did go there?—A. No, sir; I did not go.

Q. Did your brother go?—A. I sent my brother there.

Q. Did he stay there?—A. No, sir; because Reynolds refused at that time to make an arrangement, and he came back home and staid out of business on account of that, and I paid his expenses of going there and my own expenses.

Q. What amount of money did you receive from Mr. Reynolds as your share of the profits?—A. I think he paid me in the neighborhood of $2,000 altogether.

Q. Did he ever pay your brother anything?—A. No, sir; I paid that expense myself.

Q. You divided this with your brother?—A. No; I did not divide with him, because I paid all his expenses in going there, and waiting for a long time that he was out of employment on account of it. I got a letter from Mr. Reynolds touching the matter.

Q. He is of the firm of Lee & Reynolds?—A. Yes, sir.

Q. That was Camp Supply. If you were interested in any other fort, please state it.—A. No, sir; no other.

Q. These are all that you have ever had any interest in?—A. Yes, sir.

Q. Fetterman, Buford, Lincoln, Griffin, Concho, and Supply; those are all?—A. All.

Q. Have you ever secured the appointment of any other persons to any other posts than those, and if so, have you received any money from them for doing so?—A. When I was here in 1869 and 1870, when this bill was pending, I might have indorsed people's papers; I can't recollect about that; I don't think I secured anybody's appointment.

Q. If you received any consideration for indorsing people's papers, please state it.—A. No, sir; I did not.

Q. Have you ever received in any way from any one, by reason of securing their appointment to post-traderships, anything other than as you have narrated for the posts just named?—A. No, sir; nothing that I can call to mind now.

Q. Is it possible that you might have received for your influence in securing appointments to post-traderships, money from persons other than those we have spoken about?—A. No, sir; I don't think it is possible.

Q. You never did?—A. I don't recollect any.

Q. Are you a partner of Joseph Leighton?—A. Joseph Leighton is in partnership with his brother, or has been; I think he has sold out.

Q. That is not what I asked: I asked whether you were a partner?—A. I may be considered a partner indirectly with him, but his brother divides with him; I don't know anything about their business.

Q. He is only interested in Indian agents?—A. That is all, I understand.

Q. Then your partnership with his brother extends also up to that Indian country?—A. No, sir; nothing to do with them.

Q. But you are a third partner in Leighton's business?—A. Yes, sir; A. C. Leighton.

Q. And he is the partner of his brother?—A. I don't think he is.

Q. Have you no business relation with Joseph Leighton?—A. Not the slightest.

Q. So you are quite certain that you are not interested in any other forts, and never have been, as a post-trader, or a partner of a post-trader; and that you never have received anything from any one save the persons who have held these various forts, and of which we have spoken?—A. No, sir; I have not.

Q. Then, you have received out of all this business, including the forts in Texas, and Fetterman, and Buford, not more than $14,000 or $15,000?—A. I don't think it would exceed $15,000.

Q. What do you consider your third interest in all these concerns to be worth to-day?—A. I doubt if it is worth anything.

Q. Why do you think that?—A. The probability is that there will be a change in all those posts.

Q. If the late Secretary of War had remained in office what would they have been worth?—A. If the traders could have remained in there so that they could have realized a fair price for their stocks and buildings, there would have been a considerable profit for the last year, but the amount, of course, I could not estimate.

Q. Then your opinion as to the valuelessness of your investments there is based upon the fact that a new Secretary has come in?—A. It is based on the fact that they may be made of very little value by the arrangement of councils of administration. If they should change the men at all these places, and new men should come in and order the trader off, with his goods, and refuse to pay a reasonable price for the buildings, &c., I suppose the loss would absorb, perhaps, all that has been made in two years. That is a matter of opinion, of course.

Q. In most of these cases you saw the Secretary of War, personally, regarding the appointments, did you not?—A. I think so.

Q. Did you ever ask him for an appointment of post-trader, either for yourself or others, that you were refused?—A. I don't recollect any such case now.

Q. What was the reason of your great apparent influence with the Secretary of War?—A. We had for all these places very strong recommendations from members of Congress and others. Mr. Leighton was recommended by a great many prominent people in Nebraska. I served four years in the same regiment with the Secretary of War, and knew him very well.

Q. In a number of instances you had persons appointed; for instance, you had Mr. Tillotson appointed. At the time you had him appointed did the Secretary of War know that you were to have an interest in the concern?—A. No, sir; not that I know of. He did not get it from me. Mr. Tillotson was an Army officer, a supernumerary officer, who was mustered out with a year's pay, and I think about that time, and he had for that reason strong claims; and he brought to bear strong recommendations both of a military and a political character.

Q. Then, the Secretary knew of no arrangement between you and Mr. Tillotson?—A. No, sir.

Q. Did you ever tell him that you were to be interested with him?—A. I never did.

Q. You asked for the appointment of Leighton, at these several posts. When you got him the one in Texas, and the other posts, did the Secretary of War know that you were to be interested?—A. We did not have those other posts until we had abandoned those in Texas.

Q. But when you had Leighton appointed, did the Secretary of War know that you were to be interested?—A. Not that I know of.

Q. Did you have any conversation with him on that subject?—A. No, sir.

Q. You never told him you were to be interested?—A. No, sir.

Q. Did he never ask you why you manifested so much interest in securing the appointment of Leighton?—A. No, sir: nothing of the sort.

Q. Did he never intimate to you that your zeal in striving to secure those posts for those gentlemen was singular?—A. He never did, sir.

Q. Are you quite sure that he did not know that you were interested in those things?—A. I don't think he did.

Q. You met him at the reunion at Des Moines?—A. Yes, sir.

Q. Did you have any conversation with him on that subject?—A. Nothing; but that Leighton was there, and I introduced him to Leighton. And I think I recommended his appointment.

Q. That was for Lincoln, was it?—A. No, sir: I think that reunion was in 1870.

Q. The Secretary never knew anything of Leighton at all, save the recommendations he had and your personal intercession?—A. I doubt if he knew him before that time; I think I introduced him. He went up to the reunion with our party from my place.

Q. Had you any written agreement with Leighton with respect to your interest?—A. No, sir.

Q. Merely an understanding between you, which was that he was to advance all the money, and you were to have one-third of everything?—A. The post was to pay the interest on the money, and there was not a great deal of money advanced; the business paid its way generally.

Q. You secured the appointment for Mr. McCormick, at Laramie?—A. No, sir; the member of Congress from that district was very active in supporting him, and a great many other prominent men. I only helped him.

Q. Did Mr. McCormick ever pay you anything for helping him?—A. Not a cent.

Q. Did he even go to see you at Ottumwa?—A. I think so, once or twice.

Q. Was not his commission sent to you?—A. I think so.

Q. Didn't Mr. McCormick go there for it?—A. I think so.

Q. Did he not pay you any money for it?—A. Not a cent. At that time we were equal partners, or three of us in that place.

Q. And he never in any way paid you anything, either as profit or for the services you

rendered?—A. As I said before, I came here two or three times to secure that post, and I think they paid my expenses of traveling backward and forward.

Q. Do you recollect what amount?—A. Mr. McCormick never paid me anything. Mr. Leighton, I think, at one time authorized me to draw on him for $500, to come here in the winter of 1869–'70. I think that was the extent of the payment I received, and that was for my traveling expenses for three or four trips.

Q. Do you know anything about a series of drafts of this kind?

"$500.] OTTUMWA, *December* 7, 1870.

"A. C. Leighton pay to the order of Richards & Hale five hundred dollars, and charge to account.

"J. M. HEDRICK.

"To A. C. LEIGHTON & Co.,
"*Omaha, Nebr.*

Indorsed: "Pay to the order First National Bank, Omaha, Nebr.
Also indorsed: "Paid by J. H. McCormick."

A. I never knew who paid it. I drew the draft on Leighton, at his request, as I recollect it now. I never knew that Mr. McCormick paid it.

Q. You are quite certain that Mr. McCormick did not pay it to you? You got the money for the draft?—A. I got the money at my bank. My recollection is now that I got a dispatch to come to Washington to see about the appointment; that the appointment was hanging fire, and that he authorized me to draw upon him for that trip and other trips, and I drew on him and got the money, but who paid the money I don't know.

Q. Did you never get that draft of yours back?—A. I don't know.

Q. Would it not be returned to you in some shape?—A. No, sir.

Q. You have never seen it since?—A. No, sir; I don't think I have.

Q. Then you don't know that McCormick paid that instead of Leighton?—A. No, sir; I don't know it.

Q. You are quite certain that McCormick did not pay it?—A. I think it is quite probable that he did not pay it.

Q. A moment ago you said that he did not pay you anything.—A. I drew on Leighton.

Q. Then Leighton may have received $500 from McCormick?—A. I don't know about their arrangement.

Q. Do you know about your arrangement with Leighton?—A. Yes, sir; he authorized me to draw on him, and I did so, and got the money. That is the extent of my information on that subject.

Q. Then if McCormick paid anything for that appointment he paid it to Leighton?-A. Yes, sir.

Q. You were Leighton's partner?—A. We were to be equal partners in that post.

Q. Mr. McCormick was up there at the time the soldiers were at Des Moines?—A. Yes, sir; he was there with a member of Congress.

Q. And you introduced him to the Secretary of War?—A. Mr. Taft was with him, and I think Mr. Taft introduced him to the Secretary.

Q. You saw the Secretary with him, didn't you?—A. I don't recollect it.

Q. Were you ever here in Washington with Mr. McCormick?—A. Yes, sir.

Q. Did you and he go to see Mr. Belknap together?—A. I cannot recollect now. That was in 1869 or 1870, I think. He was an applicant in 1869–'70.

Q. But the Secretary of War could not appoint in 1869. The General of the Army appointed them.—A. Well, I suppose he had something to do with the appointments.

Q. You were here with him as early as that?—A. I was here a great deal of the time in 1869 and 1870.

Q. Have you no recollection of going to see the Secretary of War with him?—A. I have no recollection.

Q. Don't you know that you and he and Belknap met in some other room than the War Department about these matters?—A. No, sir.

Q. Are you quite certain that you never saw Belknap anywhere else than in the War Department, on this subject?—A. It is likely I might have spoken to him about these matters up at his house.

Q. You used to go to his house about these matters?—A. I frequently called at his house. I don't think I talked with him much about this subject.

Q. What other business had you with the Secretary of War when you were here, save receiving appointments for post-traderships?—A. No special business.

Q. That was your chief business with him, was it not?—A The Secretary was a strong friend of mine when I was an applicant for the appointment of supervisor of internal revenue; I suppose I went to see him a great many times.

Q. Had you any business with the Secretary of War, other than your own appointment as supervisor of internal revenue, that brought you here to Washington so frequently?—A. Nothing special that I can recollect.

Q. Was not that your entire business with him?—A. I was a newspaper man, and I was

here a good deal of the time in 1869 and 1870, corresponding for my paper as I have been for several years.

Q. What is your paper?—A. The Daily and Weekly Ottumwa Courier.

Q. You remained in Washington as the correspondent of that paper?—A. I have for ten years; a good deal of the time in winter, and frequently in the summer; I used to go to him as I did to other places to get news for my paper.

Q. Do you think the Secretary of War had any reason to suppose that you had any interest in those post-traderships whatever?—A. I could not answer that question, whether he had or not.

Q. Did you ever give him any reason to suppose it?—A. No, sir; this place that I had in my own name, of course he knew that.

Q. You had but one in your own name?—A. That was all.

Q. That was Fort Concho. Have you any reason to suppose that he knew that you were interested in these other places?—A. He knew that my application for this post at Camp Supply was in my interest and in the interest of my brothers, for I think I told him about that.

Q. How about the other posts, Fetterman and Buford?—A. I don't recollect about his knowing anything about them.

Q. Did he know anything about your being a partner of Seip at Fort Lincoln?—A. Never that I know.

Q. You never had any conversation with him about it?—A. No, sir; I don't think I ever had.

Q. Why was Mr. Dickey removed?—A. I don't know anything about that.

Q. How did Seip get his appointment?—A. Seip was on the frontier, and was recommended by a great many officers about Buford.

Q. Did you not recommend him also?—A. I think I must have done so.

Q. Did you bring his papers here?—A. No, sir; I did not.

Q. Did you come here after his papers?—A. I think not.

Q. Are you quite certain that you did not present his papers to the Secretary of War?—A. I think a lot of his papers were sent to me and I wrote a letter and inclosed them to the Secretary.

Q. You say that Seip was on the frontier?—A. Yes, sir; he had been at Fort Buford.

Q. Had he ever been anywhere else than in Baltimore before he was appointed?—A. He had been a quartermaster's clerk at Buford for a time prior to that.

Q. Did Seip ever know that he was going to be appointed; had you telegraphed to him that he was?—A. I did not.

Q. Or tell somebody else to telegraph to him?—A. That I cannot tell.

Q. Did you know that he was going to be appointed before he received his appointment?—A. No, sir.

Q. Did he come pretty promptly up to Ottumwa to see you after his appointment?—A. No, sir; he never has been there since that.

Q. When did you first see him?—A. He came to my place a long time before he was appointed. He was an applicant for another post. The younger Leightons were at home to see their mother, and he came with them, and he had a lot of recommendations for some other post—Rice or Supply—and a lot of letters to me from his brothers and others, that he was a worthy man. He showed me the Army recommendations, and it is my recollection that I wrote him a letter, and he brought the papers here, and he was not appointed for a year after that.

Q. You never applied for him, then, for Fort Lincoln?—A. No, sir; I think it was a general recommendation.

Q. He was appointed for Fort Lincoln?—A. Yes, sir.

Q. You were here about the time he was appointed?—A. No, sir; not at the time.

Q. Had you ever spoken to the Secretary of War?—A. I think I had recommended him by writing, but not personally.

Q. When was it that you became his partner?—A. I made all this arrangement with Leighton; never any arrangement with him.

Q. Did Leighton ever apply for Seip's appointment here to the Secretary of War?—A. I cannot swear certainly about that; I have an impression that he did.

Q. Then he applied to the Secretary of War for the appointment of Seip?—A. I am under that impression; I don't know absolutely about it.

Q. When Leighton came here were you in communication with him about the appointment of Seip?—A. I think he wrote me letters about it.

Q. Didn't he ask you to have him appointed by the Secretary of War?—A. He asked me to recommend him and to help him; which I think I did.

Q. And he was appointed?—A. He was appointed.

Q. Then you never made any agreement with Seip yourself?—A. Not the slightest.

Q. You have never talked with him on the subject?—A. Not upon that subject. I have never seen him from that time until within a day or two.

Q. You got to be his third partner without being there?—A. I had a third interest in the place, and what arrangement he made I never knew.

Q. You were to have one-third interest, Leighton one-third, and Seip one-third?—A. I have not said whether Seip was to have one-third or not; I think Leighton had perhaps more than one-third. What arrangement he made with Seip, I don't know anything about.

Q. Then you think that Leighton may have had more than one-third?—A. I think that depended considerably upon the amount of capital put in.

Q. Did the Secretary of War know from you that you were to have an interest at Fort Lincoln?—A. Not to my knowledge.

Q. You never spoke to him about it?—A. No, sir.

Q. What service did you ever render, if any, to Leighton or your other partners in these operations, other than securing their appointments, coming here to Washington to look after them?—A. I don't know that I rendered any very important service but that.

Q. Did you ever give any personal supervision to the business?—A. Not to the business; it was always the intention that I should, but circumstances occurred in the office that kept me from going at the time, and so I have never been there. I attended to all their correspondence.

Q. Did you ever purchase any goods for them?—A. No, sir.

Q. Did you ever advance any money for them?—A. No, sir; there was not a large amount of money used out there—principally a credit business.

Q. You say you have done a good deal of correspondence for them; did you ever correspond with the Secretary of War?—A. Yes, sir; I have written a good many letters.

Q. Did you ever, in any of those letters, intimate that you were interested in their business at all?—A. No, sir.

Q. What did you sign yourself, just J. M. Hedrick?—A. J. M. Hedrick.

Q. You never indicated to him in any way that you were a partner?—A. No, sir.

Q. Are there any other parties in this world for whom you took such a lively interest in any other matters with the Secretary of War?—A. I think not.

Q. Why was it that you never made an application for a post-tradership that was ever refused?—A. I don't recollect absolutely about that. I might have made recommendations that were not granted.

Q. But for those that you asked for, why was it that you were never refused by the Secretary?—A. I cannot give you an answer to that question. I suppose we were fortified by recommendations sufficient to justify them in making the changes, and making the appointments. I did not ask for any of those places without being well indorsed.

Q. No other reason than that?—A. None that I know of.

Q. Had you no partner in your third interest arising from this concern at all?—A. No, sir.

Q. Did you never share that money that you received with any person, directly or indirectly?—A. No, sir.

Q. Did you never share that money with any person for the use or benefit of any other person at all?—A. No, sir.

Q. Have you ever had any business transactions with the late Secretary of War?—A. Not any, of any consequence.

Q. What business transactions have you had with him?—A. O, I had in the service, our mess-account, &c.; that is about all the business transactions I had with him.

Q. Were there ever any money transactions between you and the late Secretary of War?—A. None, except such as might have occurred while we were in the Army.

Q. Was he ever in debt to you in any way?—A. He may possibly have been for a small amount, while we were in the service together.

Q. Has he ever been indebted to you since?—A. I think not, sir.

Q. Have you ever advanced him money in any way for any purpose?—A. No, sir.

Q. What amount of indebtedness existed between you and the Secretary of War when you were in the service together?—A. O, it was not of any consequence; I cannot recollect much about it now. I might have been sometimes ahead, and sometimes behind in our mess-account—something of that kind.

Q. Then you have had no other money transactions with the Secretary of War save those which existed between you as officers in the same regiment?—A. Nothing that I can call to mind now.

Q. Have you ever had any money transactions with any other persons, for the Secretary of War, on his account?—A. No, sir.

Q. Have you ever been interested in any matter or thing in which he was beneficially interested directly or indirectly?—A. No, sir.

Q. Was there ever an understanding between you of any nature or kind whatever by which it was agreed that in the future he was to have some interest arising from transactions in the present?—A. Not the slightest.

Q. You mean to say, then, that all these appointments, and that all your large interests resulting therefrom, were given you and accrued to you from no other than friendly personal motives on the part of the Secretary of War?—A. It is the sole consideration I know anything about.

Q. If there was any other consideration, could any one else have known it save you?—A. I think not, sir.

Q. Have you ever paid any indebtedness on account of the Secretary of War to any one else?—A. I think I paid some tax for him once at Omaha, or had Leighton do so; he paid me the money subsequently. It was a trifling amount. Some one there had a claim against one of his lots, had bought a tax-title to it, and he wrote me to see about it. I don't recollect the precise amount; it was somewhere in the neighborhood of $100. I think I paid that.

Q. Did you never pay any other indebtedness for him, of any kind whatever?—A. No, sir; not that I recollect, unless it was some trifling amount, which would not be impressed on my mind now.

Q. Have you ever settled any claims against him in any way?—A. No.

Q. By whom were you appointed supervisor of internal revenue; Secretary Richardson?—A. I think so. I was re-appointed, when they came to consolidate the supervisors, by Secretary Boutwell.

Q. Was the Secretary of War interested in his efforts to have you appointed supervisor?—A. I think I was supported earnestly by him, and by all the Iowa delegation; no more earnestly by him than by the balance of them and by some other people outside.

Q. Did you ever have any conversation with the Secretary of War about the posts that were established on the Yellowstone in 1872 or 1873?—A. I do not call to mind any conversation of that kind.

Q. Are you quite certain that you never had any?—A. No; I am not quite certain, but I don't recollect any.

Q. Had you ever any promise of those new posts—that you or some person you were to name should be made post-trader?—A. No, sir.

Q. Have you ever been a contractor at any of the military posts, other than a partner of Leighton?—A. No, sir.

Q. Never?—A. Not, except that the firm sometimes have had a contract for wood or hay, or something of that sort.

Q. Were you ever interested in the profits on contracts at military posts?—A. I don't think there was ever any profit in these little matters. If there was they were pooled in as the profits of the post.

Q. But were you never interested with any other persons than Leighton, Tillotson, or some of those persons attached to the posts of which you speak?—A. No, sir; I don't think I ever was. I don't recollect any now.

Q. Do you know a man named J. T. Workman, of Burlington, Iowa?—A. I don't believe I do.

Q. Do you know a man named Hoddie, at Ottumwa?—A. Yes, sir.

Q. Had you any transactions between Hoddie and Workman in regard to any matter?—A. Hoddie was a clerk of mine a while, when I was postmaster. I don't recollect Workman.

Q. Had Hoddie for you any transactions with Workman with reference to a post-tradership?—A. Not that I recollect of. I don't think he ever did.

Q. Who is now the postmaster at Burlington?—A. I don't know.

Q. You say you don't know Workman?—A. I don't recollect the name. There was a route-agent of the name of Workman, I believe, on that route at one time.

Q. You were postmaster at Ottumwa?—A. Yes, sir.

Q. And Hoddie was your clerk?—A. Yes, sir.

Q. Do you know John J. Safely?—A. Yes, sir.

Q. Was he ever interested with you in any of these post-traderships?—A. Not the slightest.

Q. Have you ever had any conversation with Orvil Grant about post-traderships?—A. I never spoke to Orvil Grant, I think, but once, and that was a mere formal introduction, and I have not seen him since.

By Mr. DANFORD:

Q. Who is Safely?—A. Safely served a while on General Belknap's staff. He was major in the Thirteenth Iowa. He lived a while in my town, and was tie-inspector on the Burlington and Missouri Railroad, and he was here a while as clerk in the Quartermaster's Department. Since then he has been railroading.

Q. What regiment were you of?—A. I succeeded General Belknap as the colonel of the Fifteenth Iowa. I went out as a lieutenant in the Fifteenth Iowa, and General Belknap as a major.

Q. How long were you in the service?—A. I was in the service until about a year after the close of the war. I was disabled and shot through the hips. I went in in July, 1861, and staid in the service until 1866.

Q. You went in as lieutenant?—A. Yes, sir; and I came out colonel of a regiment and brevet brigadier-general.

Q. Were you wounded in General Belknap's old regiment?—A. Yes; I was wounded at Atlanta the day McPherson was killed.

Q. What were your relations with General Belknap from that time on, until he was ap-

pointed Secretary of War, as to friendship?—A. Very friendly. I was in politics, and editing a newspaper, the Daily and Weekly Ottumwa Courier.

Q. When General Belknap was appointed Secretary of War, you, it seems, received an appointment for yourself at Fort Concho shortly after his appointment as Secretary of War?—A. It was more than a year afterward.

Q. And at the same time there was an appointment received by some other party—one of the Leightons, was it?—A. A. C. Leighton.

Q. What was his post?—A. Griffin.

Q. He went down in the interest of his own post and yours also, with a power of attorney from you?—A. Yes, sir; he ran my business.

Q. And he made an arrangement there by which Mr. James Trainor continued in the post?—A. I would like to explain the reason for that: When Leighton got there he found that he had a large stock of goods, and it was a very undesirable post, and he made a temporary arrangement with Trainor to divide the profits with him, subject to my approval, and that arrangement ran for five or six months, when I resigned, and recommended Mr. Trainor's re-appointment.

Q. And in that five or six months Trainor paid you whatever you received?—A. Yes, sir; paid it to Leighton.

Q. It is your recollection that it was about $2,000?—A. That is my recollection and Leighton's too. I would not pretend to say that it might not have been $2,500.

Q. Mr. Leighton gave up his post there also?—A. Yes, sir; both of them.

Q. You came then after that and got three other posts?—A. We got two other posts. We did not get the other one until recently. We got Fetterman and Buford.

Q. Yourself, Leighton, and who else were interested in these posts?—A. Mr. Tillotson.

Q. Was Leighton a man of means?—A. Not much; he had lived in my town all his life, and he had been a post-trader; he had gone out with one of our regiments and he had a good deal of experience and had first-rate credit at Omaha, and most of what money was necessary he borrowed.

Q. Well, the arrangement was that he was to advance the capital, either by getting credit for the goods or borrowing money, and you were to have a one-third interest?—A. The stores were to pay all the expenses of the interests and all the hired help, and everything.

Q. These stores were to bear their own expenses in every regard as to running them, and the interest upon money borrowed or stock purchased?—A. Yes, sir.

Q. And after that was paid you were each to receive one-third of the profits?—A. Yes, sir.

Q. Now, in relation to what remains at those three posts; if you should come to divide up, what would you get—one-third of what is there now, or one-third of the profits after paying all the expenses and indebtedness of the post?—A. One-third of the net profits after the business was wound up.

Q. Then whatever each party had advanced would be taken out first?—A. Yes, sir.

Q. What arrangement had you made with Leighton in relation to running these two posts in Texas?—A. The arrangement was that he was to go down there; he hired a clerk and took him down; and he was to buy the two posts out if he could make an arrangement to that effect, and as soon as possible I was to go down there, and we were to run them together and divide the profits; but he found large stocks and everything unfavorable, and he made this temporary arrangement.

Q. What other posts did you have an arrangement with besides the two in Texas and these other three?—A. None except that temporary arrangement at Camp Supply.

Q. With whom was that arrangement made?—A. With Mr. Reynolds.

Q. He paid you in all about $2,000, according to your recollection?—A. Between $2,000 and $3,000.

Q. And you had expended in going there and looking after it some considerable amount of money?—A. Yes, sir; a considerable sum of money.

Q. Did you have any communication from Reynolds in relation to that business?—A. I had one communication from him.

Q. When was it?—A. In December, 1870. I submitted that to the Committee on the Judiciary, and they kept it. I have a copy of it.

Q. Those, then, are the six different posts that you have been interested in as a trader?—A. Yes; these three were only for a short time; the last was for a short time, not over a year and a half.

Q. That was the one that Seip had charge of?—A. Yes; and I have never received a cent from him.

Q. In all these different arrangements that you made for your own advantage in this way, what did you say to the Secretary of War to induce him to give you these posts?—A. I urged the appointment of these people as my friends, and as Iowa people who were certainly entitled to a share of that patronage.

Q. Was there any other inducement held out to the Secretary?—A. Not the slightest.

Q. Any moneyed consideration made, or promise to him from you?—A. No, not the slightest.

Q. I believe you have answered fully that you don't know whether he knows of your in-

terest in these posts or not?—A. I knew that he knew I was interested in this one that had in my own name, and that I was prepared to go there.

Q. Also the one that you had applied for in the name of your brother?—A. Yes, sir; he knew that. The subsequent arrangements he knew nothing about; at least not from me.

By the CHAIRMAN:

Q. I see that Daniel C. Latimer was appointed to Camp Supply October 20, 1870, and removed November 17, 1870. Why was it that that man held that appointment for only twenty-eight days?—A. The commission was not delivered to him. He was recommended to me as a proper person to go into partnership with.

Q. And as such you recommended him to the Secretary of War?—A. Yes, sir; as such I recommended him to the Secretary of War, but subsequently I found that I was mistaken in that recommendation and I withdrew it, and Reynolds was appointed.

Q. You went to the Secretary and told him that this man Latimer was not the person you thought he was, and that he hadn't the amount of capital to run it, and you asked the Secretary of War to revoke his appointment and to appoint Reynolds?—A. I think that is the substance of it. The appointment was to be in his name.

Q. Yes; but it was to be for your benefit and your brother and brother-in-law, and you told the Secretary that you had discovered that he hadn't capital enough. Now, you told him, I believe, that Latimer was not the man that you wanted to be in partnership with down there, did you not?—A. I think it is likely.

Q. Upon your mere assertion he turned Latimer out and appointed Reynolds?—A. Reynolds was the trader there, and he was simply re-appointed.

Q. Mr. Latimer was the old trader there?—A. No: Reynolds was.

Q. Latimer was appointed first, as here recorded, and November 17, 1870, he was turned out?—A. He never took charge of the office at all.

Q. Then you and Reynolds and your brother and brother-in-law were to be partners; what did Reynolds agree should be the value of your interest there a year?—A. He agreed to stipulate that it should be worth $5,500 a year profits; that he would give us that as our share; that he would guarantee us a partnership-interest amounting to that.

Q. It was because he made that guarantee that you did not think Latimer was a good man?—A. No, sir. Latimer subsequently died; and I was told, about the time the appointment was made, that he was not the right kind of person to be in with as partner.

Q. What amount of money did you get out of Camp Supply?—A. I have stated already about $2,500.

Q. Reynolds was appointed in November, 1870, and on the 7th of December, three weeks afterward, you drew on him for $500, did you not?—A. Very likely.

Q. Was that on account of the profits that were to be paid you?—A. That was on account of the profits, and to pay my expenses to come here to see about matters connected with the post; about efforts being made to remove him, and so on.

WASHINGTON, *April* 13, 1876.

RALPH MEEKER sworn and examined.

By the CHAIRMAN:

Question. If at any time General Custer loaned you any money, or drew a draft on James Gordon Bennett for your benefit and gave you the proceeds, please say so.—Answer. He did, on several occasions. I went up there last spring and staid until October, nearly six months.

Q. Were you in the habit of getting money through General Custer?—A. Yes, sir; I had orders from the office to draw upon any officer or quartermaster, or anybody that had money, to cash my drafts.

Q. Was that a general order, or was it addressed to any particular officer or quartermaster?—A. Well, they said I would have no trouble at Fort Lincoln in getting my paper cashed; that I could call on the quartermaster or on General Custer, and there would be no trouble about it; but I afterward found a good deal of trouble, as the whole of the rings up there combined against me and used every effort to keep me from getting any money, and if it had not been for General Custer I would not have got any.

Q. Did you get any from General Custer?—A. I did, on several occasions.

Q. Do you recollect of receiving money on one of these drafts of General Custer's from Mr. Seip?—A. Yes, sir.

Q. Do you recollect the amount?—A. No; but I could tell if I had an opportunity to refer to my memoranda.

Q. Was it between one hundred and two hundred dollars?—A. There were different payments, some $50 and some $100.

Q. The money did not go to General Custer?—A. O, no; no money went to him.

Q. It was money for yourself as correspondent of the New York Herald?—A. It was like this, if I may be allowed to state: I would go to General Custer and tell him I could not get my drafts cashed in Bismarck; it was a hard place to get any money at that time. The agent of the leading steamboat line, which has all the contracts for transporting supplies for the Government, (the great Coulson line, I think it was,) spent two days there trying to raise $2,000, and nearly cleaned out the town, and I had to go to the general in order to get some money. General Custer told me to draw a draft and he thought he could get it cashed, and he sent one of his attendants out to get the money. I remember that on one occasion Mr. Seip did not have money enough to cash the draft, and afterward one of the clerks told me that he had taken the money out of his own private pocket; that they were hard up at the time; and I understood that Mr. Leighton and General Belknap were drawing on Mr. Seip so heavily that he had not any money.

Q. Was that the reason they gave for not being able to cash your draft?—A. That was the reason talked about around the fort. There are not many people up there, and everybody knows pretty much all that is going on.

Q. Then you say that on several occasions General Custer obliged you by drawing his draft on James Gordon Bennett and having it cashed for you?—A. Yes, sir; but I would state this: that once I went to him to get him to indorse some paper for me, not bankable paper, but other paper, and he said he would be very glad to do it, but he was an officer in the Army and he had to conform strictly to rules, or something like that; he said it was perfectly proper and legitimate for him to indorse a draft; but I had got out of money and found that I could get some by giving a note, and I wanted him to indorse the note, but he would not do it; he took what I afterward remarked to a gentleman in Bismarck was a very high-toned position. I suppose that, considering the situation he was in, he wanted to do the thing on the square, but it was rather rough on me.

By Mr. DANFORD:

Q. It looked as though he doubted your responsibility?—A. No, sir; but it looked to me as though he was afraid that some of those papers might be brought to Washington and used against him here at some time.

By the CHAIRMAN:

Q. He never drew any drafts for you save for your own personal expenses out there?—A. No, sir; nothing except what was connected with my business relations with my paper.

By Mr. DANFORD:

Q. You say that the town of Bismarck was pretty well drained of money by drafts from General Belknap and others?—A. I did not say from General Belknap. I said that this post-trader over at Fort Lincoln was hard up at one time, and Mr. Seip kindly sent what money he had (which I think was about $50) and another draft for the balance; and I said also that the agent of the Coulson line, (I think it was,) having been at Bismarck a few days before, had been compelled to spend two days in the town to raise $2,000, and that, owing to that fact, the town was pretty well drained of money. He said that the post-trader at Fort Lincoln was hard up for money, and that the common report among the people was that Mr. Leighton had been drawing on it very heavily, and it was spoken of there that Leighton drew for the Belknap crowd; that was the common talk.

Mr. SEIP. Did you ever make personal application to me for money?

The WITNESS. No, sir.

By Mr. DANFORD:

Q. Do you mean to give the impression to this committee that General Belknap was drawing from the post-trader there, or that anybody was drawing for his benefit; if so, have you any fact that leads you to make that statement?—A. All the kind of facts I have to base my assertion on are of this character: If I were passing through Minnesota, and the people were to say it was dry weather, I should think it was dry weather; and the general opinion among the people out there was that the Indian traders had to pay large sums to Orvil Grant, and that the post-traders had to pay large sums to General Belknap and others in Washington; and when General Belknap came down through there it was called a black-mailing tour on his part. That was the common talk among the people there; it was not confined to one or two people by any means.

Q. But you have no fact that you can give this committee to lead us to a knowledge of the truth in these matters?—A. There is only one thing that gave me any definite belief in regard to General Belknap's operations up there, and that was the fact that General Terry came over there and found out about this corn that was lying at Fort Lincoln, which was stamped as Indian grain, and he said that General Custer had acted properly in refusing to take it, and he seemed somewhat anxious about the matter; and then when I found that General Belknap—who was above General Terry, and at the head of the War Department—paid no attention to it when he arrived, but spent most of his time at Bismarck in talking to the post-traders or Indian traders, I thought something was rotten.

Q. General Belknap's associations were not such as you thought the head of the Army should indulge in?—A. It looked a little suspicious.

Q. You were the correspondent of the Herald in that country for some time?—A. For about six months.

Q. And you wrote quite a number of articles in relation to these matters?—A. I did.

Q. Those articles were based upon such information as you obtained, such rumor as you heard, and not upon facts within your own knowledge, I suppose?—A. I did not consider that they were based on rumors; I considered them based on facts, because I traveled thousands of miles and spent several months in investigating what I heard as rumors when I first went there, and I traced them down until I got them about as definite as anything can be in this world without seeing the transactions take place. There are affidavits to support some of my statements, which can be produced at any time.

Q. You have been somewhat active in aiding this committee to get at the facts in regard to these post-traderships?—A. Well, anything that I knew I have given to the committee.

Q. Have all the facts in relation to the connection of the Secretary of War with those post-traderships that you ascertained in the West been brought to the knowledge of this committee?—A. I went out there to look into the Indian frauds principally, and these matters in regard to the War Department came in rather incidentally, and I have no particular knowledge of anything except that grain transaction, which comes in close connection with the War Department. The fact is, it was almost impossible out there to tell which was which, because the Indian traders and the War Department people worked together to a great extent.

Q. That is, the same trader would be Indian agent and sutler too?—A. Well, a man might be interested in both. Mr. Leighton had military posts and Indian posts, and where the things are interchangeable in that way, and all whacked up together, it is mighty hard to tell who gets away with the proceeds.

Q. Did you ever apply to Mr. Seip for money?—A. No, sir; I did not; and I will state to you the reason: I was sent out there to investigate these traders, and inasmuch as I was a stranger, and Mr. Seip was in the post-trading business, and I did not know anything about him except that he was in that business which I was sent to investigate, I thought that I could not, with honor, get money of him and then afterward be obliged to expose him, and I did not want to place myself under any obligations to anybody there except people that I believed I would not afterward be called upon to expose.

Q. Did you ever go to Mr. Seip with a draft drawn by General Custer upon James Gordon Bennett and get him to cash it?—A. I do not remember whether I went to him in person or not, but I rather think I did not. Mr. Seip asked me several times why I did not come to him when I wanted entertainment; he said he would be glad to oblige me with any favors it was in his power to grant, and I gave him the same reason that I have stated to the committee, and we parted on friendly terms.

Q. You cannot say whether you ever went directly to Mr. Seip with a draft of General Custer's?—A. No, sir; but I know that those drafts went to him, because I saw the man start with them and saw him come back, and I saw Mr. Seip's name on some of the drafts—one draft, at least, where he was unable to make full payment in cash.

Q. You have seen this "Anaconda" article in the Herald?—A. Do you mean the one that I wrote?

Q. I mean the one of the 31st of March.—A. Yes, sir; I read it with considerable amusement. I wrote the original "Anaconda" article, the one that that refers to. I have tried to find out who wrote this article, but so far I have been unsuccessful.

Q. The Herald keeps its business secret, I believe?—A. Yes, sir; we have our orders as to secrecy, not only with regard to the outside public, but in reference to each other.

Q. So you are not supposed to know who the author of this article of the 31st of March is?—A. There is one thing there that I recognize—I mean that "aggregation" advertisement—because I was there when a copy of it was handed to Generals Belknap and Forsyth. The man that gave it to General Belknap was crazy. The people thought that if he had not been it would have been an insult, but as the man was crazy they did not pay any attention to it. General Forsyth also handed General Belknap a copy of it in a joking way.

Q. Do you know the Indian agent at Bismarck?—A. There is no Indian agent there.

Q. I mean Mr. Raymond?—A. Mr. Raymond has a large store at Bismarck, and he has also a large trading-place at Fort Berthold, about nine miles above.

Q. Did you ever get any drafts cashed by him, or do any business through him?—A. I will tell you how that was: One time when I was trying to get some money there, and before I knew that Mr. Raymond had anything to do with any post-tradership, right after I had been buying some goods of him, I went into his store one morning to get a draft cashed, and one of the clerks told me I would have to wait until the cashier came in—who was a Mr. Fairchild, the son of the president of Oberlin College. After Mr. Fairchild came in I told him what I wanted, and he questioned me very closely, and said that I would have to be identified. Inasmuch as I had a *nom de plume* under which I wrote, it was very difficult to identify myself; in fact, the more I identified myself the more suspicious I became. He asked me whom I could get to identify me, and I said Mr. Watson, one of the leading merchants there. He said that would do; and he wanted to know something about General

Custer, but I avoided saying much about the general, and finally he agreed that if I got a proper indorsement he would cash the draft, which, I think, was for about $150. I got the draft and left it with him for one or two days, requesting him not to send it off; and about an hour after I got the money I went out and saw a United States commissioner. I found that Mr. Raymond was reported to be in this Indian-trading business, and was in with Agent Sperry, and I went back and requested him not to send the draft off, as I would come round and take it up; and I afterward got the money and went back and took up the draft, and thanked him for the courtesy with which he had treated me. That was all I had to do with Mr. Raymond.

Q. Did you ever see any telegrams from James Gordon Bennett to General Custer, authorizing the general to draw upon him for your benefit?—A. Yes, sir; I saw them on several occasions; once in my own name and once in another name. I drew once under another name than my own, for there were so many people after me there that I had to cover up my identity all I could.

Q. When you left Bismarck, did you employ any person there to represent the Herald?—A. Before I left there I had information in regard to some very important matters in connection with General Belknap's visit to that region, so important that I dared not telegraph it to New York, and I got General Custer to telegraph or write for me, so as to throw people off the track about it; and I employed a man, under orders from the office, to work up some matters there, and he has not finished reporting to me yet.

Q. What do you mean by General Custer writing for you?—A. I mean this: I got from very good authority this information, which was that the real object of General Belknap's visit to that country was to look after the trading-posts on the Upper Missouri, and also to see about setting off a district called the Hoopa country, which lies up north of Fort Benton, on the British border, and is represented on that map by that green spot there. In order to make what I have to say as clear as possible, I will state that that is a place where there has been a great deal of smuggling of whisky and of other goods, so much of it that the Canadian government has kept a large force of mounted police there, who, in connection with our officers, have controlled the country; and the amount of money made there by smuggling, according to common report, is immense. What I understood was that General Belknap intended, through some treaty or some scheme that he could get fixed up in Washington, to have that territory set apart as a kind of reservation, and to put all these wild Indians that they had so much trouble with on that reservation, and thus have exclusive control of it as a kind of war and Indian reservation, and establish trading-posts there for members of this Leighton ring, so that they could run in whisky or anything else from Canada and have everything their own way. The foundation of the enterprise, I understood, was this: that any white men not friendly to the ring, any outsiders found on the reservation, were to be "taken care of" immediately. The scheme looked very plausible, and was so entirely in keeping with all that I had heard of these other matters that I told General Custer that I must at once get word to Mr. Connery and have a man sent up there, and I asked the general if he knew a man that was fit for the job—a man who could talk the Indian language and the half-breed language, and shoot straight, and get at the bottom of this thing. He referred me to two or three men, and among these was one that I knew, a printer, who had been on the frontier a great many years and understood that country perfectly. I made an arrangement with him, through the office, to go up there; and then I had to go away to look after some matters in the British possessions, and I asked General Custer if he would assist me in the matter, and he very kindly told me he would, because he thought that the thing needed looking after. He said that he was a Government officer, and it was his duty to see that the Government was protected, whether the officers above him were in favor of it or not. I told him I was astonished at his boldness. I was further strengthened in my own opinion about this thing from information that I received about the visit of the Secretary of War to that country, and the opinion has been further confirmed by what I have heard and seen since. This man that I employed made the trip up there. He was to watch a train of about two hundred wagons that left Bismarck, and I told him to go to Fort Benton and stop at the Indian agencies along, and to look out for the frauds; while, in the mean time, I would come back in this direction and go along by the Union Pacific and get up to Fort Benton, so as to head off these men that we were watching there. I told this man we would pay him what was right, and I gave him some money to start with. He has given me some information, and I expect more.

Q. Is he still in your employ for the Herald?—A. I have not discharged him yet, and it is left for me to look after.

Q. You said that General Custer was going to write for you; what did you mean by that?—A. I meant this: I expected there would have to be some telegraphing about it, and everything that I telegraphed got out there in Bismarck about as soon as I telegraphed it; and General Custer had a special operator, and I thought if I could get him to do my work it would save the thing from being exposed. The general said he would have no objection, and I understood him to say that he would write on to the office and tell them these facts that I have spoken of, and ask as to the propriety of sending this man; because I had to leave on the early train to go up to Fort Garry, and I could not be there to attend to it. When I came back General Belknap came down the river, and this man wrote me that the news of his expedition up the river, which was really to work up these frauds, had got out, and that these fellows had taken the alarm and had stopped along the route, and had trans-

ferred some of the Indian supplies. It was one of those things that I could not get at the bottom of, but I got enough of it, knowing the character of the men that were interested in it, to show me that there was a good deal in it. All that General Custer did in connection with this business was entirely of a personal character, such as indorsing my drafts; which, however, he did not do until he was satisfied that I was sent out there from the office. He also gave me other aid, letters of introduction, and such things; and when he would give them to me he would generally say that he thought he was doing the right thing; that the Government, to his certain knowledge, was being defrauded; that he knew something about these Indian frauds, and that he thought they ought to be exposed. I told him I liked to hear him talk in that way, it was so different from the way many of the other officers talked. I will state here that when I was on that trip I learned about this Fort Sill business, but I was under solemn obligations not to use the information. I had that Fort Sill business straight from the original source, and I had the data in connection with it, so that I was convinced that General Belknap was a kind of a second Tweed, and therefore I thought he was a man that would bear watching. I will also state that the impression of General Belknap in that country was such that when he came down through there it was thought that the best thing I could do was to keep out of his way. So General Custer told me; and I thought that if a man like General Custer, so brave and with so good a record, would advise a newspaper correspondent to keep out of the way of the Secretary of War, he had a pretty good idea that the charges were, true, and that the Secretary might "lay for" me; but I saw the Secretary when he came there, and it was the common talk that General Custer served him right. He paid him all the official respect that his position required, but he did not do anything more than that. That was the common talk of everybody there, and the majority of the best people said that as the Secretary of War was the great national chief, they were glad to see there was one man who had the courage to treat him as he deserved; and having these Fort Sill frauds in my mind, and knowing what I did know, I thought I would not be liable to be sued for libel if I stated the facts in my knowledge.

Q. Have you now stated all that you know?—A. No, sir; I have not stated all I know.

By the CHAIRMAN:

Q. When you said that General Custer was to write for you, did you mean anything more than that he agreed to write to Mr. Bennett, of the Herald, stating that there were important matters up there to be investigated, and that he had better have this man you spoke of employed to go and look after them?—A. Nothing else but that.

Q. You did not mean to say that General Custer was to be the correspondent of the Herald for you?—A. O, no; nothing of that kind. But when I come to think of it, I believe there was a telegram sent; and there was some correspondence in regard to it—as to what the general knew about my information in connection with this trip of General Belknap's down the river.

Q. But you do not mean to say that General Custer was to do your corresponding with the Herald for you?—A. No, sir; not at all.

Q. Did he do any of it for you?—A. No, sir; he never did a line of it: although it was said out there that he did, and I have heard the same statements since; but it was absolutely false, so far as I know. There were other men out there who wrote letters to the Herald, and I tried to find out who they were, but I could not succeed; but among them was the man whom I employed.

By Mr. DANFORD:

Q. Who gave you these facts that led you to believe that the Secretary of War was going to manage to have that green spot on the map transformed into the Indian reservation, and establish post-traderships, and go into whisky-smuggling?—A. Well, sir, that came from a man that had lived in that country a good many years, and was a pioneer there.

Q. What was his name?—A. I do not feel authorized to give his name unless I get instructions from the office.

Q. Is he still up in that country?—A. I do not know where he is, people move round there so much; but my impression is that he has gone to the Black Hills.

Q. Where did he live at the time you got this information from him?—A. He was around Bismarck part of the time, and part of the time he was at places below; and then this thing came up, and he said there was the biggest thing on hand—a thing that would enable him to pay off his debts and clear off his mortgages. He was let into the secret, and he said it was so big that he dared not tell much about it, and it was so large that he did not know the whole of it.

Q. He was going into it?—A. Yes, sir; he was to have some of it.

Q. Was he to be the chief of that green spot?—A. No; they were to be the great mediators between the Secretary of War and the little traders; and I saw a letter in the State Department the other day that confirmed everything I have heard or said about the transactions of the Leightons—that they were General Belknap's agents there.

Q. What is that green spot—a reservation?—A. It is a reservation.

Q. Under what Department?—A. That is what I sent a man up there to find out.

Q. What Department controls it?—A. I have not looked at that map closely, but that country, north of Fort Benton, is called the Hoopa country.

Q. What has the War Department to do with those reservations?—A. I understood that Secretary Delano and General Belknap and Commissioner Smith, I think, were going to have one grand "divvy" and a pool.

Q. On that green spot; and you believed that?—A. They had so much secrecy about it, I was forced to believe it.

Q. That was the reason that you believed it—because it was kept so secret?—A. One reason why I believed there was something in it was this: They said, "Why, the idea of the Secretary of War soiling his Army blue by going into such petty transactions as that!" I said nothing, but I immediately recalled the Fort Sill transaction, and I thought the man who was swindling the soldiers on coal-oil, and such things as that, would not be above anything.

Q. You thought he would not be above smuggling whisky or any kind of goods?—A. They would smuggle these things in and sell them to the Indians, and have no outside men on the reservation.

Q. Then your idea is that there was to be a grand combination between the Secretary of the Interior and the Secretary of War, and that the two Departments were to be combined in running that green spot?—A. Not the Departments, but the men at the head of the Departments—to run it for their own private benefit.

Q. And there was to be a "divvy" between the Secretary of War and the Secretary of the Interior?—A. Yes sir; between them and the men who did the work; and there was only one thing that stopped it—my sending that man up there, and General Hazen and General Custer watching it.

Q. Did you ever write any articles to the Herald about this green spot?—A. No, sir; I wanted to work up the thing completely before I gave out my information, but while I was going up to Canada they got track of it.

Q. And they gave it up?—A. No, sir; they changed it into smaller speculations, Indian agencies.

Q. Is that big speculation going on now?—A. No, sir.

Q. Will you give us the name of the man who informed you about that scheme?—A. He is a kind of a——

Q. I do not care what kind of a man he is; tell us his name.—A. I do not like to tell his name unless I have authority to do it.

Q. We will not send for him; you need not be afraid.—A. Well, if you do not send for him it does not matter whether I give you his name.

Q. I should like to know his name.—A. I would rather keep his name and work on it. I may get something out of it yet.

Q. Now, why do you object to giving that name?—A. For the simple reason that when I was employed by the Herald to go up there, Mr. Bennett asked me if I understood my instructions, and I said, "Yes; to get the news down quickly." Said he, "Is that all?" Said I, "Yes." Said he, "It is not; it is to keep your secrets to yourself, and not give anything away."

Q. You say you had information when you were at Bismarck of a grand fraud, involving the heads of the War Department and the Interior Department?—A. Yes, sir; Belknap, Delano, and Commissioner Smith.

Q. You say you know of that, that somebody gave you information that such a thing was on foot?—A. I say that I had information that led me to believe it, and I looked the thing up.

Q. And also information that led you to believe that the Secretary of War was out there in the interest of that grand combination?—A. Yes; and I still think so.

Q. Now, I think the committee have a right to know the name of your informant.—A. Well, if Mr. Nordhoff or Mr. Fitzpatrick will give me permission to tell, I would just as soon do it as not. I know my duty to the committee is great, but the committee does not give me a situation.

Q. Are you subordinate to Mr. Nordhoff and Mr. Fitzpatrick?—A. They have the power to discharge me if I do not do my duty.

Q. I do not think they will discharge you if you give us that name.—A. Well, if they will give me a written authority—but, I suppose they will have to refer it to Mr. Bennett, because I see that Mr. Connery could not answer questions here without referring to Mr. Bennett. I am only an ordinary reporter, and I would not want to betray the secrets of the office any more than if I was employed by any gentleman here. If I had this thing brought to a head, as the Fort Sill matter has been, I should be willing to give names, so as to convict these parties.

Q. You were out there and saw the Secretary?—A. Yes, sir; I saw him, and I saw the conductor hold his train while he finished his talk with a post-trader. That was the last thing he did, and I thought it was a fit commentary on the whole thing, and I so remarked in one of my letters.

Q. Who was the post-trader?—A. I should rather say he was an Indian trader, but they call him both—J. W. Raymond.

Q. Do you know where he is from?—A. I think he is from the East somewhere. He is a graduate of Oberlin. He is a smart man, and he has managed to make a good deal of money out there.

Q. He is in town now?—A. I think he is at the National Hotel. I can give the committee the name of the man who found some boxes in his store with the Indian brand on them, and the next day he came back and found a big pile of shavings on the floor and the boxes were gone, and he picked up the shavings and put the edges together and read the Indian brand on them.

Q. You are willing to give the name of that witness, but you won't give the name of the man who told you of this gigantic scheme of fraud?—A. Because, you see, I worked up the little thing to a head, but the big thing is not worked up to a head yet.

Q. You do not want to give out your information, then, until you finish it up. You want the Herald to have the glory of finishing the matter?—A. Well, they pay me for my work.

WASHINGTON, *April* 13, 1876.

ROBERT C. SEIP recalled and further examined.

By Mr. DANFORD:

Question. You have already stated to the committee that you live at Bismarck.—Answer. Yes, sir; Fort Lincoln, or Bismarck.

Q. Have you ever seen this article? [An article published in the New York Herald of March 31, 1876, headed, "Belknap's Anaconda."]—A. I have read it. I have not examined it carefully.

Q. Do you know who is the author of that article?—A. I do not know positively. I only know what has been told me on the subject.

Q. What facts do you know in relation to the authorship of that article?—A. Nothing further than that Colonel Wilson told me that the subject-matter of part of it was given by him, in writing, to a certain party who made copies of it, and he had every reason to believe that, as this was the only party to whom the letter was submitted, he was the author of the article.

Q. Where is Colonel Wilson now?—A. He has returned home.

Q. Who was that party referred to?—A. Colonel Wilson told me it was General Custer.

Q. Have you any other fact in your possession that you can give to the committee, as to whether General Custer is the Bismarck correspondent of the New York Herald?—A. No, sir; I could not say positively. There was a telegram in the Herald, March 15, I think, in which an expression occurs which I have made use of to General Custer, and, so far as I recollect, only to him, at Bismarck.

Q. Is there any other fact?—A. Not particularly in reference to this subject.

Q. Well, is there any other fact that you can give the committee with reference to his connection with the Herald?—A. No, sir; not as I know of. I do not know what you mean by that.

Q. Have you ever cashed a draft made by General Custer upon the Herald, or upon James Gordon Bennett?—A. I did some time since, which draft I afterward passed over to Leighton.

Q. What was the amount of that draft?—A. I could not tell you, sir.

Q. About how much did it amount to?—A. I could not tell you that. I really thought nothing of it at the time or since. I made no minute or memorandum of it except what we have at the store.

Q. Did it amount to as much as $100?—A. My impression is that it did.

Q. To as much as $200?—A. I would not like to state any figures in reference to it. I only know the fact, and that was only recalled to my mind the day before yesterday, when Mr. Leighton asked me the questions, "Didn't you, in turning over some money to me, turn over a draft by General Custer, drawn on the New York Herald or James Gordon Bennett?" I told him then that I did recollect it.

Q. About what time was that?—A. I could not say that positively.

Q. Was it within the last year?—A. I think it was.

Q. Within the last six months?—A. I am positive it was within the last year; not within the last six months; prior to that.

By the CHAIRMAN:

Q. When did you and Mr. Wilson have this conversation about this article in the New York Herald?—A. Some few days ago. My attention was called to the article by a friend, and I asked Colonel Wilson if he had seen it. He said yes; that he had sent out and paid 50 cents to get a copy of the paper. Then I asked who could have written that, and he remarked this way, "Why, General Custer." I said, "What makes you think so?" "Well," said he, "I gave him those letters and he made a copy of them;" and he particularly alluded to that part called the "programme;" he spoke of having given the general a copy of that.

Q. How long ago is it since Mr. Wilson left town?—A. I think he left on Monday evening.

Q. He told you his reason for believing so was that he had given certain papers to General Custer which were used in this article?—A. That is it, sir. I know nothing of it myself.

Q. Do you know of any correspondent for the New York Herald living at Bismarck?—A. I do not.

Q. Have you ever cashed any draft for any New York correspondent there?—A. No, sir.

Q. How was this draft of General Custer's drawn; to whose order?—A. I think it was to his own order.

Q. You paid him the money on the draft?—A. No; somebody presented the draft to me, and, recognizing the general's signature, I did not question anything about the draft.

Q. Did you pay this money to the general himself?—A. No, sir.

Q. This draft was a draft drawn upon James Gordon Bennett, of the New York Herald, in favor of General Custer?—A. I think, from my recollection, that it read, "Pay to the order of self," (or it may have used his name,) "so much money."

Q. Then it must have come to you indorsed on the back by General Custer?—A. Yes, sir.

Q. And it was presented to you by some other person?—A. Yes, sir.

Q. Who was that other person?—A. I could not tell you, now; we have so many drafts.

Q. Was it a stranger to you who held the draft and presented it?—A. No, sir; it could not have been a stranger.

Q. This was during the past summer, I understand you, about six months ago?—A. No, sir; I think it was earlier than that.

Q. Well, it may have been during this last summer.

By Mr. DANFORD:

Q. What letters or passages were pointed out by Mr. Wilson to you as having been furnished by him to General Custer, and no one else?—A. I think this first letter of Campbell's, and I know, particularly, this matter called the "programme" and this letter to the chairman of the Committee on Military Affairs.

By the CHAIRMAN:

Q. Was this "programme" a hand-bill?—A. That was a hand-bill printed in Bismarck, and circulated at the time of the visit of the Secretary of War.

Q. Have you ever seen it before?—A. Yes, sir.

Q. Might not anybody else have seen this hand-bill as well as Mr. Wilson?—A. Very probably.

Q. It was a common thing out there?—A. Yes, sir; I am merely saying what the conversation with him was on the subject.

Q. Anybody could have had this hand-bill?—A. O, yes; it was generally circulated.

Q. The only other letter that seemed to belong to Mr. Wilson, personally, was a letter from Cheyenne, was it not?—A. There is another letter there addressed to the chairman of the Committee on Military Affairs.

The witness put in evidence the following:

FRIDAY, 1875.

Mr. SEIP: Can you let me have the money on the inclosed draft on Mr. James Gordon Bennett? If so, please return by bearer.

And oblige,

G. H. CUSTER.

I hereby certify that the foregoing is a true copy of the original in the possession of Mr. R. C. Seip.

IRWIN B. LINTON,
Clerk Committee Expenditures in War Department.

WASHINGTON, *April* 13, 1876.

WILLIAM HARMON sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In Minneapolis, Minnesota.

Q. Were you ever engaged in any of these trading-posts in Dakota Territory?—A. I was an Army trader at Fort Rice at one time.

Q. The record shows that you were post-trader at Fort Rice from May 14, 1873, until July 3, 1874, and that James P. Pitts was your successor?—A. Yes, sir; that is correct.

Q. By whom were you appointed post-trader at Fort Rice?—A. By Mr. Belknap.

Q. On whose recommendation?—A. Mr. Peck's, of Durfee & Peck.

Q. Were you their agent at that place?—A. I was not; I was their agent at another place. I was appointed trader at that place, but I did not own the whole of it. Durfee & Peck were interested with me. They had owned the post previously, and I bought in.

Q They had held it from June, 1870, to October 1872?—A. Up to the date that I was appointed?

Q. No, sir; Henry Miller came in.—A. Yes, sir; but they held an interest, I presume.

Q. Who removed you?—A. I got an official document from the Secretary of War canceling my license.

Q. What caused your removal?—A. I am not able to say. It was a great surprise to me as well as to every Army officer at the post. Before I received the document, I heard that I was to be removed, and my delegation here, General Averill and others, called at the War Office, and there were no charges against me, but I had to go.

Q. Do you know by what influence you were removed?—A. It was between General Grant and Mr. Belknap; there was a contradiction between the two about it.

Q. Whom does James P. Pitts, your successor, represent?—A. His license is drawn differently from mine; it is signed "by direction of the President of the United States. W. W. Belknap, Secretary of War."

Q. Is he in partnership Orvil Grant?—A. I don't think he is.

Q. Is he in partnership with Bonnafon and Casselberry, or any of those people?—A. No, sir; he is in partnership with a man named Smith, of Cincinnati.

Q. What were the alleged causes of your removal?—A. There never was an alleged cause that I have heard of.

Q. What was the value of that post?—A. Well managed, it was worth about $8,000 to $10,000 a year; it is not worth that now, because the command has been reduced.

Q. I wish you would state to the committee if you know of anything wrong about your removal.—A. My information is unofficial, and indirect, too. General Averill was a member of Congress at the time, representing the district I was from, and my brother happened to be on a little visit, and as soon as he heard it he commenced to fly around to see what was the trouble, and Mr. Averill said that he called upon the Secretary of War, and the Secretary said it was an order from the White House. He called at the White House, and the White House said he had nothing to do with these appointments; that they all belonged to the Secretary of War—did not know me, and had nothing to do with it. The remark reported to me was that Mr. Averill said there was a damned lie somewhere; that was all I ever got. General Averill did not make that remark to me. I have had no conversation at all with him on the subject.

Q. Then you do not know why you were removed?—A. No, sir; I do not.

Q. Where was Mr. Pitts from?—A. From Cincinnati, formerly.

Q. Had you ever been in that country, too?—A. No, sir.

Q. Had Mr. Smith?—A. No, sir.

Q. Did you sell your goods out to them?—A. Yes, sir.

Q. What terms did you make with them—were they satisfactory to yourself?—A. Well, at that post they were satisfactory. I ran the place, furnished the capital until May of the next year under Pitts's name, because I could not get satisfactory terms at that time, and then sold out satisfactorily.

Q. Do you know anything of the manner in which Mr. Pitts got his appointment? Was by any corrupt means that he got it?—A. I do not know.

Q. Have you heard him say anything about it?—A. He never said anything to me about it.

Q. Has he ever alleged that he paid any one for it?—A. Not to me.

Q. Have you heard that he did to others?—A. Yes, sir; I have heard that he got it—I think he told me at one time that General Garfield was a friend of his, and also Mr. Tomlinson, of Kentucky, a brother-in-law of the late Secretary of War.

Q. Where else were you interested?—A. I was interested in Indian trading at Standing Rock.

Q. There were some troops there also?—A. Not at that time.

Q. To whom did you sell out there?—A. To Orvil Grant.

Q. Under what circumstances?—A. I met him at Saint Paul. I received a letter from John H. Charles during that summer of 1874. Previous to that time, Durfee & Peck had the license in their name at Standing Rock, and I received a letter from Mr. Charles, and one from Peck, by the same mail, saying, "We have sold out our interests at Standing Rock to John H. Charles, Sioux City;" and a letter from Mr. Charles the same mail, saying, "I have bought out the interests of Durfee & Peck, and wish you to remain on the same terms that you were with the old house," and inclosing bond and blank license for me to hand to the agent, and have it signed, so as to make me Indian trader at that post. The agent signed the license, and it was forwarded to the Department, and it came back approved. The bond accompanied it. Then, after this, I got information that O. L. Grant and Mr. Bonnafon were going on from Philadelphia to visit Mr. Charles at Sioux City—that they were to be the traders on the river. I notified Charles that if he could make

a sale, to include my interest, to sell out all together. They came to Sioux City, made a contract with John H. Charles for the purchase of this Standing Rock store and buildings, in connection with all the other posts that he was interested in above. I was furnished a copy of the agreement, and stood ready to inventory the goods in compliance with that agreement. I soon learned that Bonnafon and Grant had gone on up the river from Bismarck, and I was holding that copy of the agreement all the while. Mr. Bonnafon came down and passed Fort Rice, where I was then residing, and I learned that he had gone on to Standing Rock that night. For fear there should be any slip, I took a team and went overland over night, so as to be there, and when I got there I found that Mr. Bonnafon had not returned to take the inventory in compliance with that contract. He said he had not found me, and he came around to my clerk and said, "If you want to take this inventory I will send an Indian to Rice to night and have Harmon down to-morrow ready to take stock." Bonnafon said, "Never mind, you need not do that;" and he left and went back. I was in a quandary; so I went to Saint Paul, and bought some goods. While there, I met O. L. Grant at the Metropolitan, for the first time in my life. I was introduced by some person, I don't remember who now, and he said, "I want to see you after a while," and he said to me, "If I can make a bargain with you for that Standing Rock house and goods, I will do so." Said he, "I am buying goods here in Saint Paul now, and I will buy the goods at Standing Rock, of you if I can buy them on a fair deal." I replied that was all I wanted, and I immediately telegraphed to Mr. Charles to know if there would be any objections to my selling this stock of goods, as he had the largest interest in the concern. He said not, only to get good pay. I showed Grant the telegram. That was all right. Now, he said, "I want the goods on such and such terms. I must know inside of twenty-four hours. I will say furthermore, that your place is closed by an order from the Department. Mr. Charles's license is canceled and all the places are canceled, and I will give you twenty-four hours to close this transaction. We then entered into an agreement as to the price of the buildings and the time to be given, and the paper to be taken for those goods. We went over there and inventoried the goods and building, took the papers, and a portion of the money down as per agreement; and he left expressing himself perfectly satisfied with the whole transaction, but he afterward wrote back and denounced me in a fearful manner, saying that he found our goods worthless, but when he examined them they were all right.

Q. Did they close the sale with you?—A. Yes, sir.

Q. Did they pay the notes?—A. No, sir; they have paid all but one; the last note was given for ten months from date, without interest; it came due the 30th of September last; it amounted to $4,638, and some odd cents. It is a note payable to the order of O. L. Grant, signed by A. L. Bonnafon, indorsed by O. L. Grant to me, for payment for those goods.

Q. It remains unpaid?—A. Yes, sir; they took everything—buildings and goods; they were perfectly satisfied at the time, and so expressed themselves to the Army officers and the commandant at Fort Rice.

Q. Did you ever receive any letter from Orvil Grant upon any subject in connection with this Standing-Rock agency?—A. Yes, sir; I received two.

Q. Have you got them with you?—A. No, sir; I have not.

Q. Would you recollect either of those letters if I should read you a copy? Is this a copy?

"NEW YORK, *November* 27, 1874.

"DEAR SIR: I have just received telegram from Mr. H. S. Parkin, saying Mrs. Galpin had opened with a stock of goods at Standing Rock. This is contrary to all agreements, as you told me that if I bought your goods, Mrs. Galpin would not open; that we would not have any competition. How is it?

"With competition there is no money to any one.

"Respectfully, yours,

"O. L. GRANT.

"I find one house here shipping Indian goods to you.

"Capt. WM. HARMON,
"*Fort Rice, D. T.*"

Q. Is that a copy of the letter?—A. A true copy.

Q. Did you ever make an agreement that she should leave?—A. No, sir; I did not. How should I make an agreement when I had only twenty hours to take his paper?

Q. Was there any agreement to remove Mrs. Galpin on the other side of the river?—A. No, sir; she is a full-blood Indian woman, and under the law has a right to trade.

Q. Was there any effort made by Orvil Grant to drive her off?—A. There was, by some one; pretty severe efforts, too. The agent, Palmer, received an order from the Commissioner of Indian Affairs, Mr. Smith, to stop Mrs. Galpin from trading. He immediately wrote back to the Department, saying that Mrs. Galpin was an Indian woman, and, under the law, he could not prevent her from trading with her people. He got a telegram saying, I am directed by the Secretary of the Interior to inform you that you will stop Mrs. Galpin

from trading, and send in your resignation. Signed E. P. Smith, Commissioner of Indian Affairs. He was superseded, and Mr. Burke was appointed in his place on the 28th of June. I was at that time in Omaha.

Q. Did he try to close Mrs. Galpin up?—A. He did.

Q. Who is Burke?—A. I think he is from Omaha. I never saw him before he came there.

Q. Is he a relative of the Secretary of the Interior?—A. Not that I am aware of.

Q. Do you know anything about his relations?—A. I know nothing of him except as I have seen him there in the country since he arrived there.

Q. Had he been a tanner there?—A. I don't know that.

Q. Is he the Indian agent there now?—A. Yes, sir.

Q. Did they succeed in removing Mrs. Galpin?—A. No, sir; she is trading there still.

Q. Did they attempt to do it by the military?—A. Mr. Burke, on the 28th of June, called at her house and told her that he had orders from the Great Father to stop her from trading, and she must stop, although it was a very delicate position to place her in and he sympathized with her, but at the same time she must stop. Her answer was, (through her daughter who speaks English; she cannot speak English herself,) "I have been to New York and Washington, and have seen the Great Father myself, and have seen the white ladies in the cities trading among their people, and I don't know why I cannot have the same privilege among my people where I was born and brought up as they have there." He replied that he had nothing to say as to that, but he wanted an answer from her. She said she would not stop. That same evening he sent his interpreter down to know if she would not reconsider her determination, and she said emphatically "No." The next morning he applied to the commandant of the station for a sufficient force to stop her from trading, or to put a guard at her door. The commandant did not furnish the required force, saying that he had his troops for other purposes. They applied to General Custer, commanding the district, for a sufficient force, saying that the present commandant did not furnish the necessary aid, &c., and then I think General Custer forwarded his report to the commandant of the department, who, I think, fully sustained his action and that of Colonel Burke in not interfering with this Indian woman; saying that she should be protected in her well-doing rather than oppressed. I was away at this time. They then sent a messenger to Bismarck for the marshal to come down and confiscate her goods. The marshal informed me that he telegraphed to the marshal at Yankton to know if he should do so, stating that she was an Indian woman, and an answer came back to leave her alone if she was an Indian woman, and so they did not confiscate her goods, and she kept right on in defiance of the Interior Department. She is recognized now, I believe, as an honorable competitor.

Q. Does her competition decrease the value of the Standing-Rock post?—A. It naturally would. She gets a great deal of Indian trade.

Q. Did Orvil Grant ever show you any orders or letters giving him authority to control those posts on the Upper Missouri?—A. He never showed me any letters or orders.

Q. What did he say, if anything, about it?—A. Well, he said that the President told him he could have those posts up the river.

Q. Do you know of his ever telegraphing to the Interior Department here to have appointments made and others revoked?—A. Yes, sir; I know something about that. I did not see the telegrams, but I believe they are in existence. He telegraphed to the Secretary of the Interior, saying that "Raymond is our man; have his license renewed at Berthold." His license had been canceled with that of everybody else. I understood that Grant telegraphed that to the Secretary of the Interior. I think the papers are here.

Q. Do you know who has them?—A. I think Mr. Raymond has them. He is here.

Q. There is but one trader licensed now at each one of these posts on the Upper Missouri?—A. That is all.

Q. There was formerly competition?—A. There could be, under the law; there was no reason why there should not be as many traders as applied, and any citizen of good moral character could apply. I afterward, on my own account, last March, made an application and filed a bond with the agent at Standing Rock for permission to trade, with proper credentials from Senator Ramsey and other men of note in the State. I applied under that section of the law for a license; the agent told me he could not sign the license. I asked why. He said, "I have got an order not to sign a license until directed so to do by the Department." I said, "I am a citizen of the United States, of good moral character, and I demand to have these papers acted on; it is my right." He said he had instructions to forward it without being signed; so he forwarded it, and I got no further word about it, and neither did the agent, and this winter I wrote to a firm here to investigate it, and I found the order on file in the Department, and also these papers not acted upon. The order was that no more licenses were to be signed by agents, unless directed by the Commissioner of Indian Affairs.

Q. Do you recollect when that Great Sioux reservation was extended by proclamation last year?—A. Yes, sir.

Q. It formerly had extended only to the west bank of the Upper Missouri River; the effect of the extension was to include both banks of the river in the Great Sioux reservation?—A. Yes, sir.

Q. Did it drive out the sutlers from there?—A. It did.

Q. Did it prevent all competition with these trading-posts up there?—A. Yes, sir; it stopped everybody.

Q. Do you know where the Lower Brulé settlement was?—A. Yes, sir; it was quite a little settlement; it is depopulated now entirely. There was a little village, a saw-mill, and stores and shops.

Q. They could not trade there any longer?—A. No more than they could on the regular reservation, because the law says, "If any man shall introduce goods on an Indian reservation, they shall be confiscated."

Q. The ostensible ground for extending that reservation was to protect Indians from the whisky brought in by illicit trade?—A. So I have understood.

Q. Now, what in your judgment has been the effect of that proclamation in that respect? Has it accomplished that object?—A. No, sir.

Q. Has it done any more than to prevent all competition, and increase the profits of the traders at those posts?—A. The Indians get as much whisky as they did before the reservation was changed. It has had no effect to stop the whisky traffic at all.

Q. But it has had the effect to increase the value of the posts?—A. It naturally would.

Q. Do you know anything of the introduction of contraband goods, whisky, or of anything else, from Canada into this country?—A. No, sir.

Q. Have you ever heard of it?—A. No, sir; I never have.

Q. Standing Rock, then, was the only post at which at which you, yourself, were interested, and of which you have personal knowledge?—A. Yes, sir; I will state a little further about that reservation. It was changed January 11, 1875. Then there was a man trading opposite Standing Rock agency, eight miles below; his name was Dillon, and as soon as they saw the proclamation, there were twenty-five or thirty people in huts opposite the agency, and they were going to drive them out. I happened to be down there. I laughed and said, "I could come down here and squat beside your agency. The agency is off the reservation." I told the agent that. Said I, "Your agency is nine miles above the 46th parallel." Of course, when they found that out they could not do anything with the people, so that it necessitated another proclamation, which was issued in March, and which extended the reservation to Beaver Creek, about twelve miles above the agency.

Q. Did the final proclamation effectually cut off all competition in that region?—A. There is a piece of land between the Rice reservation and the Standing Rock reservation called Beaver Creek, that was not included. I believe there have been parties trading there this winter.

Q. But, saving that, it has effectually cut off all competition?—A. It has effectually closed everybody else out.

Q. Then the parties who hold the agencies through that Great Sioux reservation are sole possessors of the trade?—A. Unless they allow a man to apply for a license under the law.

Q. That is, if the order of the Department is enforced, which will not permit the Indian agent to issue licenses?—A. I understand that within a week or so that order has been revoked. I don't know that, but previously, of course, with that order in force, no man could get a license and they had it their own way.

Q. Of your own knowledge, do you know of any money having been paid for any military post-tradership to any one?—A. Only from hearsay. I have heard a general rumor, as other people have.

Q. Do you know General Belknap?—A. I have met him once.

Q. By whom were you introduced to him?—A. By General Sherman.

Q. Where did you meet him?—A. At his office in this city.

Q. What was your object in going there?—A. It was in 1870. I was left on waiting orders, and while in Sioux City I learned that that bill had become a law, giving the Secretary of War power to appoint post-traders. I had been in the Army for some time, on the unassigned list, and I concluded not to try to get assigned, but to go out of the service, and to be a civilian. So from information derived from Army officers with whom I was acquainted and who were going up the Missouri River to enlarge Fort Buford, I conceived the idea to come to Washington and try to get an appointment as trader at that post. I came here in August, 1870. I called on General Sherman and had a talk with him for half or three-quarters of an hour. He had been with his family at Fort Saunders years before this, and I had made their acquaintance there. I said to the General that I had something to say to him about business relations. He asked me what it was, and if I wished to be assigned, and said that I had a record that would get me assigned any time. I said, "No; I preferred to go out." "Well," said he, "if any young officer wants to go out of the service, I will lend him all the aid I can." And I told him what I wanted—the appointment of post-trader at Buford. He asked me if I knew Mr. Belknap. I told him I had never seen him. So he took me to his office, and introduced me to the Secretary. He made a statement who I was and said, "He has not a black mark on his record, and he has been mustered out by Congress which has reduced the Army;" and he asked it as a favor to himself, if he had not made the appointment at Fort Buford, and stated that the regiment consolidated with mine, and presumed it would be very pleasant to go there, saying in a joking way, "I don't suppose any politician wants that post up in that isolated country, but I should like

to have him have it if he wants to go there and isolate himself." The Secretary made the remark that he had not made any appointment under the bill, and should not do so until he had heard from the department commanders, to know who were the traders at the posts in the departments. I remarked in conversation, "Mr. Secretary, with your permission, I will state to you who are the traders at Fort Buford. You need not wait for that." I told him that Durfee & Peck were the traders there under the old régime, I not wishing to harm any one, but wanting the place for myself. "Well," said he, "I cannot make any appointments now." General Sherman said, "Supposing Captain Harmon puts in an application, will you consider it?" The Secretary said, "Yes, when it comes." General Sherman and I left the office, and went down-stairs, and he told me to go to my hotel and draw up my application, and bring it to him in the morning, and he would indorse it with what he had said. I thought with his indorsement, as General-in-Chief of the Army, I could get it. I left him, but told him I did not think I would get the appointment. I saw I had no show for it: that the Secretary would give it to me then, if he wanted to, on General Sherman's personal recommendation and request. I left it in that way, and never heard of it from that day to this.

Q. Do you know who was appointed there?—A. A. C. Leighton.

Q. He was appointed in October following your application, and is there now. Did the Secretary try to dissuade you from going into the tradership business?—A. Only by his coolness—by his conduct that day I thought that he did not wish I should be round the office. I called the next day and handed this application to the Secretary, indorsed by General Sherman. I took it to him and he looked it over and he made the remark, "You have not stated your post-office address." I said, "Pardon me, I dated it Washington because I happened to be here;" and I gave him my address. "Well," said he, "I wish to know, so that when it comes up I can act upon it." Then I bade him good day, and stepped out into an adjoining room. It was raining very hard, pouring torrents, and I asked permission to step into an adjoining room. In a few minutes Mr. Belknap sent for me and wanted to know what I was there for. I told him it was raining incessantly and I had no umbrella, and that I had asked permission of a gentleman in the next room to remain until the shower was over. "Well," said he, "I don't want you lounging round the War Department;" and I went down about the hall until the shower was over.

Q. You were an officer in the Army?—A. Yes, sir; if I had not been I would not have taken it, but as I was a subaltern I could not say anything.

Q. Have you ever seen the Secretary since?—A. No, sir.

Q. You never employed anybody, either here or at Ottumwa, to help you get this appointment?—A. No, sir.

Q. You never used any improper means to obtain the one you got?—A. No, sir; never paid a dollar to any one.

Q. Where did you serve in the war?—A. In the Army of the Potomac. I was mustered in as sergeant of a Minnesota regiment.

Q. What rank did you hold when you left the Army?—A. I held the rank of first lieutenant when I left the Army, appointed second lieutenant——

Q Are there any other facts that you have not stated?—A Nothing except my transaction with O. L. Grant. He expressed himself perfectly satisfied with our business at Standing Rock, and when he went away told the commandant at Fort Rice that he had found one man who was a gentleman on the river, who had treated him honestly and had not tried to take advantage of him. But at the same time I had only twenty-four hours to close out and take their paper; otherwise I would have had to close up and remove the goods. He said, "I am here in Saint Paul, and it is late: I am buying goods for the upper posts and I will buy here for Standing Rock if we do not come to terms." A stock of Indian goods would be of no value elsewhere, and I concluded to make the best trade I could with them and get out.

Q. You were compelled to take the paper of Bonnafon, indorsed by Orvil L. Grant?—A. Yes, sir.

Q. What was the amount of your whole sale?—A. About $14,000. It was divided up into notes, and the last one is not paid. It came back protested, and I sued and got personal service on Bonnafon in Saint Paul.

Q. Have you brought suit against Mr. Grant?—A. No, not as yet, because I never could catch him up there, and I thought Bonnafon would suit me better. But he is liable on the note.

Q. Did you ever know of any transactions there, where goods that had been received at the Indian agency, were issued and sent to any of the military posts?—A. I have heard rumors of that kind, but the facts have never come to my knowledge.

Q. Do you know of the failure of supplies at Standing Rock at any time by which the Indians suffered?—A. The only time I know of was a year ago last winter.

Q. What was the cause of that?—A. It was claimed on the river that the goods were in Sioux City or Yankton, and had not arrived; that it was too late to get them up. I only know that from hearsay.

Q. Was there suffering among the Indians?—A. Well, they had to go pretty short.

Q. Do you know whether this lack of supplies arose from the fact that those goods,

though really belonging to the Indian Department, had been sent to the military department?—A. No, sir; I don't know that of my own knowledge.

Q. Is Mrs. Galpin a woman who is respected by the people there?—A. She is.

Q. Has she ever rendered any service to our Government?—A. Yes, sir. Of course the time has now gone by when the Indians give trouble, but in the early days it was necessary to have influence to get along, and we used to depend more upon her personal influence with them than anything else. I know from my own personal knowledge. In 1869 I was in the Army, and was ordered up there by General Sheridan—ordered to Grand River, on waiting orders, in connection with Major Hearne. We had no troops there and through her intercession the Indians kept quiet all winter. Previous to that time, in 1864, the acting quartermaster, on duty at Fort Rice, was shot early in the morning near the hay-stacks. She happened to be up very early, and she saw Indians passing, and they fired at him and brought him down; but she got to him before they could take his scalp. She told the Indians to go away and she would take care of this man. Various other things of that kind she has done that have endeared her to the people on the river. She has always conducted herself very well. She does not speak English at all. She is trying to educate her children. She has had one of them at school in Saint Louis five or six years. I have given her as much help as I could in the matter. Her idea in running this trading-store is to benefit herself and children, and to give them an education.

By Mr. DANFORD:

Q. Do you know how you came to be subpœnaed as a witness?—A. There are really two subpœnas for me. I was subpœnaed by telegraph and then I was informed by Jackman.

Q. Whom did you tell that you knew anything about these frauds in the War Department, the sale of post-traderships, &c.?—A. I have mentioned it to several parties, I think.

Q. Did you write to anybody here in Washington?—A. No, sir; not in relation to it.

Q. You did not give the committee the information direct that caused you to be subpœnaed?—A. I was going out to Bismarck, when I met General Custer, and he asked me if I had been subpœnaed to Washington, and he said, "You must know something about these things, being an old trader," and he sat down and telegraphed to Washington. That is all I know about it.

Q. Did you tell your story as fully to General Custer as you have told it here?—A. No, sir; I never told General Custer anything hardly. I was not telling on the streets what I knew about these things; but, of course, I am on oath now.

WASHINGTON, *April* 21, 1876.

WILLIAM HARMON recalled and further examined.

By the CHAIRMAN:

Question. Were you interested with Mrs. Galpin in that trading-store?—Answer. I was not interested, directly or indirectly, in the profits of the business. I assisted her all I could; but she had the whole of the profits of the trade. I will state, further, that the goods spoken of as being marked with my name were marked "William Harmon, Fort Rice," as I was then in business there, and in closing out my business at Fort Rice that spring to Mr. Pitts, what goods I did not sell to him I sold to her, and they came down in the boat, and they bore the name the same as goods I would buy in New York. They were not shipped there as my goods on to the reservation at all. They were charged to her before they left, and the boat was directed to bring them down to her. I happened to be on the levee when the goods arrived, and I paid the freight and charged it to her right there. I have no interest in the profits of that business, as I have stated to them.

Q. Having goods to sell, you furnished them to her, but she paid you?—A. Yes, sir; I have a book-account with her as I have with anybody else, and the profits of her business go to her in person, and her children, I suppose. I have no interest in her business, and she pays me for the goods, and I naturally feel well disposed to her; that is all.

Q. You were not trading there in any sense of the word?—A. No, sir; I was not.

Q. Nor receiving any portion of the profits?—A. Not a cent of the profits.

WASHINGTON, *April* 18, 1876.

Capt. A. S. BURT sworn and examined.

By the CHAIRMAN:

Question. Where have you been stationed for the last four or five years?—Answer. In Wyoming Territory, at several posts; at Fort Saunders, Fort Russell, and Fort Laramie.

Q. Who was the post-trader at Fort Laramie when you were there?—A. Mr. John S. Collins.

Q. Do you know him personally?—A. I do, sir.

Q. Did you ever hear anything of his having paid anything for his post-tradership?—A. In no manner or shape whatever, sir.

Q. Who was the trader at Fort Saunders?—A. Col. E. D. Lane.

Q. At Fort Russell, J. D. Woolley was appointed March 11, 1871, and is still there. Did you ever hear of money being paid at either of those places for the traderships?—A. I have heard reports of money being paid as political assessments.

Q. But not for the posts?—A. Not for the posts, neither at Laramie, Saunders, nor at Fort Russell. At Fort Laramie, especially, Mr. Collins has repeatedly asserted to me, and I have every reason to believe, that it was a personal appointment of the President. He has told me that there is a letter on file to that effect in the War Department.

Q. Did you know Governor Campbell was the governor of the Territory when you were out there?—A. Yes, sir; I have known him during his entire administration there.

Q. State whether you ever heard of his having been connected with any of these post-traderships?—A. I don't know that he was ever connected with any of them. Certainly not in any disreputable way. His reputation, so far as I know, is of the highest order for personal integrity.

Q. You were subpœnaed while in this city on other business?—A. Yes, sir.

Q. Do you know anything about the quartermaster business?—A. Well, I know something; as much as an officer of the Army ought to know.

Q. Who were the chief contracters out there?—A. That I would not be likely to know. I don't know who the contractors are. At my own post, I know that Mr. Jules Ecoffee was a contractor, and a Mr. Adolph Cuney, and Hiram Kelley.

Q. Were they transportation contractors?—A. No, sir; Cuney and Ecoffee were contractors for wood I know, and for hay I believe, and Kelley for the supply of beef. This was at Fort Laramie.

Q. Do you know whether contracts were ever awarded to either of those parties at prices above those at which other responsible parties would have furnished the supplies for?—A. Not that I know of.

Q. If such was the fact, would you be likely to have known it from your position there?—A. I think I should, sir. I never have heard that discussed.

Q. Have you ever heard of anything of the kind at either Fort Russell or Saunders?—A. No, sir; if I ever knew it, it has escaped my recollection, but I should be likely to have remembered it.

Q. Have you ever heard of the officers at either of these forts being interested in contracts themselves?—A. Officers of the Army?

Q. Yes, sir.—A. No, sir.

Q. Do you know of any abuses existing in the administration of Army matters in Colorado, that it would be of interest to the committee to know?—A. None that would interest the committee. No abuses. Under that term I might speak of the general formation of the Army and so on, but that is all.

Q. That is not peculiar to that place?—A. No, sir.

Q. You know of nothing there, a knowledge of which would tend to benefit the public service?—A. No, sir; I am not prepared to give any information of that kind of my own knowledge.

WASHINGTON, *April* 19, 1876.

A. E. REYNOLDS sworn and examined.

By the CHAIRMAN:

Question. You are a post-trader and a member of the firm of Lee & Reynolds at Camp Supply in the Indian Territory?—Answer. I am.

Q. You were appointed post-trader on the 17th of November, 1870, as appears by the official record?—A. I presume that is correct.

Q. At the time of your appointment, was Mr. Lee a member of your firm?—A. He was.

Q. Where had you been in business before?—A. I was in business at Camp Supply at that time.

Q. Please state to the committee how you secured the appointment of post-trader at Camp Supply.—A. I secured it through General Hedrick.

Q. Where was he residing at that time?—A. At Ottumwa, Iowa, I think.

Q. Did you present a petition for the post?—A. I did.

Q. To whom did you send the petition?—A. To the War Department.

Q. Did you come here about it yourself?—A. I did.

Q. Did you meet General Hedrick here?—A. I met him here once.

Q. Was that prior to your appointment?—A. Yes, sir.

Q. Who held the appointment at the time you received yours—was it Edwin C. Latimer?—A. I think that is the name.

Q. It appears by the record that he was appointed on the 20th of October, and removed on

the 17th of November, 1870, and you received your appointment on the same day?—A. Yes, sir.

Q. Were you recommended by the officers at Camp Supply?—A. I was.

Q. Had you known General Hedrick before you came to Washington?—A. No, sir.

Q. How did you happen to meet him?—A. I think I met him in the Metropolitan Hotel.

Q. Who introduced you to him?—A. I cannot recall the name.

Q. How did it happen that you talked to him?—A. I talked to him then as I would talk to any other gentleman who was presented to me.

Q. Was he presented to you as a person who could secure you that appointment?—A. No, sir; not at that time.

Q. Don't you know who introduced you to him?—A. I have tried to recollect the name, but I cannot.

Q. Had you been previously at the War Department with your papers?—A. Yes, sir.

Q. Had you seen the Secretary of War?—A. I had.

Q. What did he say in regard to your application?—A. I think he stated that there were a number of applicants and a great pressure for the place, and he took my papers and placed them with others on file.

Q. Did he tell you that you should receive the appointment?—A. No; I don't think he did.

Q. Did he tell you to go and see General Hedrick about the matter?—A. No, sir.

Q. Did he ask you whether you knew General Hedrick?—A. No, sir.

Q. Did he ask you whether you knew Mr. Latimer who held the position at that time?—A. Mr. Latimer did not hold the position at the time I presented my papers.

Q. When did you first present your papers?—A. Immediately after the bill passed changing the law.

Q. That was in June, 1870; immediately after that you presented them?—A. Yes, sir.

Q. According to the record you were not appointed first, but Mr. Latimer was appointed?—A. Yes, sir; I learned that a few days after it took place.

Q. Were you here in Washington when Mr. Latimer was appointed?—A. I could not say whether I was in Washington or in New York. I was attending to this business.

Q. Then you came down to see whether you could not get that appointment reversed?—A. As soon as I found that the appointment had gone against me, I of course made an effort to get it reversed.

Q. And you came down again to Washington?—A. Yes, sir.

Q. When you came here whom did you see other than General Hedrick, to assist you in that matter?—A. Nobody assisted me in the matter; I think a clerk in the War Department told me that the appointment of Latimer had been secured through the influence of General Hedrick.

Q. What else did he tell you?—A. That is about all. He may have remarked that I had better see General Hedrick, or that I might be able to make some arrangements to remain.

Q. Who was that clerk in the War Department?—A. I don't know, sir.

Q. Was it the chief clerk in the Department?—A. It may have been.

Q. Was it Mr. Crosby?—A. I could not tell.

Q. Then it was on the suggestion of the clerk that you desired to see General Hedrick?—A. I got my information from that source.

Q. Did you get it from any other source, that Hedrick had the control of this appointment?—A. No; I think not. Other parties might have made the same remark to me.

Q. You were introduced to General Hedrick; did he secure that appointment for you?—A. Yes, sir.

Q. What consideration did you give him for securing you that appointment?—A. First, last, and entirely do you mean?

Q. I want to know what you paid first, and then I will get what you paid subsequently.—A. I think the first payment I made him was $1,000.

Q. Was it a stipulated amount that you were to pay him for the appointment, or what was the arrangement?—A. I was to pay him $5,000 a year; I think that was the amount that I was to pay.

Q. Did you pay him at the rate of $5,000 a year?—A. Well, I don't know as I did.

Q. How much did you pay him?—A. I paid him in all $4,500.

Q. For this post-tradership at Camp Supply?—A. For his services in the matter.

Q. Did he ever advance any of the capital for the business there?—A. Not that I ever saw; not that I know of.

Q. Did he ever do anything else than render you this service at Washington, that you know of?—A. I could not say that he did.

Q. Then if this appointment was in the name of Latimer, and he held it, why did you agree to pay so large a sum of money to General Hedrick, $5,000 a year; why did you agree to pay so large a sum to a man who was a mere stranger, who did not appear on the record, and who, so far as mere surface-indications were concerned, had nothing whatever to do with the matter?—A. My agreement to pay him was based entirely upon his securing me the appointment.

Q. Was not there something more than that?—A. Nothing more than that, that I know of.

Q. Was there not the understanding that he was to protect you and keep you in the place?—A. Well, he might have made such an offer or proposition.

Q. Did he, or did he not, say to you that if he had you appointed, he, by his influence, could retain you in that place?—A. I could not say. He might have said it, but I should not have considered that it had any particular weight if he did.

Q. When did you pay him this $4,500—during the first year?—A. No, sir; I think the final payment was not made for upward of two years.

Q. Why is it that, having agreed to pay him $5,000 a year, you paid him but $4,500 in all?—A. It would be a little difficult to explain, probably. At the time I made this negotiation for the place, it was of course made for business reasons; I had to do it to protect myself in my business there. I decided that I ought not to pay that amount of money.

Q. After you got the appointment you decided that you ought not to pay that amount of money?—A. That I ought not to pay that amount of money, and I made my arrangements accordingly, and did not do it.

Q. How did you make your arrangements accordingly; did you refuse to pay it?—A. I don't think there was ever any discussion entered into at all. I made any payments to him as I saw fit and whenever I got ready.

Q. How did you pay him, by check?—A. I think I paid him by check mostly, drafts on a mercantile house in Leavenworth, Kansas, drafts payable to his order. I have not got the drafts.

Q. Have you any statement of the account between you?—A. No, sir.

Q. Have you anything to show the exact amounts and dates of the payments?—A. I have not.

Q. Did you look at your books before you came away from home?—A. I did not.

Q. Have you got any entry of these payments in your books?—A. I think I have.

Q. You know that the amount is $4,500, paid during the years 1871 and 1872?—A. That is my recollection.

Q. When you ceased paying in 1872, was there no demand on his part for any further payments under your agreement?—A. No, sir. The most that has ever passed between him and myself on the subject was, that I think he wrote me one letter stating that he was coming to Washington—a general letter, nothing definite in it, and no request for money. I think at that time I sent him a check. It probably was for $1,000; it may have been only $500.

Q. When he said he was going to Washington did you consider that as a threat?—A. I don't think I did. I don't think anything ever passed between us that would be considered as a threat.

Q. When he wrote you that he was going to Washington, why did you happen to send him $1,000, immediately after that?—A. Well, I had only made him a small payment, and I felt that I ought to pay him more money.

Q. Was that the last payment you ever made him?—A. No, sir; I have paid him since that.

Q. Was the last payment you ever made him in 1872?—A. I think it was. It might have been in the spring of 1873.

Q. Were you never apprehensive that, having ceased to pay him, he would have you removed?—A. I don't know that I was.

Q. I asked you if you were apprehensive?—A. I never made up my mind whether I would be removed or not. I was willing to take the chances.

Q. Did you take any measures to secure the influence of any other persons to retain you in that place?—A. No, sir, I have not; my partner and myself talked over this matter, and decided at the time, when we ceased our payments, to take the chances. If we were removed, we would go.

Q. But you would not continue to pay this money?—A. We preferred to take the chance to continuing to pay. That is the reason we discontinued payments, and did not pay according to the agreement.

Q. Do you know a Mr. Waters, of Fort Scott, Kansas?—A. I do not.

Q. Did you ever meet a gentleman of that name, on your way to New Mexico in 1870, in December? He was judge of the Territory.—A. I never met such a gentleman anywhere that I know of; I have never been to New Mexico.

Q. Did you ever meet a gentleman by the name of B. J. Waters, who was one of the judges of New Mexico and an old friend of yours; and did you ever narrate to him all the circumstances about your securing this appointment?—A. Well, sir, I have no old friend of the name of B. J. Waters, and I do not recollect narrating the circumstances to any man of that name. I have an indistinct recollection of a man by that name.

Q. You were on your way to Camp Supply, and he was on his way to New Mexico. You had your stock of goods with you, or you said that they were following you.—A. I don't recollect the gentleman at all.

Q. You have no recollection of any man of that name—no recollection of ever having met him?—A. I don't recollect the party. I recollect that there is a gentleman that used to live

in Missouri, I don't know whether his name is B. J. Waters or not. It may possibly be the man. I may have met that individual, and may have narrated the circumstances of this transaction to him, but I don't recall the person at present.

Q. What reason did Hedrick give you for his attempting to charge you $5,000 a year for that post?—A. I cannot say that there was any definite reason given. He could secure the appointment.

Q. He said he could?—A. He thought he could, and he made the effort on that bargain.

Q. Did he say that this money was for his own use, or that he had to divide it with any one else?—A. There never was anything said with regard to that—not to me.

Q. Would you have agreed to give that amount of money to any other person who could have secured you that appointment?—A. At that time I would have done so. It was a matter of necessity.

Q. Because you were in business there and had a large stock of goods and buildings, and that to be turned out was business ruin to you, was the necessity? Did you meet General Hedrick here in Washington?—A. I met him incidentally this one time to which I have referred.

Q. When you went to Iowa to see him, did you not see him?—A. Yes, sir.

Q. When you met him here in Washington, was that shortly after the passage of the law?—A. I probably could not give you the date. It might have been in August or September.

Q. When was it that you went to Iowa to meet him?—A. I went to Iowa in November.

Q. You were appointed on the 17th of November; how long were you up there with him before you got your appointment?—A. I was there in that town, I think, a week or ten days.

Q. Did he write to the War Department for you from there?—A. I suppose he did.

Q. Did he telegraph?—A. He said he would.

Q. Then, on the strength of that letter or telegram from him, you did receive the appointment?—A. I suppose so.

Q. Where was your certificate of appointment sent?—A. To my address, 451 Broadway, New York, to L. M. Bates & Co.

Q. Had any partner of that firm attempted to assist you in procuring that appointment?—A. In no other manner than my other business acquaintances in New York.

Q. Did Mr. Arnold help you?—A. I might say he helped me. He helped it so far as to bring over some papers to me at Washington once.

Q. Did you ever tell Mr. Arnold that General Hedrick threatened to turn you out if you did not pay that money?—A. I think not. I don't think I ever told anybody so, because I never have had such a threat made to me.

Q. You say you never attempted to secure the influence of any other person to keep you in that place?—A. No, sir.

Q. Were you in New York in January, 1874?—A. Yes, sir.

Q. How long did you remain there during that fall?—A. I could not tell you. I was there probably two months. I am there probably about that length of time every year.

Q. What hotel did you stay at when you were there?—A. I think I stopped at the Saint James.

Q. Was there any friend there with whom you conversed freely at that time upon your connection with this post-tradership?—A. I don't know; there might have been a number of them.

Q. Was there any gentleman there from the West whom you talked freely to about it?—A. I don't recollect of any.

Q. Have you not, since 1872, paid sums of money to any other person for being retained in that place?—A. No, sir; I have not.

Q. Didn't you in the fall of 1874, while in the city of New York, inclose a $1,000 bill in an envelope, and mail it to General O. E. Babcock at Washington, or to his brother?—A. No, sir; nor $500, nor $100, nor a cent.

Q. Did you not, at the same time and place, mail two $500 bills in separate envelopes to the same party or parties, or either of them?—A. No, sir; to nobody.

Q. Did you not at the same time mail two $1,000 bills in separate envelopes to the same party or parties, or either of them?—A. To nobody, sir.

Q. Have you not at any time ever paid, directly or indirectly, or transmitted through the mails, any sums of money or other valuable thing, to either General Babcock or his brother?—A. No, sir; I have not.

Q. Have you, or any member of your firm, ever paid, or caused to be paid, directly or indirectly, any money or other valuable thing to other persons for your appointment, on account of it, or to continue you therein, save as you have stated?—A. No, sir; I think not.

Q. You *think* not?—A. I have done this business myself. Mr. Lee hasn't had any of it to do at all.

Q. Do you know Mr. Wilbur F. Stone, an attorney at law at Pueblo, Colorado?—A. I do.

Q. Was he in New York with you in the fall of 1874?—A. He might have been, but if he was I don't recollect it.

Q. Did you see him at your hotel during that fall, while you were there?—A. I should be inclined to say that I did not see him at all. He might have been there, and if he was I might have seen him.

Q. Was he ever in your room in your hotel during the fall of 1874?—A. I think not. He might have been there. I don't recollect seeing him in New York.

Q. During the latter part of October, 1874, in the city of New York, at your hotel, did you not, in his presence, enclose a thousand dollar bill in an envelope, or two five hundred dollar bills in separate envelopes, or two one thousand dollar bills in separate envelopes, and mail them to General O. E. Babcock directly at Washington?—A. Well, sir, I have not had in my hands in the last ten years a thousand dollar bill of any kind. I guess that will cover the whole ground. I never have mailed a bill to any man in an envelope at all, either for this business or any other, either a five hundred dollar bill or a thousand dollar bill. I never inclosed a dollar in an envelope in the presence of Wilbur F. Stone in my life.

Q. Did you ever inclose a five hundred bill or a thousand dollar bill in the presence of anybody else?—A. No, sir; nor in any room where there was not anybody else present either.

Q. Do you know H. C. Thatcher?—A. I know him well.

Q. Have you ever said to him that you inclosed money in this way to General Babcock, with reference to this matter?—A. No, sir; Mr. H. C. Thatcher would be very apt to know if I did. He has been a business partner of mine. Mr. Wilbur F. Stone would probably not be apt to know.

Q. Was Mr. Thatcher in New York with you during October, 1874?—A. I think he was, for a few days.

Q. Did you, in his presence, inclose that money?—A. I did not.

Q. And you never said that you did?—A. No, sir; I never said that I did, to anybody.

Q. Then you say that you never have paid, directly or indirectly, to any one either to secure this appointment or to retain you in it, anything save the amount which you say was about $4,500?—A. Four thousand five hundred dollars to General Hedrick covers the amount that I paid out on this business.

Q. How many companies were there at Camp Supply?—A. Four companies.

Q. How many were there at the time you received the appointment?—A. I think there were six or seven.

Q. It was a valuable post, was it not?—A. Yes, sir.

Q. It has been a lucrative post to you, has it not?—A. Yes, sir.

Q. You have made a large amount of money out of it?—A. A reasonable amount. I do not consider that I have made a large amount.

Q. What was it worth a year to you?—A. I could not give you a very definite answer on that subject. I do not know myself.

Q. Was it worth $10,000 a year?—A. Yes, sir.

Q. And you never have divided its profits in any way, save with your partner?—A. No, sir; I have not.

Q. At the time you made your agreement with Mr. Hedrick, was it the agreement that he or his brothers were to go into partnership with you down there?—A I did not understand it so. He requested me to take his brother down, and I objected to doing so.

Q. Do you know whether he represented to the Secretary of War, to secure that appointment, that his brother was to have an interest in it?—A. I know nothing whatever of it.

Q. Did you ever authorize him to so represent it, that you would take him in as a partner?—A. He took this matter in his own hands and got it in his own way. I know nothing about how he did it.

Q. You do not know whether he paid any consideration for it?—A. I know nothing about it whatever, in any shape.

Q. You say that after you ceased to pay him he never made a demand on you for what you had agreed to pay him?—A. No, sir; the only way that this matter ever came up between us was at a meeting I had with him at Leavenworth, and I there personally objected to him to continuing the payments, and we talked the matter over, and I told him that I did not consider that I ought to continue the payments, and he remarked that if I considered it a hardsharp, he supposed he had better drop the matter. I think that is about as near his words as could be. About that time I paid the last payment that I made him, and then quit.

Q. Did you ever tell him that if he attempted to turn you out of there you would expose the whole matter?—A. I never told him so. There never passed any threats between us on either side.

By Mr. DANFORD:

Q. Was there any arrangements that these payments to Mr. Hedrick should be regulated by your profits in the business, or was it an agreement to pay absolutely, without reference to the profits?—A. Originally it was an agreement to pay absolutely; and during this conversation those matters were talked over, and I claimed that the price was more than should be paid for the services he had rendered, and he made the remark which I repeated a few minutes ago, that probably he had better drop the matter if we considered it a burden.

Q. Was there not at one time, and before you went into business there, an arrangement between you and Mr. Hedrick that the payment was to be left to yourself, and the amount

of it to depend upon the profits?—A. I was in business there at the time that this change took place, and there never was any such arrangement, that I heard of.

Q. Then the agreement originally was that you were to pay him the absolute sum of $5,000 a year for that place?—A. Yes, sir.

Q. He had, as you concede, secured the place for you after your removal, and you made that arrangement?—A. Yes, sir.

Q. Where was that done, at Ottumwa?—A. Yes, sir.

Q. When did you first tell to anybody that you were paying him for your post?—A. That would be a very hard question to answer.

Q. Have you spoken of it freely?—A. No, sir; I have not.

Q. Was it a matter that you thought should be kept from the public?—A. It was a private arrangement between him and myself, and I do not make it a rule to talk of my business.

Q. Did you desire to keep it from the public?—A. I had no special desire.

Q. Do you know whether he desired to keep it from the public or not?—A. That I could not say.

Q. Did he say anything that led you to think he did?—A. Well, I do not know whether there were any pledges of secrecy; there were not that I know of.

Q. Was the matter spoken of between you as to whether it should be a secret or not?—A. It might have been or it might not have been. I don't recollect.

Q. Did you regard it as a mutual understanding between yourself and Hedrick that you were not to talk and make this thing public?—A. I don't know. I might have regarded it so. I think I did.

Q. Do you know of any relations existing between General Hedrick and the Secretary of War?—A. I do not.

Q. And you know of no money that went either from yourself or from your firm or General Hedrick to any one in official position?—A. There has been none from our firm to any one. What becomes of payments to him we know nothing about.

Q. You don't know of any division that he made?—A. No, sir. The money was paid direct to him; whatever he did with it we know nothing about.

Q. Did he ever give you any reason for charging you such an enormous sum of money for the service he rendered you?—A. I don't know as he did. I suppose there was a general reason existing at the time, which made it impossible for me to deal with him for less.

Q. What was that general reason?—A. Some of my friends in this business had more imagination than was necessary for them in carrying on their business, and they were telling too large stories here about what they expected to make the next year. They had not made it yet, but, by and by, they were going to make immense fortunes, and they would not lose their posts for anything. They got the ideas of people up so that they put imaginative values on these bonanzas, and forced us to pay more.

Q. And as the imaginative value of these posts went up, so Hedrick's business went up. It was a case of inflation, was it not?—A. Yes, sir; I considered it an inflation of the worst kind.

Q. Inflation of the post-trader go-between business?—A. And inflation of the business itself, you might call it also.

Q. How did you do in that business there; well?—A. I have done pretty well.

Q. Have you met General Hedrick since 1873?—A. I have not met General Hedrick to have any conversation with him since I met him in Leavenworth. I think that was in 1873.

Q. Has he written to you frequently?—A. No, sir; he has not. There has been——

Q. He seemed to have abandoned this matter, did he not?—A. I supposed that he had abandoned it entirely. He never has said a word to us, directly or indirectly.

Q. Did you ever take counsel with an attorney as to whether he could collect such a claim as that?—A. No, sir.

Q. I suppose you knew yourself that he could not do it?—A. I became my own attorney in that matter. It was a verbal contract.

Q. You did not go into writing on the subject?—A. No, sir; there was no written contract.

Q. You had a sutlership or tradership there before; how long have you been in the business?—A. I went into the business at Fort Lyon in 1867.

Q. Is this the first bonus you have had to pay?—A. Yes, sir; the first bonus.

By the CHAIRMAN:

Q. You were not re-appointed at Fort Lyon?—A. No, sir.

Q. You were not there in 1870?—A. Yes, sir; I held the appointment in my own name.

Q. Samuel Bridges was appointed in October, 1870?—A. Yes, sir; he succeeded me.

Q. You went then to Camp Supply?—A. I was established in business there at that time, with my partner Mr. Lee. He held the appointment.

By Mr. DANFORD:

Q. You are still trader there?—A. I suppose so.

By the CHAIRMAN:

Q. I want you to state distinctly whether it was not because of Hedrick's supposed influence with the Secretary of War, that you agreed to pay him $5,000?—A. No, sir; it was not. Mr. Hedrick held this appointment, and I had to have it.

Q. But Latimer held it?—A. Well, I understood from Hedrick that he had this matter so that he could dispose of this place.

Q. That is, that Mr. Latimer was a blind, and that it was really his?—A. That Latimer was a man who would accept his action in the matter. Mr. Hedrick's connection with the Secretary of War after I got this appointment, I did not count upon to any extent at all. The appointment at that time, I had to have for the next six months or a year.

Q. You are quite certain that you did not intimate to Mr. Hedrick that if he attempted to exact this money of you, you would make an exposure?—A. Yes, sir; I am quite certain about that.

Q. You did not say so to Mr. Seth Arnold?—A. No, sir; I never said it to anybody.

Q. Now, according to your agreement such as one man makes with another, and usually wants to keep, you must owe General Hedrick about $25,000, must you not?—A. You might say so.

Q. You agreed to pay him $5,000 a year, and you have only paid him $4,500, and you have held the post six years; so you owe about $25,000 under the agreement?—A. Well, if the matter had not been dropped, the agreement dropped, I presume I do. If it was an ordinary business transaction, I presume I would owe him that.

Q. Are you in the habit of making bargains which you do not keep?—A. I have no recollection of it.

Q. Then it was because you felt this was a simple bargain which you had made under a species of duress, that you refused to pay; now, did you never tell him that?—A. No, sir; I don't think there has ever been such a conversation.

Q. Did he ever write you another letter, that he was coming to Washington?—A. No, sir. I have had but one.

Q. And then you sent him $1,000?—A. Yes, sir. Mr. Hedrick's services to me at that time were worth all I paid him.

Q. Where did you pay him the first $1,000 that you speak of; here or in Iowa?—A. In Iowa.

Q. That was the first payment on account; you paid him $500 subsequently?—A. Yes, sir.

Q. How much have you paid for political assessments?—A. I have paid $400 since I have been in the country.

Q. In 1872, I presume?—A. I presume it was in 1872.

Q. And the profits of the post have been at least $10,000 a year since you have held it?—A. I think that is probable.

Q. Was General Hedrick ever to be your partner in that business down there?—A. No, sir.

Q. I think you have stated that after you ceased paying Hedrick you never sought the assistance or protection of any one to keep you in that place?—A. We have taken the chances of our holding it.

Q. You have never paid anybody for any such protection?—A. No, sir.

Q. That money for political assessments was paid to the national republican committee, was it not?—A. I suppose so.

Q. Have you seen Mr. Stone lately?—A. I don't know when I saw him last. It is very possible, or probable, that I saw him in New York, but I cannot recall the circumstance.

Q. Have you seen Mr. Thatcher lately?—A. I have not seen Mr. Thatcher since upwards of a year ago.

Q. And you don't know that you ever knew Judge Waters at all?—A. I would like to refresh myself a little on the Judge Waters business. I knew a man named Waters in Missouri, but I don't know of his ever having gone to New Mexico.

Q. Or that you were traveling on that route with him?—A. Well, my post takes me on a route where I would be with parties going to New Mexico, but I do not recollect him at all. It would be the renewal of a very old acquaintance, and a sort of casual one anyway. I lived a year in Missouri, and there was a man there by that name. There cannot be any other man of the name that I know. I thought at first you had got the names mixed and that it was Judge Watts; but I don't know Judge Watts, though I have seen him.

Q. That is all I have to ask, unless you know of some other post-trader paying money for his post?—A. I don't know of anybody who has paid money, further than I have seen it in the papers. They generally get all there is in the papers, and sometimes a little more.

Q. Did you attempt to be continued as post-trader at Fort Lyon?—A. I think my partner and manager there filed an application for the post, with recommendations. His name was D. W. Van Horn. I may not get this correct at all. I think he filed (either he or myself) an application, but there was a great pressure for these places, and I saw we could not retain both.

Q. Did you ever make any statement of facts to Mr. Stone with reference to sending money to Washington to General Babcock similar in character to those I attempted to describe in my questions to you, upon which he might have based any such opinion?—A. No,

sir; I don't think I ever did. I could not have done it. I don't think there has ever been any such conversation between Mr. Stone and myself.

Q. Did you ever state anything to him about sending money to any one here at Washington?—A. No, sir.

Q. By check?—A. No, sir.

Q. By draft?—A. No, sir.

Q. Or in any other way?—A. I have no recollection of any such statement whatever to Mr. Stone.

WASHINGTON, *April* 21, 1876.

HENRY S. PARKINS sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. Standing Rock, Dakota Territory.

Q. How long have you resided there?—A. Since the 14th of November, 1874.

Q. In what capacity did you go there?—A. I went there to take charge of the trading establishment.

Q. For whom?—A. First the license was in the name of A. L. Bonnafon & Co., afterward J. K. Casselberry.

Q. Who was the company in the "Bonnafon & Company?"—A. I always understood the "company" in the Bonnafon tradership was Bonnafon, Casselberry, and O. L. Grant.

Q. You went there immediately after Captain Harmon sold to Mr. Grant, did you not?—A. Yes, sir.

Q. Were you there at the time the account of stock was taken?—A. I was not there the day it was turned over, not until afterward.

Q. Have you continued in charge there ever since?—A. Yes, sir.

Q. Do Casselberry and Bonnafon or Mr. Grant ever come there to look after the business?—A. They have never been there since I have been there.

Q. Is there any other Indian trading establishment there save your own?—A. There is one conducted by Mrs. Galpin.

Q. She is a full-breed Indian woman?—A. I believe so.

Q. Have you, by direction of Grant or Casselberry or Bonnafon, ever made any efforts to have her removed as a trader?—A. I have never done it by directions of Bonnafon or Grant or Casselberry. I have made efforts myself.

Q. Without any directions from them?—A. Their information first came from me.

Q. What did you tell them?—A. I told them that I believed Captain Harmon to be interested in Mrs. Galpin's trading. I also made statements to the same effect to the agent, Mr. Palmer.

Q. What did you do then?—A. I tried to have efforts made to have her closed up, on the ground that it was not she that was trading, it was Captain Harmon; that is the way I put it.

Q. What reason had you for supposing it was Captain Harmon?—A. Well, my reasons for supposing it was Harmon were that I had been informed that shipments were made from Fort Rice and charged to Captain Harmon direct. Also, that portions of the goods were taken out some time previous to the transfer of the goods to Mr. Grant and turned over to her before he bought out Standing Rock; also I have seen a landing made of goods for her establishment that were marked in his name.

Q. In his care?—A. No, I think not. They were shipped direct to him.

Q. Did you succeed in having her closed out?—A. No, sir.

Q. Did you apply to the military authorities?—A. No, sir; I applied to the Department.

Q. And the department commander refused you?—A. No, we had nothing to do with the military, in regard to that. We made our statement to the Interior Department.

Q. What did they do?—A. I believe there was a circular-letter came back stating that if it could be proved that Captain Harmon was the party trading, and not Mrs. Galpin, the agent was to close up the establishment.

Q. Did you make any efforts to prove to the agent that it was Captain Harmon?—A. I made all the efforts I could.

Q. Did you satisfy him that it was he?—A. I believe I did.

Q. Did he then make an effort to have Mrs. Galpin closed out?—A. I believe he applied to Colonel Poland, the commandant there, for a guard.

Q. Did the guard go there to close her up?—A. No, sir.

Q. What was then done; did you apply to the commandant?—A. I believe the agent made a report to the Indian Department that he had applied for such a guard for such a purpose, and that it was refused.

Q. Who furnished the capital-stock for your establishment there?—A. I believe Mr. Bonnafon.

Q. You have been in business there for more than a year now?—A. Yes, sir; since the 14th of November, 1874.

Q. Is it a profitable post?—A. No; I don't regard it so.

Q. What amount of money is invested there in stock?—A. That I could not state. We have not taken an inventory since last October.

Q. What was the amount of capital-stock when you went there?—A. Something in excess of $13,000, including building and all.

Q. Is it as valuable to-day as it was then?—A. No, sir; I think not. The sales have run down, and there is more competition. There is a rival trading-establishment there, just outside of the line of the reservation, called Beaver Creek. There are really three trading-establishments besides that.

Q. You have made no estimate of your profits up to this time?—A. No, sir; our profits are all in the stock and buildings.

Q. Do you remember when the proclamation was issued extending the Great Sioux reservation eastward?—A. Yes, sir.

Q. The first proclamation was last January a year, was it not?—A. Yes, sir.

Q. That still left an opposition to you below Standing Rock?—A. Yes, sir.

Q. Then there was another proclamation, issued last May, was there not?—A. I think it was in March.

Q. Did that last proclamation cut off that opposition?—A. Yes, sir.

Q. So you have no opposition, then, that that proclamation could reach?—A. No, sir; except as I have stated.

Q. The opposition at Beaver Creek is lower down?—A. No, it is above.

Q. It was not covered, then, by the extension of the Sioux reservation?—A. No, sir.

Q. It is twelve miles above you?—A. Yes, sir.

Q. If those proclamations had not been issued, your profits would have been still less than they have been, would they not?—A. Possibly. That proclamation was not issued in our interest. Neither do I think that the parties whom I represent had much to do with it. The commanding officer at Standing Rock came to me and told me that he had written a letter stating that the reservation ought to be extended, for these reasons: in the first place, the agency buildings were not on the reservation; there had been a saloon where whisky had been sold right in the middle of the Yanktonnais camp. He said this was all wrong, and he said he had written to have the reservation extended, and after the proclamation came out he came to me and said, "I got this done," and took to himself the credit of getting it done, and said that it was a good thing, and a proper thing to be done, and I concurred with him that it was.

Q. Then you think the proclamation was issued in order to benefit the morals of the Indians and the people up there?—A. I think it was entirely.

Q. The incidental advantage, however, was to the trading-posts?—A. Well, it naturally came that way, but there was nothing done on our part.

Q. Nothing that you know of?—A. Nothing to extend the reservation, except stating that it would be a good thing, and the commanding officer at Standing Rock told me that he had it done, and not only told me, but told other officers of the post; spoke of it as a move that he made to better the condition of the Indians, so as to shut out the whisky-shops, and make the buildings on the reservation.

Q. Has there been greater sobriety since the extension of the reservation than formerly?—A. I think there is; at all events there has been no killing done since, from the effects of whisky.

Q. There has been less whisky sold, has there?—A. There has been none sold on the reservation. The nearest place is twelve or fifteen miles off, at Beaver Creek.

Q. Do you know of any other persons making application for licenses to trade at Standing Rock?—A. I do not.

Q. Did you ever know of Mr. Charles having made application to trade there?—A. I never heard a word since we have been trading there, of his making an application. Neither do I think he would.

Q. Do you know of his having attempted to get the right to trade there before you went there?—A. I believe before we got there that he had the license, although I am not positive in that. I found goods in the stock marked with his name; but as the stock of goods was bought from him, and he was paid the full value, I don't believe he would make an application for the post since we have been there.

Q. You don't know any other parties attempting to get a license there?—A. No, sir.

Q. Mrs. Galpin is still trading there?—A. Yes, sir, she was when I left there; she has been all along.

Q. Has Captain Harmon ever told you that he was interested in that trading?—A. No, sir; he told me to the contrary that he was not.

Q. Captain Harmon is married to a daughter of Mrs. Galpin?—A. Yes, sir.

Q. Then your efforts were made against her only on the ground that you supposed that he was trading under her name?—A. That is exactly it.

Q. If that had not been so, you would not have made those efforts?—A. No attention would have been paid to them if we had.

By Mr. DANFORD:

Q. You are the person then who made complaint against Mrs. Galpin?—A. Yes, sir.

Q. That was after Orvil Grant became interested in the establishment?—A. No, sir.

Q. You went there under him, or in connection with him in some way?—A. Yes, sir.

Q. Did he ever say anything to you about having her removed before you made the effort?—A. No, sir; not a word or syllable. My first effort in that direction was a telegram to Mr. Orvil Grant shortly after I got there. I stated that from information I received, I believed Captain Harmon to be interested in the profits of that establishment. I afterward wrote to the effect that after the trade was made and the hides accumulated, he came there, took charge of the hides, shipped them down the river, and went down with them. Our trade at Standing Rock is principally in beef-hides with the Indians.

Q. You stated these facts to Mr. Grant?—A. Yes, sir.

Q. And the effort was made; did you fail to satisfy the agent that Mr. Harmon was the real trader?—A. I failed to have Mrs. Galpin closed up. I believe that the agent sent my communications on to the Interior Department, and a circular-letter came back saying to him that if there was any evidence that my representations were correct, to close up the establishment.

Q. You have stated that the extension of the reservation was upon the recommendation of the commanding officer?—A. He distinctly stated so to me.

Q. Did you or your firm have anything to do with that yourselves?—A. I had nothing to do with it in the world, and I don't think the firm had, except that when the recommendation went on from Standing Rock, I wrote that it would be a good thing and ought to be done.

Q. To whom was that recommendation addressed; the head of the Interior Department?—A. I don't know, sir. I believe also, but am not positive, that the Indian agent made some recommendations, and the agents all along the river. It got to be at the other agencies, or sometimes, the same as it was at our agency—a great deal of whisky introduced.

Q. Has there been no whisky sold on the reservation since the extension?—A. No, sir; I think not. Certainly not to my knowledge.

Q. What interest has Mr. Orvil Grant in that post?—A. I am unable to state.

Q. What part of the profits does he get?—A. That I cannot state. I do not know.

Q. You cannot state what part of the profits he gets, nor what interest he has in it?—A. No, sir; not positively.

Q. Do you know whether he ever put any capital in that post or not?—A. I think he has paid some bills; in fact I know he has.

Q. Is he credited on the books with any capital stock paid in?—A. No capital stock, but as bills have matured he has paid some of them.

Q. Does he receive credit for those payments?—A. I suppose he does in the books at Philadelphia.

Q. But in the books out there he does not, so far as you know?—A. No, sir.

Q. Is Mr. Bonnafon credited on the books with any amount of capital stock paid in?—A. No, sir.

Q. Nothing appears, then, on those books as to the amount of capital stock put in?—A. No, sir; nothing appears.

Q. You don't know, then, the interest of these several parties?—A. No, sir; I do not.

WASHINGTON, *April* 21, 1876.

J. W. RAYMOND sworn and examined.

By the CHAIRMAN:

Question. You are the post-trader at Fort Berthold?—Answer. Yes, sir.

Q. When did you receive your last appointment there?—A. I made the application some time in September, 1874. I had been there a year before.

Q. There was another trader or other traders there at the same time?—A. There was Mr. Marsh, whose license expired on the day that mine was given.

Q. Had Durfee & Peck a post-tradership there, too?—A. Mr. Marsh represented them.

Q. Who had your license renewed the second time?—A. I wrote to the Commissioner of Indian Affairs.

Q. Who else assisted you to get that besides yourself?—A. No one.

Q. Do you know of Orvil Grant having telegraphed for you to the Secretary of the Interior?—A. Yes, sir.

Q. What did he telegraph?—A. What you are getting at is the first year. I came here to Washington, and received my license as trader, and it was approved September 1st, to go into effect September 25th or 26th, 1874. I went to him, purchased my stock, and had been open but three days, when there came a general order closing up everybody, up and down the river; the agent closed me up, and I kept closed about ten days. During that time Mr. Orvil Grant came up to that country, and I told him the state in which I was placed;

that I had a large stock of Indian goods that would be almost worthless at any other place than at an Indian trading-post. He says, "I will not damage you any. They promised me that post, but I will telegraph to the Secretary of the Interior to renew your license, and you and I will make arrangements afterwards."

Q. You did make arrangements afterward?—A. Yes, sir.

Q. What did you pay him?—A. I say we made an arrangement; it was an indefinite arrangement. I knew nothing about Indian trading-posts. I knew nothing about the basis on which to place the profits, and it was spoken of paying him a quarter and a third, and it was to be left until the next spring, and then decided. During the time he drew on me for money.

Q. How much?—A. I have paid him, up to this time, about $1,170, somewhere between eleven and twelve hundred.

Q. Has he invested any capital with you?—A. Not a dollar.

Q. Has he transacted any business for you?—A. No, sir.

Q. Made no purchases at all?—A. No, sir; not at all.

Q. What did you pay for?—A. I paid him because he said he had a license to the post, and I had fifteen or twenty thousand dollars' worth of goods on hand that would not sell at any other place.

Q. You paid him for permission to trade there, on the supposition that he could have you removed if he wanted to?—A. I suppose that is it.

Q. Do you continue paying him?—A. I have not paid him anything since last winter.

Q. Is there anything due him now?—A. I believe there is a little to his credit on the books—about $150.

Q. What was the agreement finally settled upon?—A. Whenever he has drawn on me I have paid the drafts. He has been very mild.

Q. Would you have paid more if he had drawn on you?—A. Well, if I had the draft I would decide about it.

Q. Is Fort Berthold within the Sioux reservation?—A. No, sir; it is about 125 miles from Bismarck up the Missouri River. Bismarck is my home.

Q. Do you spend much of your time at the trading-post?—A. Very little. I have a clerk who was with me about four or five years before I went up there.

Q. Do you know of any other persons, of your own knowledge, who are paying tribute to any one for their license as you are?—A. No, sir.

Q. How long have you lived at Bismarck?—A. It will be three years the 26th of June.

Q. Do you know the elder Bonnafon?—A. Yes, sir.

Q. Has he ever been in that country?—A. Yes, sir.

Q. His son is out there now?—A. Yes, sir; at Fort Stevenson, fourteen miles this side of Fort Berthold.

Q. Do you know Mr. Casselberry?—A. I have met him once.

Q. When you made this arrangement with Orvil Grant, was it with him solely, or with him as a member of the firm of Bonnafon & Co., or Casselberry & Co.?—A. I do not know whether it was the firm business or his own.

Q. Did he show you any papers giving him authority to grant these licenses up there?—A. No, sir.

Q. Did he show you any letter from the President of the United States in regard to the matter?—A. No, sir.

Q. Did you ever see one from the Secretary of the Interior?—A. No, sir.

Q. Did he ever say to you that he had such letters?—A. No, sir.

Q. But how did it happen that you negotiated with him about it?—A. Well, he was the President's brother and I asked no questions.

Q. But how did it happen that you came to talk to him about it at all—merely because he was the President's brother?—A. When I got to Saint Paul the business men, my friends there, said that Orvil Grant and Bonnafon were going up the country, and they had got such and such posts; they had got my post and they were very sorry; wanted to know if I had bought too many goods; they were sorry that I did not get there before and see these gentlemen, and make some arrangements; as I went up the line it seemed to be understood that they had the post; and when I got there I went and talked business, because I was in such a situation that I had to do it. I did not ask for their authority and he never told me.

Q. I suppose you were a little suspicious because your prior license had been revoked?—A. Well, yes; that was a little damaging to my prospects; only fourteen days after I received it it was revoked.

Q. From whom did your revocation come, the Secretary of the Interior?—A. I think it did, but I don't remember.

Q. You haven't got it with you?—A. No, sir.

Q. You don't remember its terms?—A. No; only general terms, "Close all traders on the river," or something like that.

Q. Have you any opposition at Fort Berthold?—A. No, sir.

Q. Do you expect any?—A. No, sir; that I do not know.

Q. Did not Orvil Grant promise you there should be none?—A. No, sir.

Q. Do you know of any person applying for the right to trade there since you have had it?—A. O, I understand that they have applied for it within the last two or three months.

Q. You do not know whether it has been granted or not?—A. No, sir.

Q. Then that was not a part of the consideration for your payments that you should be protected from all opposition?—A. No, sir; I had to take my chances on that.

Q. The amount you were to pay Orvil Grant would depend upon your profits?—A. Yes, sir.

Q. Then it was not likely that he would do anything that would lessen those profits?—A. I do not know.

Q. You had business at Bismarck, I believe?—A. Yes, sir.

Q. This fort is some distance above Bismarck?—A. Yes, sir; about 125 miles above.

Q. You have a general store at Bismarck, trading with the Indians and soldiers and anybody that comes there?—A. Yes, sir; general merchandising.

By Mr. DANFORD:

Q. In the testimony of some witness a few days ago, before the committee, I remember that he spoke of a circumstance of some boxes containing Indian annuity-goods having been left in your store at Bismarck over night, and the next morning the goods were gone and there was a lot of shavings on the floor, which when put together showed the Indian brand; do you know anything about that?—A. No, sir; it is a falsehood from beginning to end. We have had but one small lot, perhaps six boxes, of cartridges, directed to my care, very late in the season; the prospect was that the Sioux would attack our post, and these boxes of ammunition were forwarded to my care to facilitate the transportation from Bismarck to Fort Berthold; they were little boxes 10 x 12 or 10 x 14; there never was a box of Indian goods or annuity-goods or any goods belonging to the Indian Department in the store.

Q Since when?—A. There never was only in that one case. My family was not there last winter and I staid in the store; it was my home, and there has been nothing of the kind, at all.

Q. Did you ever hear this story before?—A. O, I have read it before, I have read it in the New York Herald, and I heard of it from others that heard it stated before the committee. He has told it so much I believe he believes it himself.

Q. Did you see Mr. Meeker when he was out there?—A. Yes, sir.

Q. Did you hear of his operations there?—A. I did.

Q. In what way?—A. Well, in a great many different ways. We heard of him under the name of "Thompson," and we heard of him as a Government detective, and as a correspondent of the New York Herald, and saw him around Bismarck a good deal.

Q. Can you give the committee any idea of his manner of getting up testimony out there—news for the Herald?—A. Well, his associates, with a very few exceptions, were of our lowest class. His headquarters was at a low groggery at Bismarck, and when any men of character or ability would want to talk with him upon these matters he would not have any communication with them; he said this thing was all so, and that thing was all so, and that Raymond or somebody else had sent these men of ability or character to mislead him.

Q. Was your store at Fort Berthold burnt some time ago?—A. No, sir; the agency buildings were burnt.

Q. General Custer spoke of a large quantity of flour having been burnt in this building; what do you know of that?—A. The commissary buildings at Fort Berthold were burnt. I do not know how much flour there was; I did know at the time, but I have forgotten; there was sugar, flour, and pork burned I understood. The fire originated, I am told by those who seemed to know about it, (I was not there myself,) in the kitchen or in the laundry, they didn't know which, and as there was a great deal of that work being done by Indians it is very natural that there should be carelessness in the matter.

Q. What statements did you ever make to General Custer in relation to your connection with Orvil Grant?—A. I never spoke to him in the world about it pro or con.

Q. Did General Belknap call at your house when he was out in that country, to the neglect of Army officers?—A. He called at my house but a moment—merely a social call, after he had got through at Lincoln. His visit was a call upon my father-in-law, General Lasuer, from Pittsburgh, to bid good-by to him and the ladies that had been on the boat with him on the trip. My father-in-law and sister went up for a pleasure trip, and happened to be on the same boat.

Q. There was a circumstance spoken of by one of these witnesses of a train having been held for some time while General Belknap and yourself were arranging matters in relation to those different posts there.—A. That is all a myth, The train was not held three minutes, if it was at all. Everybody was ready to go. I walked over to the cars after he came down from the house, and they had got up a bill there by an ex-printer, who has quite a talent in that line. He called it the "Great Aggregation," with General Belknap as general manager

Q. The same that was printed in the New York Herald?—A. Yes; sir; and I talked to General Belknap about it, and I said, in the name of the citizens, that they did not approve of such an act, and that it was a direct insult, and told him the name of the man that did it. That was my talk with him, and that was the only subject mentioned.

Q. Was there any talk between you and him about controlling the posts and the profits of them up there?—A. Nothing of that kind or description. It was not referred to. I did not feel well enough acquainted with him for that, if I had so desired.

Q. Have you had any connection with any other person than Orvil Grant in this Indian tradership?—A. No one whatever, only my partner, Mr. Fairchild.

Q. All the subsidy you have paid is $1,100 you have paid to Mr. Grant?—A. Yes, sir.

Q. What influence, if any, of an improper character, was brought to bear by you upon the Department here in procuring that post?—A. None whatever, that I know of.

Q. You procured it in the first place directly from the Department?—A. Yes, sir. I carried out the letter of the law in making my application.

Q. Then your right to trade was revoked by a general order?—A. Yes, sir; a general circular-letter.

Q. At what time did you honor the last draft made by Mr. Grant?—A. I think it was in December—perhaps November.

Q. Have you met him since?—A. Yes, sir.

Q. Have you talked this matter over with him?—A. No, sir.

Q. Do you know whether he still has a claim on you?—A. No, sir; I do not know whether he has or not. I suppose he has.

Q. You still hold yourself ready to respond to any reasonable demand?—A. Yes, sir; in accordance with our agreement. He has been very mild, as I say.

Q. You say you think you have been rather favored?—A. Yes, sir. In regard to this flour business I feel as if I would like to relieve myself. I have been anxious to answer this man Meeker, who has been saying so many things about me, but I had no chance, and of course I could not do it through the papers, for he would beat me at that. He claims that his life was in danger up there, but he was just as safe as a man would be here. No one attempted to interfere with him, and he was left alone, the same as I am here. Everybody tried to treat him socially. He also claims that he could not get money. He got drafts cashed at our place, and could have got more if he had had the proper indorsement. They talk about my getting a large amount of flour just before the fire, and selling it at an exorbitant price. We have never had as little flour on hand before or since at that season of the year as we had at the time of the fire; and instead of getting an exorbitant price for it our regular price is $4; sometimes, in lots, $3.95. My first lot was $3.75 to the post: and I do not think we sold over three hundred sacks that winter; and $4.50 or $4.25 was the highest that I charged them; whereas a month later I could have got $6 a sack for it. But that being my own post I protected it first. I knew that an exorbitant price at that time would have brought me into bad reputation with the Department, and so I sold it at a low price, and to my own loss pecuniarily; but I got a good profit on the flour. If there is anything in the statement that concerns me I would like to have it read over, and I will refute it or acknowledge the corn.

WASHINGTON, *April* 24, 1876.

JAMES G. PITTS sworn and examined.

By the CHAIRMAN:

Question. You are the post-trader at Fort Rice, in Dakota Territory?—Answer. Yes, sir.

Q. You were appointed June 30, 1874, as the record shows?—A. Yes, sir.

Q. Who was your predecessor?—A. Capt. William Harmon, or Durfee & Peck.

Q. Do you conduct the business there yourself?—A. I do, personally. I reside there. I have a partner, Albert D. Smith, of Cincinnati.

Q. Where did you reside when you were appointed?—A. In Cincinnati.

Q. Under what circumstances did you secure this appointment—who got it for you?—A. Well, I had some difficulty in obtaining it. I applied for it in the summer of 1873 first, and I was recommended by the then governor of my State, Governor Noyes, Captain Wickoff, the secretary of state, and Mr. McCrary, of Iowa, Dr. Throll, United States marshal of the southern district of Ohio, and General Comley, of Columbus.

Q. Did you come here in 1873 about the matter?—A. No, sir; I sent on my papers. I sent them directly to the Secretary of War.

Q. You were not appointed then, as the record shows?—A. No, sir; I was not appointed. I was not satisfied and I came on myself in 1874. I procurred further recommendations. I was then recommended by General Sherwood, General Garfield, Mr. Monroe, and Mr. Gunckel, who were then members of Congress from my State.

Q. Did you go to see the President about it?—A. No, sir; I did not see the President.

Q. How long did you remain here during the summer of 1874 prior to receiving the appointment?—A. I remained here two days.

Q. Did you receive the appointment while you were here?—A. No, sir; I received it about two or three months afterward. I was here early in the spring of 1874; I believe it was March.

Q. Did you see the Secretary of War personally?—A. Yes, sir.

Q. Did you have any other person call to see him on your behalf?—A. I did have Mr. Tomlinson, a brother-in-law of the Secretary.

Q. Was he in Washington at the time?—A. No, sir; he came on here.

Q. At your instance?—A. He came on to visit his sister, and I got him to mention the fact of my being an applicant for a post-tradership, and if he could do anything for me I wanted him to do it, but I do not think he had any influence. He is now dead. He first gave me the idea of applying for a post-tradership.

Q. Had you business negotiations with him prior to that?—A. He was my clerk at the Put-in-Bay House in the summer of 1873. I was instrumental in employing him there one summer.

Q. He suggested to you to apply for this post?—A. No; he did not suggest it. He told me how he had been interested with his brother James at Camp McDowell, Arizona, and that there was not much money in that post, but some posts there was money in. That gave me an idea, and I thought I would try for a post myself.

Q. Did you get any one else to speak to the Secretary of War about it?—A. I had General Benham, of Louisiana, write to the Secretary of War about it.

Q. Have you got your license as post-trader with you?—A. I have not; it is like all other licenses except that it is inserted in the writing, "By order of the President."

Q. What was the cause of that peculiarity in your commission?—A. I can only account for that in this way: I have understood that the President ordered Durfee & Peck removed from the Missouri River posts, and this being one of their posts, I can only account for it in that way.

Q. Was General Benham the only other person—did you have any person else to aid you here in Washington?—A. The members of Congress, and at the head of them General Sherwood, and Mr. Foster.

Q. Did you ever pay any consideration to any one for securing your appointment?—A. I never did.

Q. Did you and your partner ever share the profits of the post with any person?—A. I suggested to John Tomlinson to be my partner, and he started out with me as a partner. He had been a post-trader and had experience; he was an acquaintance of mine; he had been in the office with me that summer, and I suggested to him that if I could get a post we would go in together, putting in an equal amount of capital. I have our written contract now at the hotel, signed by both of us. Our articles of copartnership were these, that we were both to devote our whole time and attention to the business; we were to contribute alike in capital and to share alike in the profits. On my going out to Fort Rice he was lying very low at Harrodsburgh, at his brother's, Dr. Tomlinson, and I went out there and secured the post. I was required to report there by the 20th of October; I asked for an extension of time. I addressed a request to the Adjutant-General of the Army asking for an extension, and I received an affirmative reply, giving me until the 20th of October to report there for business. I went out there, and my business was to effect an arrangement for the transfer of the buildings and the goods and fixtures with Captain Harmon. Mr. Tomlinson was sick; he could not be there with me, and in December he died. I did not see him after I went West. I did not effect an arrangement with Durfee & Peck when I went there. One reason was that Tomlinson, my partner, was not there, and I made an arrangement to wait until the following spring, so that Captain Harmon really carried on the business until the spring of 1875; I received a portion of the profits; Mr. Tomlinson had given me his money; I had what he had at the time; we did not have money enough to make the purchase, and I was in hopes that he would recover and be on the ground and see for himself, as he had had experience in other posts. I did not know the wants of a military post.

Q. How much money had he advanced to you?—A. He advanced to me about $1,500; he gave me that on the eve of my leaving for Fort Rice. He died in December.

Q. You returned that money to his representatives, I suppose?—A. I have not, yet.

Q. Then is his estate still interested in the business?—A. No; only so far as I owe him this money; it is not interested in the profits. Immediately after John's death, I came East and secured another partner, Mr. Smith, but I did not have the capital myself to pay my portion of this purchase-money, and Dr. Tomlinson, the administrator, agreed to let me keep this money for two years, so I still owe that to the estate; it required more capital than I at first supposed. I met Colonel Peck in Saint Louis, and he brought me an inventory of $28,000 for buildings and goods.

Q. Does Mr. Smith reside there with you?—A. He is out there with me.

Q. Then, there were no improper means used to secure the appointment?—A. By no means, sir.

Q. Did the Secretary of War know that Mr. Tomlinson was to be your partner in the event of an appointment?—A. No, sir; I never mentioned the Secretary's name.

Q. You don't know whether Mr. Tomlinson did or not?—A. No, sir.

Q. That agreement between you and Mr. Tomlinson was made before the appointment was made?—A. No, sir; after the appointment, I think.

Q. You said he had come to visit his sister here, the Secretary's wife, and that you requested him to mention it to the Secretary. At that time was it understood between you and him that he was to be your partner?—A. No, sir; not positively.

Q. But you had spoken of it that he should have an interest in it if you secured the post?—A. Yes, sir. After the appointment was made, I drew up short articles of copart-

nership and gave him a copy. I would not have taken any partner had I had means enough myself.

Q. Have you ever paid anything for political assessments up there?—A. I never have.

Q. You did not share any of the profits you received from the business which was done under your license by Durfee & Peck with Tomlinson's estate?—A. Yes, sir; one-half.

Q. Do you recollect what his interest in that business yielded his estate from October, 1874, to the 1st of May, 1875?—A. It was but a few hundred dollars. I don't remember.

Q. In May, 1875, you bought out the firm of Durfee & Peck and took charge of the business with your partner, Mr. Smith, and have been conducting it since?—A. Yes, sir.

WASHINGTON, *April* 26, 1876.

E. W. RICE sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In Washington.

Q. How long have you resided here?—A. I have lived here since the beginning of the war most of the time.

Q. Where was your place of residence prior to that?—A. In Oskaloosa, Iowa. That is my real residence. I am only temporarily residing in Washington.

Q. But you are here continuously; you are practicing law here.—A. Yes, sir.

Q. I see that on the 6th of October, 1870, you were appointed post-trader at Fort Richardson, Tex., and held it until February 20, 1872. From whom did you receive that appointment?—A. From the Secretary of War.

Q. By whom were you recommended?—A. No person. I was appointed on my own application.

Q. You were an old acquaintance and friend of his?—A. Yes, sir; for twenty years.

Q. Who conducted the business at Fort Richardson while you were trader; did you conduct it yourself?—A. No, sir; I appointed an agent named Broughton, and gave him a power of attorney to go there and inaugurate the business.

Q. Did you furnish him the capital to go into the business?—A. No, sir; I never heard from him again, except that I received through the post-office the papers I had given him.

Q. Did he ever open a trading establishment at Fort Richardson?—A. No, sir; he did not. Afterward, General Van Antwerp, an old friend of mine from Iowa, who was on duty in Texas, came to me in this city, and wanted me to let young Gregory go there and take charge of the post. He told me that Gregory was a young man who had been in San Antonio with him in business, and gave him a very good reputation, and he wanted some one to take charge of it. So I got General Van Antwerp to go with me to the Secretary of War, and tell the Secretary what kind of a man Gregory was, so that he would be satisfied that he would be satisfactory to the officers there. I tendered my resignation, and made arrangements with Gregory for his appointment; he was to run the business and divide the profits with me, giving me one-third. He entered into the business there and conducted it up to about six months ago. The post had been denuded of a good many of its troops, and there was a good deal of opposition in the trade, so that it became valueless as a trading-post, and he resigned, and has wound up, or is winding up the business.

Q. He is the trader there now?—A. I think not.

Q. Did you furnish any capital to Gregory?—A. No, sir.

Q. What did he pay you the one-third of the profits for?—A. The post was mine in the first place, as a trading-post, and he furnished no capital himself, really. The goods he purchased in San Antonio from people he knew, on credit.

Q. Still he was responsible for them?—A. Certainly.

Q. You were not liable for any debts of the post?—A. No, sir.

Q. What amount of the profits did he pay you up to the time he went out of business?—A. Up to the present time I have received, I think, something between fifteen hundred and two thousand dollars—less than $2,000.

Q. I see that William A. Sayler was appointed post-trader at Fort Clark, Tex., the 6th of October, 1870. Did you assist him to procure that appointment?—A. I think I did. I knew of his appointment anyhow, and I think I assisted him in getting it.

Q. Do you know anything about that post, whether it is a valuable post or not?—A. I do not.

Q. When his commission was made out it was sent to you, as the records of the War Department show?—A. I think it is likely, though I don't remember positively about it.

Q. Do you know who succeeded him in the post at Fort Clark?—A. No, sir; I do not.

Q. You don't know that W. E. Friedlander is the trader there now?—A. I know there is a Friedlander trading there somewhere, but did not know that it was at Fort Clark, or where.

Q. Who recommended Sayler to the Secretary of War in addition to yourself?—A. I think it was Mr. Clark, of Texas. They were both Iowa men formerly. Mr. Clark was a mem-

ber of Congress from Texas, and Sayler lived in the southern part of Iowa, too. Clark was originally from Davenport.

Q. Had you any interest in that trading-post at Fort Clark?—A. No, sir.

Q. Had you any interest in its profits?—A. None whatever.

Q. You never received anything for procuring or assisting to procure that appointment?—A. No, sir.

Q. Henry Reed was appointed post-trader at Mojave, Arizona Territory, in November, 1870. You assisted to procure that appointment?—A. Yes, sir.

Q. Who else recommended him?—A. He was recommended by Senators Nye and Stewart; he was an old Californian.

Q. Had you any interest in that post?—A. I would have had an interest if it had amounted to anything. He never made any money there.

Q. Had you an agreement as to an interest there?—A. Yes, sir; I was to have a half-interest in the profits, but never received anything at all.

Q. When the Secretary of War appointed Mr. Reed and Mr. Gregory at your solicitation with others, did he know that you were to be interested in those posts?—A. Well, he must have known that Gregory was, because that was my post. It had been in my name, but I don't remember whether I ever told him that I was going to have an interest with Reed or not. I knew Reed very well, and took him up and introduced him to the Secretary and told him all that I knew about it, but I don't remember whether I told the Secretary whether I was to have an interest with Reed or not.

Q. You never received anything from him in any way?—A. Not from that post. He is post-trader at Wingate now, and I have a half-interest in the profits of that post. I have received twelve or fifteen hundred dollars from him since he has been at Wingate.

Q. George L. Cook was appointed the trader at Wingate.—A. Yes, sir; I was to have gotten some interest with him, but Cook made no money, and after he had been there about a year he abandoned the post and went to Chicago.

Q. Then you had Reed appointed, and have one-half interest in the profits of the concern?—A. Yes, sir.

Q. Have you ever invested any money in it at all?—A. No, sir.

Q. Did the Secretary of War know that you were to have one-half interest in the profits there or not?—A. I don't know whether he did or not. I don't remember whether I ever told him or not.

Q. Were you in the habit of telling the Secretary what your interests were in these applications you made to him?—A. No; I did not tell him anything more about them than I did in any other business.

Q. Do you know John S. Evans, trader at Fort Sill?—A. Yes, sir.

Q. Do you recollect his being here in the fall or summer of 1870?—A. Yes, sir.

Q. He was then endeavoring to be re-appointed post-trader at Fort Sill?—A. Yes, sir.

Q. Did he engage your services to assist him in his re-appointmemt?—A. He did.

Q. What did you do for him?—A. I went to see the Secretary two or three times about it. I don't remember the details of what was said, but I remember this—that the appointment had been already given, either given or promised, to Mr. Marsh, of New York, and that he could not be appointed; then I endeavored to have some arrangements made by which Evans could remain. I asked if the Secretary would consent if we could make any arrangements with Mr. Marsh for Evans to continue in the business, and that was about the extent of it as I remember it now—of what was done.

Q. You made inquiry of the Secretary if Evans could make arrangements with Marsh?—A. Yes, sir.

Q. What was the reply of the Secretary?—A. I don't remember exactly what it was now, but I know the result was that they did make an arrangement.

Q. Did the Secretary suggest to you to go and make arrangements with Marsh?—A. Yes, sir.

Q. Did the Secretary suggest to you that the arrangement was to be made or could be made?—A. I think it was to the effect that any arrangement he might make with Mr. Marsh would not be objected to by the Secretary.

Q. What interest had you in procuring Mr. Evans this appointment?—A. Only as employed by him to aid him.

Q. What did you receive for your services?—A. I got $1,000 or $1,500. It was a matter I left entirely to him. I was out when he went away, and he either dropped me a note or sent me word to send him my bill; and I wrote him a note and made some charge of $1,500, and he objected to it, when I left it entirely to him to pay me what he thought my services were worth, and he paid me, I think, $1,000.

Q. Joseph Loeb was appointed post-trader at Fort Concho December 6, 1873?—At Yes, sir.

Q. You assisted in procuring his appointment?—A Yes, sir; he came on here with the recommendation of some of the staff-officers there, and was introduced to me by a gentleman whose name I forget now, though I know him very well.

Q. What amount of money did Mr. Loeb pay you for your services in that matter?—A. Two thousand dollars. That was in 1873.

Q. Have you any interest in that post now?—A. None in the world.

Q. Are these two posts at which Gregory and Reed are traders the only ones in which you are now interested?—A. The only one in which I am now interested is Wingate, and Gregory is winding up his post.

Q. What other posts have you been interested in?—A. I helped Major Hick to get the appointment at Fort Griffin, and he is there still. I was not interested in the business at all. He paid me $2,000 at that time, and was to pay me $3,000 more at different times. He either gave me his notes for the other payments, or else I drew on him through the bank, I don't remember which. Anyhow it was all paid—the $5,000.

Q. Are these the only persons from whom you have received money for procuring appointments as post-trader?—A. Yes, sir.

Q. And you were not interested in any way as a partner save as you have heretofore stated. Has General Hedrick been in town within the last week?—A. No, sir.

Q. Has he his office with you when he is in Washington?—A. No, sir; but he is in my office a great deal when he is here.

Q. You are old friends?—A. Yes, sir.

Q. You had no business with him in these matters?—A. No, sir.

Q. Were you in the habit of getting other appointments or contracts, or doing other business with the War Department, for persons for pay?—A. No, sir; I never received a cent of money in my life for getting an appointment. I have helped people get appointments, too—political appointments—but I never have, and never would, receive a cent for that sort of service. These I regarded as the business-places occupied by business-men for business-purposes.

Q. And that they could afford to pay for procuring them?—A. Certainly. A young man or merchant, unless he has some political influence at home, cannot get the appointment unless he gets somebody to assist him.

Q. Your relations with the late Secretary of War were friendly and intimate?—A. Entirely so.

Q. Did he know that you were in the habit of receiving interests in the business, or money considerations for these appointments?—A. I never told him a word about it. He must have known that I was interested in the first one; and whether he knew or thought anything about any interest I had, I never knew. He never asked me any questions about it, and I never volunteered any information.

Q. Had he any interest in these appointments in any way?—A. None whatever.

Q. Did you ever pay him, directly or indirectly any sum of money for securing these appointments from him?—A. No, sir.

Q. Did you ever pay any person for him?—A. No, sir; no person. No person had a dollar or a dime's interest in it, except myself, either in the Government employ or not.

Q. Did you ever ask of the Secretary of War an appointment to any post which he refused you?—A. Yes; I tried to get two or three which I could not.

Q. Where were those?—A. I tried to get an appointment at a fort below Fort Wingate; I wanted to get one of Harry Reed's men appointed there at Camp Apache, in Arizona; I did not get it. I also tried to get an appointment at Camp Apache, Arizona, and one in Texas, Fort Craig.

Q. For whom did you try to get those posts?—A. I tried to get them both for a young man who used to be in the same interest with Mr. Reed.

Q. You say that the Secretary of War may have known that you were interested in Fort Richardson, which was in your own name?—A. Yes, sir; I think when I went up there with General Van Antwerp, I may have told the Secretary. There was no reason why I should not have told him.

Q. Did the Secretary know, from the interest you manifested in these other appointments, that you were receiving pay for them?—A. Well, I didn't know his conclusions. I think if he gave the matter any thought, he would have supposed I was not working for them for nothing.

Q. You never told him that you were receiving pecuniary interest for appointments at his hands?—A. No, sir; but I would not have hesitated to have told him if he had asked me.

Q. You have stated the only interest you had in any post-traderships, and the only pecuniary considerations you have received from the others for procuring them?—A. Yes, sir.

Q. You say that none of the profits arising therefrom, or the sums of money received therefor, have been ever divided by you with the Secretary of War or anybody else?—A. Yes, sir.

By Mr. ROBBINS:

Q. Do you know of anybody that ever did divide with the Secretary of War, if you did not?—A. No; I do not.

By Mr. DANFORD:

Q. You reside in this city?—A. Yes, sir.

Q. Are you in Government employ?—A. No, sir; I never was in my life, except in the Army.

WASHINGTON, *April* 27, 1876.

LOUIS B. ST. JAMES sworn and examined.

By the CHAIRMAN:

Question. You were appointed post-trader at Camp Apache, Arizona Territory, April 9, 1875?—Answer. That is the date of my appointment.

Q. Where had you resided previously?—A. In Prescott, Arizona.

Q. Who procured you this appointment?—A. I suppose Mr. Stevens did, by the recommendations of citizens of Northern Arizona.

Q. Did you make application yourself for it?—A. Yes, sir; through Mr. Stevens. I sent him a petition.

Q. Were you ever here in Washington to secure it yourself!—A. No, sir; I never left home at all.

Q. Have you a partner in the concern?—A. Yes, sir two; C. P. Head and Hugo Richards.

Q. Were they your partners at the time you received the appointment?—A. No, sir; I had no means, and they furnished me the means.

Q. Where did they reside previously?—A. At Prescott. I was clerk for C. P. Head for about four years.

Q. Did they use their influence to get you the appointment previously?—A. Yes, sir; they signed the petition.

Q. Do you know who saw the Secretary of War on the subject?—A. Mr. Stevens, I think. No one else that I know of.

Q. Did your appointment cost you any money?—A. It did not.

Q. You paid nothing to him?—A. Nothing to him, or any one else.

Q. Is Mr. Stevens interested in the concern with you at all?—A. No, sir; and no other persons than as I have stated.

Q. Then you used no undue influences to obtain your appointment?—A. No, sir; and never heard of any being used.

Q. Are you interested in any other post-tradership?—A. I am not.

Q. How many companies are at your post?—A. Four companies.

Q. Have you ever paid any money for political purposes?—A. I never have.

Q. Have you ever been requested to pay any?—A. I never have. I have not been there a year yet. I entered on my duties on the 5th of June.

Q. Do you know whether, at any other of those posts, the traders have paid any money?—A. I do not. I have heard that they have paid money for political purposes, but do not know of my own knowledge.

Q. You don't know of any of them having paid money to procure their appointments?—A. I do not. I never heard anything of the kind, either.

WASHINGTON, *April* 28, 1876.

A. L. BONNAFON, Jr., sworn and examined.

By the CHAIRMAN:

Question. You are post-trader at Fort Stevenson, Dakota Territory?—Answer. Yes, sir.

Q. You were appointed July 3, 1874.—A. Yes, sir.

Q. Through whose influence did you receive that appointment?—A. From my father.

Q. Was he the only person?—A. I don't know about that. I suppose he got it through the influence of Mr. Orvil Grant; I presume so, but of that I am not positive.

Q. Had you been an applicant for the post at Fort Lincoln?—A. Yes, sir.

Q. Did you ever receive a telegram from the President of the United States regarding that matter?—A. Yes, sir.

Q. Have you got that telegram with you?—A. No, sir; I have not.

Q. What was the nature of that telegram?—A. As near as I can remember it was, "Your papers will be forwarded to-day;" or, "Your appointment will be forwarded to-day, for Fort Lincoln." I think that was between the 1st and 4th of July, 1874—it was either in the latter part of June or the first of July. I think it was in the latter part of June.

Q. Where was the President at the time?—A. In Washington.

Q. Had you known the President of the United States yourself?—A. No, sir.

Q. Had you filed your papers asking for the appointment at Fort Lincoln?—A. Yes, sir.

Q. Through whom?—A. Through Mr. Casselberry.

Q. Had Mr. Orvil Grant interested himself to get you Fort Lincoln?—A. I don't know.

Q. Was Mr. Casselberry a partner of yours?—A. No, sir.

Q. What caused him to interest himself for you?—A. Well, he and my father together did; he was a friend of my father's.

Q. Did your father come to see the President about your appointment?—A. Not that I know of.

Q. Is there any other person that you asked to see the President for you?—A. No, sir.

Q. Did Orvil Grant see the President for you?—A. That I don't know.

Q. Did he ever tell you that he did?—A. No, sir.

Q. In his testimony he says that he supposes he was instrumental in having you appointed. He says, "Perhaps I had better modify that a little. I presume I was instrumental in getting one man appointed as post sutler at Fort Stevenson." You say you had never known the President of the United States, and your father did not come to see him?—A. Not that I know of.

Q. And Mr. Casselberry did not come to see him that you know of?—A. No, sir.

Q. Your papers were forwarded to you for Fort Lincoln?—A. No, sir; not to me. I never got the papers.

Q. Who forwarded your application?—A. I left it in Mr. Casselberry's office in Philadelphia.

Q. Was Mr. Orvil Grant in Philadelphia at the time?—A. No, sir; I think not, but I am not sure about that.

Q. You left your application for Fort Lincoln at Casselberry's office in Philadelphia?—A. Yes, sir; I believe that is the way of it.

Q. Did you meet Mr. Orvil Grant about that time?—A. I think I met him a few days afterward. Mr. Grant called on me on Fourth street.

Q. What took place when he called there; was it with reference to Fort Lincoln?—A. No: Fort Lincoln was not mentioned at all then.

Q. What fort was mentioned?—A. Fort Stevenson.

Q. Where were you when you received the President's telegram?—A. At Schultz's office, on Fourth street, in Philadelphia.

Q. You received a telegram from the President of the United States saying that the papers or appointment for Fort Lincoln were made out?—A. That they would be forwarded by next mail. I think it was on or about the 1st of July.

Q. Where were they to be forwarded, to Philadelphia?—A. Yes sir.

Q. Were they forwarded to you?—A. No, sir; I never received them.

Q. Then what papers were forwarded to you?—A. I was told to make out my application for Fort Stevenson, which I did. I sent that through Mr. Casselberry, or at least left it at his office, to look and see that it was properly written, and he forwarded it to Washington.

Q. And that appointment you received on the 3d of July, 1874?—A. Yes, sir.

Q. When Orvil Grant came to see you at your office, was it agreed between you and him that you were to have that appointment?—A. My father told me that I was to have that appointment. Mr. Grant did not.

Q. You never talked with Mr. Grant about it at all?—A. I think I might have asked him about my papers, when I might expect them.

Q. What made you ask him that if you had never talked to him about it?—A. Well, I suppose he knew something about it.

Q. It was strange that you talked to him about a thing coming, if he didn't know that you had filed any papers there?—A. Well, I don't know. I might have asked him something like that.

Q. Would you be likely if you met me in the street to ask me when your papers might be expected?—A. I would if I had told you about it.

Q. But you say you did not tell Mr. Grant about it.—A. No, I don't say so. I say that I did not talk to him about it, and I did not to my recollection to any extent. He knew that I had papers there.

Q. Did you ever tell him so?—A. I told him my papers were forwarded.

Q. Did not he know all about it?—A. I suppose he did.

Q. You say you never had any bargain with Mr. Grant about it?—A. No, sir; I never had a bargain with him about it.

Q. Had your father?—A. None that I know of.

Q. Had Mr. Casselberry?—A. None that I know of.

Q. Then you do not know why it was that you asked him when you might expect the papers from Washington?—A. I told you that I had said to him that I had forwarded my application for Fort Stevenson, so he knew about that.

Q. How does it happen that the President of the United States knew your address in Philadelphia?—A. I don't know that. My appointment, the papers that came there, were directed in care of 420 Library street, that being Mr. Casselberry's office. All communications came that way.

Q. Do you know the reason why, when you had applied for Fort Lincoln, and the President had telegraphed to you that the appointment was made out, you were afterward changed to Fort Stevenson?—A. I never heard. I have heard rumors—nothing definite.

Q. Did you ever have any talk with Orvil Grant as to the reason?—A. No, sir; none at all.

Q. So you don't know why?—A. I don't know positively; I have never heard positively.

Q. When the President telegraphed you that your papers were made out, did not you make

inquiry why you were changed?—A. I did, and could learn nothing definite in regard to it.

Q. Of whom did you inquire?—A. I asked my father and Mr. Casselberry.

Q. Did you ever speak to Orvil Grant about it?—A. I never did. I never have had much to say to Mr. Grant.

Q. Did you take possession of Fort Stevenson under that appointment?—A. Yes, sir.

Q. Whom did you buy out?—A. Mr. Marsh.

Q. He was the agent for Durfee & Peck, I believe?—A. Yes, sir.

Q. How long did Marsh remain there after you had got the appointment; did he not remain there for some time doing the business?—A. First my father wanted to buy him out, but they could not come to any arrangement. My father came back, and he and I both went out in September, and then it was so late we could not get any goods up the river, and the Northern Pacific Road would soon stop running, and we could not get goods to the fort, and Mr. Marsh remained there until April, 1875.

Q. He paid you a commission per month for his remaining there?—A. Yes, sir.

Q. How much did he pay you?—A. One hundred and twenty-five dollars.

Q. Had you any person interested with you at Fort Stevenson?—A. Yes, sir; J. S. Winston.

Q. You and Winston bought Marsh out?—A. We did not buy all his stock. We bought his buildings, and what we could buy of him.

Q. Had you any other partners than Winston?—A. No, sir.

Q. Did you pay any person for procuring you that appointment at all?—A. No, sir; I did not.

Q. Did your father?—A. No, sir.

Q. Did Mr. Casselberry, or any one for you?—A. No, sir; I have no knowledge that a cent was paid to any one. If there ever had been, it would not have been made out of the business, for it was not a profitable post.

Q. Were you ever in charge of the trading-post at Standing Rock?—A. I was, for a shor t time.

Q. What was the name of the firm trading there?—A. J. R. Casselberry was the principal. The firm was J. R. Casselberry & Co.

Q. Mr. Orvil Grant and your father were the partners there?—A. I believe so.

Q. What time was it that you were in charge of this trading-post at Standing Rock?—A. I took charge of it the 1st of November, 1874, I think, and then I went again and took charge of it for a while last fall.

Q. Have you ever visited these different trading-posts on the Upper Missouri, in company with any person?—A. Yes, sir; with Mr. Orvil Grant.

Q. Which post did you visit?—A. Fort Rice; but we were on our way to Standing Rock at the time. I have been myself to different posts there, but never with any one.

Q. Did you ever send a man named Wilson to take charge of the trading-post at Fort Berthold?—A. No, sir.

Q. Who was at that post?—A. Mr. Raymond.

Q. Were you ever to have had that trading-post?—A No, sir.

Q. Was it never promised to you?—A. No, sir; never promised.

Q. Had you never any conversation with Orvil Grant about it?—A. Yes, sir; I asked him whether I could get it.

Q. Didn't he promise to give it to you on the 1st of May?—A. No, sir; he did not promise it to me.

Q. Didn't you expect to get it on the 1st of May?—A. No, sir; I did not expect it; I spoke to Orvil Grant, and asked him whether he could get it for me, and he said he would see; that if I could buy out Mr. Raymond's stock, he could get me the appointment. Mr. Raymond was anxious to sell and get out; but I said nothing more to Mr. Grant about it.

Q. Who is at Fort Berthold now?—A. John Whalen.

Q. Is not Mr. Winston there a partner of Raymond?—A. No, sir; Winston has no connection with Raymond whatever.

Q. Is he a partner of yours?—A. Yes, sir.

Q. Is he not at Berthold?—A. No, sir; he is at Stevenson.

Q. Has he been elected by the officers out there since this new condition of things has existed?—A. Yes, sir.

Q. And he is endeavoring to be made the post-trader there?—A. Yes, sir.

Q. Do you know Colonel Scully at Fort Rice?—A. Yes, sir.

Q. Have you ever had any conversation with him about the post-traderships in that country?—A. No, sir; I have not.

Q. Did you ever say to Colonel Scully that you had the commission of every one of those officers, on the Upper Missouri, in your pocket?—A. No, sir.

Q. Did you ever say to him that you could get any of them removed if you wanted to do so?—A. No, sir; I did not.

Q. Did you never say anything that might be so construed?—A. I told Colonel Scully at the time, or I told Mr. Pitts in regard to that, and I went down to see Scully, but he was such an ungentlemanly fellow that I would not have anything to do with him. He would not even give me a chance to say anything to him; he was a kind of man that I did not want to have anything to do with.

Q. Had you ever any conversation with him at all on this subject?—A. No, sir; never.
Q. Are you interested yourself in any other post than Stevenson?—A. No, sir.
Q. You have no interest whatever in any other?—A. No, sir.
Q. Your father and Casselberry are interested at other points?—A. At Standing Rock only.
Q. You say you have never paid any person at all for your post-tradership at Stevenson?—A. No, sir; I never have.
Q. How long have you been out in that country?—A. I have been out there since September, 1874; I have been on here twice since.
Q. What induced you to think of going into this post-trader business?—A. I don't know. My father was the first one that proposed it to me.
Q. Had your father been interested out there?—A. No, sir.
Q. Do you know what called his attention to the subject?—A. I do not.
Q. Had Mr. Casselberry ever been interested out in that country?—A. Never that I know of.
Q. Was it your father who suggested that you should make application for Fort Lincoln?—A. Yes, sir.
Q. And the President telegraphed that your appointment for that post would come on and it did not come, and then you changed your application, and made it for Fort Stevenson?—A. Yes, sir.
Q. Did your father make that suggestion to you also?—A. Yes, sir; he and Mr. Casselberry.
Q. And you say that Mr. Grant never did make any suggestion to you?—A. No, sir; he never had any talk with me on the subject.
Q. You say that Mr. Grant is a partner with your father and Casselberry at Standing Rock?—A. I know he has been. Whether he is now or not, I don't know. I don't know anything of their business.
Q. Had you ever heard Mr. Grant say that he had control of the appointments on the Upper Missouri?—A. No, sir; I never have.
Q. You don't know that he had?—A. No, sir; I do not.
Q. Did you divide this $125 a month which you received from Marsh, who was the agent of Durfee & Peck, with any one?—A. No, sir.
Q. Did you keep it yourself?—A. Yes, sir.
Q. Mr. Winston became your partner subsequently?—A. Yes, sir; May 8, 1875, I think he went in with me.
Q. Are you equal partners there now?—A. Yes, sir.
Q. Did he furnish the whole of the capital?—A. He furnished most of the capital.
Q. He did that to counterbalance your having the license as trader?—A. He furnished money in this way—that my father indorsed our paper, A. L. Bonnafon, junior, & Company, and we got the money from the bank at Saint Paul.
Q. Has your father any interest in that with you?—A. No, sir; none at all; nobody but Mr. Winston.

By Mr. DANFORD:

Q. What was that telegram of the President's in answer to? Had you written him, or written to any person here in relation to that application?—A. No, sir; I had not.
Q. You had only put your application on file?—A. That is all.

WASHINGTON, D. C., *May* 2, 1876.

LEWIS B. HARRISON sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. I reside in Baltimore; that is my home.
Q. Have you ever been at Fort Sill?—A. I have never been there.
Q. Were you acquainted with Mr. Evans, the post-trader there?—A. No, sir.
Q. Were you acquainted with Mr. Marsh?—A. No, sir.
Q. Do you know anything about the sale of any post-tradership?—A. I do not.
Q. Neither at Fort Sill nor any other fort?—A. No, sir; I know nothing about that.
Q. Do you know Mr. Belknap, the late Secretary of War?—A. Only by sight.
Q. Do you know of any other Lewis B. Harrison besides yourself?—A. There is another Lewis B. Harrison in Cincinnati; that I am confident of, and he is the only other Lewis B. Harrison I know of in this country except myself.
Q. Have you a family in Baltimore?—A. No, sir; I am a single man.
Q. Does the other Lewis B. Harrison come to Baltimore?—A. That I could not te l you.

WASHINGTON, *May* 29, 1876.

A. L. BONNAFON sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In Philadelphia.

Q. Have you a son by the name of A. L. Bonnafon, jr.?—A. Yes.

Q. He is post-trader at Fort Stevenson, is he not?—A. He was; he is not now.

Q. When did he resign?—A. He resigned after he left here; I think within three or four weeks since; at least he told me he had resigned; I do not know it of my own knowledge; he has either resigned or is going to resign.

Q. How long was he post-trader out there?—A. I think he took hold there in August or September, 1874.

Q. He was appointed July 3, 1874, was he not?—A. He did not take possession there until August, 1874.

Q. Did you secure that appointment for him?—A. Yes, sir.

Q. Whom did you get it from?—A. From Mr. Orvil L. Grant.

Q. When did you first become acquainted with Orvil L. Grant?—A. I think about January, 1874; somewhere along there.

Q. About six months preceding the time when your son got the appointment?—A. Yes.

Q. Who introduced you to him?—A. Mr. Casselberry.

Q. Did he make an offer to get this position for your son?—A. No, sir; I asked him.

Q. And did you file an application for your son?—A. No; my son filed it himself.

Q. Had he any other recommendations than that?—A. I think not.

Q. Did you join the application with him?—A. I do not remember whether I did or did not.

Q. You know of no others than Mr. Grant, then, who aided in the application?—A. No.

Q. Were you a partner in that post-tradership with your son?—A. No, sir.

Q. Was Mr. Grant?—A. No, sir.

Q. You were interested with Mr. Grant in the Standing Rock agency, were you not?—A. Yes, sir.

Q. When did you become interested with him in that?—A. About the same time—I think about August or September, 1874.

Q. Were you interested anywhere else with him?—A. No, sir.

Q. You were not interested in Fort Peck?—A. No, sir.

Q. Who advanced the money for the Standing Rock agency?—A. I did.

Q. Who were the partners in that agency?—A. Mr. Casselberry, Mr. Grant, and myself.

Q. Were you a partner from the beginning there?—A. No, sir; I was not. I was out about six months, and then I joined them again last October.

Q. Who advanced the money to that Standing Rock agency?—A. I did.

Q. The whole amount?—A. Yes, sir.

Q. How much, do you remember?—A. I do not remember; all the bills were paid by me, but I never knew exactly how much it was. Money was coming and going all the time. There was money received and paid out constantly, but I do not remember the exact amount. There was no actual amount of capital paid in.

Q. During the time that you were not a partner, was interest paid to you on the sums you advanced?—A. It was to have been paid, but it was not.

Q. You became a partner in the concern again last October?—A. Yes; I was out entirely, and went in again.

Q. Do you remember whether Mr. Orvil L. Grant ever paid any money into the concern?—A. I think Mr. Grant paid some money, but I do not know how much; the account has not been squared up; it appears to me he paid $1,000 or $1,200.

Q. Did he pay as much as $2,000?—A. Possibly he did; the account has never been squared; I cannot say exactly.

Q. Have you a written agreement in regard to that partnership?—A. Yes.

Q. Have you got it with you?—A. No, sir.

Q. Was the amount of capital stock stated in that?—A. No, sir; I was to pay all the bills, furnish the money, and receive the proceeds of the sales.

Q. When you became interested with him in the Standing Rock agency, had he the appointment as Indian trader there?—A. No, sir; it was first in my name, I believe, and then after I left it was changed to the name of Mr. Casselberry.

Q. Who procured the appointment for you in the first place?—A. Mr. Grant.

Q. Did any one else make application for it for you?—A. No, sir.

Q. What led to your intimacy with Mr. Grant?—A. Mr. Casselberry and I were intimate, and Mr. Grant and Mr. Casselberry were intimate.

Q. Did Mr. Grant ever show you a letter from his brother, the President of the United States, saying that these posts were vacant?—A. No, sir.

Q. Did he ever show you a letter on that subject at all?—A. No, sir.

Q. You do not know that he had a letter on this subject, giving him a right to dispose of those posts?—A. I do not think he had. I never saw any.

Q. On what ground, then, did he procure these appointments for you?—A. I suppose he

procured them for us. We thought there was money in them, and I asked him to get them for me. I thought there was something to be made out there, and asked him if he could get an appointment. He said he thought he could—that he would try. Whether he got it from his brother, the President, or from the Secretary of the Interior, I do not know. I never had any conference with his brother about places, or spoke to him.

Q. You merely got your appointment through Orvil L. Grant?—A. Yes; and furnished the capital.

Q. He is interested there with you now, is he not?—A. Yes.

Q. What is the name of the firm?—A. J. R. Casselberry & Co.

Q. He has no interest, you say, at Fort Stevenson with you?—A. No, sir; he never had.

Q. And you are not interested in it?—A. No; only that I indorsed some paper, which I wish I had not indorsed.

Q. You indorsed that for the benefit of your son?—A. Yes; and I shall have to pay it, I guess.

Q. Did you ever pay Orvil Grant any consideration for these appointments?—A. No, sir.

Q. Save giving him an interest?—A. That is all; I advanced the money; whenever he wanted any money he would draw for it, and I would pay it for him, just like one partner would draw on another, or on the concern.

Q, Is he indebted to the concern over and above his interest?—A. I do not think he is; but I cannot tell that until the account is settled up.

Q. Has he ever paid any personal attention to the affairs of the concern?—A. He did at first; but has not done so since. When we first took possession of the place, he paid some attention to it, but after that he paid none. He went down there and took account of the stock, and fixed matters up.

Q. That is the time you bought out the firm of Durfee & Peck?—A. Yes.

Q. On the occasion when you purchased the stock?—A. Yes.

Q. You advanced all the money that was paid on that transaction?—A. Yes.

Q. And you are not interested with Mr. Grant in any way save as you have stated at Standing Rock?—A. Yes; that is all, sir.

Q. Are you interested in any other contracts with the War Department of the Government?—A. No, sir; I never was interested in a contract with the Government in any way.

Q. When was this agreement executed that you have in regard to Standing Rock?—A. It was executed last December, I think, somewhere in December or the early part of January. I can send you a copy, if you would like to see it.

Q. You went in for the second time in October, 1875?—A. Yes.

Q. And remained in there without any agreement until the latter end of December, or the beginning of January, 1876?—A. Yes; we could not agree upon the terms; the thing hung fire for a month or two, and finally we got it fixed up.

Q. Can you remember about the amount of capital stock in there?—A. There is in there all the time I should think $20,000 to $25,000; that is, the money may not be in there, but I am responsible for it.

Q. You have a third interest in that concern, Mr. Casselberry a third, and Mr. Orvil Grant a third?—A. Yes.

Q. Mr. Grant has paid, you say, perhaps $1,200, or his payments may possibly run up to $2,000?—A. Yes; I know he has paid some bills within two or three months, and his payments may run up to $2,000.

Q. Was he charged interest?—A. No; he was not charged any interest.

Q. He was given his full one-third without any interest on the money which he did not advance?—A. Yes, sir.

Q. You advancing the money without interest to the concern?—A. Yes.

WASHINGTON, *May* 30, 1876.

J. R. CASSELBERRY sworn and examined.

By the CHAIRMAN:

Question. You reside in Philadelphia?—Answer. Yes.

Q. The name of your firm at the Standing Rock agency is J. R. Casselberry & Co.?—A. Yes.

Q. The members are whom?—A. A. L. Bonnafon, sr., Orvil L. Grant, and myself.

Q. Were you ever interested at Fort Stevenson?—A. No, sir.

Q. Were you interested at Fort Peck?—A. No, sir.

Q. Is this the only agency or military post in which you are interested as trader?—A. Yes; the only one.

Q. When did you become interested with Orvil Grant in this agency?—A. About August or September, 1874.

Q. How long previously to that had you known Orvil Grant?—A. Two years.

Q. Where did you first meet him?—A. In my office at Philadelphia.

Q. Who introduced him to you?—A. I cannot remember who it was; he was brought into my office by some one from Philadelphia—I cannot recall whom—with reference to some pavement.

Q. He was interested in some patent pavement?—A. Yes. The person who brought him in simply thought that perhaps I might assist to bring the patent before the public and in having it introduced, but nothing was done about it.

Q. Who advanced you the money for the Standing Rock agency?—A. Mr. Bonnafon.

Q. The entire amount?—A. Yes, sir; but I paid, at different times, perhaps a couple of thousand dollars.

Q. Prior to March, 1876, had Mr. Orvil Grant advanced any money at all toward the concern?—A. Yes, sir: it was some considerable time prior to that.

Q. That he had paid?—A. Yes.

Q. Have you with you the agreement between yourself, and Mr. Bonnafon, and Mr. Grant, dated January, 1876?—A. No, sir.

Q. Can you state the substance of it?—A. It was a very brief one, and simply gave our names as partners. Mr. Bonnafon was to furnish the money, as he had previously done.

Q. It really was all his money, save the amount you put in, about $2,000, and the amount put in by Mr. Grant, about $2,000 more?—A. Yes.

Q. Were you to be equal partners in the concern?—A. Yes; but there had been no inventory taken since the time that we bought the stock from Durfee & Peck.

Q. And you are still interested in that concern?—A. Yes.

Q. Was the license first given to you?—A. The license was first, I think, put in Mr. Bonnafon's name, or rather the application paper was made out to Mr. Bonnafon, but it was changed, before it was approved, to my name, and it has always so stood since.

Q. Who presented that application for you?—A. Mr. Orvil Grant, I think.

Q. Had you any other recommendations?—A. I may have sent it direct here by his instructions; I don't remember about that.

Q. The commission was sent you in Philadelphia, was it not?—A. Yes.

Q. And the consideration for his efforts in your behalf was that he was to be a partner in the concern?—A. Yes.

WASHINGTON, *June* 20, 1876.

JOSEPH J. REYNOLDS sworn and examined.

The CHAIRMAN. Before General Reynolds is examined, I wish to say a word by way of explanation. On the 3d of April I received the following dispatch addressed to myself:

"Returning from the field last night, I saw for the first time the testimony of McCook, before your committee, on 23d March. It is absolutely false so far as it refers to my being in any manner in collusion with contractors, or having received valuable presents from them.

"J. J. REYNOLDS,
"*Colonel Third Cavalry.*"

As the fact that this dispatch was not made public has given rise to some comment upon the part of General Reynolds and his friends, I wish to say that I treated it exactly as I have treated all communications received by me in my official capacity as chairman of this committee. I never have published any of them. I have felt that my duty to the committee, to the objects we had in view, and to the best interests of the Government, required that such communications should not be published to the world. I have gone so far in that direction that, on one occasion, where a communication received by me as chairman of this committee found its way into print through the dereliction (or, if that is too strong a term, through the carelessness) of the then clerk of the committee, I discharged him for it; and, as complaints have arisen in this case, by reason of the non-publication of General Reynolds's dispatch, I wish to have it understood that I kept it unpublished, not with any intention or desire to suppress the truth, but simply in pursuance of the general rule which I have stated. I am very happy to see General Reynolds here this morning, as I am sure all the members of the committee are, and if he has any statement to make we will be glad to hear it.

The WITNESS. Mr. Chairman, before my examination is commenced, I would like permission to make a preliminary statement for record: On the evening of April 2d last, I returned from an Indian expedition to Fort D. A. Russell, Wyoming Territory, and found on my table the following newspaper article:

"CINCINNATI, *March* 25.

"The testimony of General McCook to-day opened up a new field of investigation. He developed a strange state of affairs when he stated that he had officially reported that Gen-

eral Joseph J. Reynolds, while in command of the department of Texas, accepted a presen of a house from a firm of contractors of whom he (Reynolds) was buying supplies for the Army, and that although his report was forwarded to the War Department in 1871, no notice was taken of the charge. He testified to-day that Reynolds had acknowledged to him that he had accepted the house as a present from the contractors."

The next morning I sent the following telegram:

"To honorable H. CLYMER,

"*House of Representatives, Washington, D. C.:*

"Returning from the field last night, I saw for the first time the testimony of McCook before your committee on 23d March. It is absolutely false so far as it refers to my being in any manner in collusion with contractors or having received valuable presents from them.

"J. J. REYNOLDS,

"*Colonel Third Cavalry.*"

Also the following letter:

"To ADJUTANT-GENERAL, U. S. A.,

"*Washington, D. C.:*

"SIR: I saw last night, for the first time, the testimony of Lieutenant-Colonel McCook before a committee of the House of Representatives. I sent to-day a telegram to the honorable Mr. Clymer, (copy inclosed,) which I trust will receive the same publicity as the testimony. If there is any report of such an inspection as Lieutenant-Colonel McCook refers to, on file in the War Department, I have the honor respectfully to request a copy of such part of it as refers to me, or to have access to it in some manner. If anything detrimental to my reputation has been officially reported, I have never known it. I am certainly entitled to be heard before being condemned.

"Very respectfully, your obedient servant,

"J. J. REYNOLDS,

"*Colonel Third Cavalry.*"

I was in hopes that my telegram would cause me to be summoned before this committee at once. This summons was delayed until the 6th instant.

Since my arrival in this city I have had for the first time an opportunity of examining the testimony referring to me taken before this committee, and find that the newspaper report on which I based my telegram was incorrect, and that the testimony of General McCook, including his examination on being recalled, does not charge me with collusion with contractors nor with accepting valuable presents from them. It states that rumors to that effect had reached him, and that he recommended that these rumors should be investigated, &c.

The first intimation that I ever had of the existence of any such rumors was in the testimony above referred to. If these rumors had reached me while in Texas I would myself have requested an investigation.

In view, therefore, of the foregoing facts, I deem it an act of simple justice and right on my part to ask the committee to consider the telegram above quoted as withdrawn.

Had I known what the testimony actually was, I would have sent a telegram simply asking to be summoned before the committee without delay.

If it is the pleasure of the committee, I would like now to state the circumstances under which I came into possession of the property referred to in the testimony before the committee.

During the reconstruction of Texas it was most convenient to have my headquarters in Austin, the capital of the State, where I could have access to the State archives, and could also have personal interviews and consultations with the State officers.

After the State had been turned over to the civil authorities, I deemed San Antonio, the former location, the most suitable place for department headquarters, and made application to the War Department September 3, 1870, for an order removing headquarters again to San Antonio.

This order was issued September 23 from the War Department, and I made arrangements to have all the records, &c., moved to San Antonio by the 1st November following.

General J. H. Carleton was about this time in San Antonio, and wrote to me at Austin that the citizens of San Antonio had held a meeting and subscribed money to refurnish and refit the Gilbeau House in San Antonio, and requested me to occupy it as my quarters free of rent.

I replied that the house was much larger than I required, but as I would be in San Antonio in a few days to see about the distribution of office-rooms, &c., I would attend to that matter then.

I went to San Antonio, and took a drive with General Carleton to look at the Gilbeau House. I told him it was larger than I required, and that I would prefer a small one. I was the more disposed to the change as I had learned that it would not be convenient for the gentleman who then occupied it to vacate.

The next day, I think it was, General Carleton drove me out to look at a cottage, known

as the La Coste place, and told me that that cottage could be procured for my use. I assented to this arrangement. Before leaving San Antonio for Austin, I believe it was that same evening, I was told that the citizens had determined to buy the La Coste place and present it to me if I would accept it. I did accept it; moved from Austin into the house, and occupied it as long as I remained in Texas. The transaction was open and above board; was mentioned in the papers and known to everybody, as I supposed. My friends at the North and West knew it, and I believed every one knew all about the circumstances of the case.

I did not know at the time who was the actual owner of the property, and in whose name it stood on the record. General Carleton told me that he thought it belonged to Major Winter. This is the only name I heard in connection with the ownership, and not until I received the deed did I know that Mr. Wickes had bought the property from Major Winter. There is one circumstance connected with this transaction that I have never understood until I read the testimony of Mr. Wickes. It seems to have been the intention of the citizens to present the cottage to Mrs. Reynolds.

This was not stated to me by General Carleton, and I did not so understand it; but this accounts, no doubt, for the fact that the deed was sent to me in blank. Mrs. Reynolds was in the North at this time for the recovery of her health, having been very ill in Austin. She rejoined me in December at San Antonio. The deed had not been recorded, and I proposed to her to have it recorded in her name as a Christmas gift, and it was so recorded.

Until I read the testimony of Mr. Wickes, on the records of this committee, I did not know the number of citizens who contributed to the purchase of the La Coste property. Their names are still unknown to me.

I never had the least reason to believe or suspect that any one took part in this purchase and presentation from interested motives or from the belief that any benefit might result to him thereby.

When the General of the Army, accompanied by the Inspector-General, visited Texas, I had the honor of entertaining them in this house, and there the people of San Antonio, without regard to party or creed, paid their respects to General Sherman.

On this occasion I explained to him fully the circumstances under which the property come into my possession. I made this explanation, not that I felt it necessary to do so, nor was it asked by General Sherman, but simply in the course of a casual conversation about my private affairs.

The conversation referred to in General McCook's testimony did take place during a walk after he had dined with me. I do not now remember what I said in reference to this house, but if the circumstances of the case were not fully stated it was simply because I supposed him to be already familiar with them. I had nothing to conceal from him or any one else on that subject. Our conversation was incidental to a walk after dinner, during which allusion was made to our private affairs.

If my official acts could have been influenced by my private interests I would have remained in Austin and accepted the Morrill property, which was offered to me by the citizens of Austin and declined. It is worth, probably, not less than five times as much as the San Antonio property.

I accepted this present as the spontaneous expression of good will on the part of a people among whom I had lived for several years in the discharge of duties of the most delicate, complex, and responsible nature.

The reconstruction laws of Congress initiated measures heretofore unknown in the history of our country. I was charged with the execution of these laws among a population made up of men from almost every State in the Union and of every nationality on earth, many of them unaccustomed to the restraints of any civil law whatever. This population was distributed over a territory much larger than all of the New England States put together, with scarcely any facilities of railroads or telegraphs. I have the testimony of the people of Texas from the Red River to the Rio Grande, and from the Gulf of Mexico to El Paso, that this vast territory never has enjoyed more law and order than it did during the process of reconstruction.

All material interests were fostered and aided in every manner possible with the means at my disposal. We contracted no debts, sacrificed no man's property, protected every one in the enjoyment of his rights, and turned the State over to the civil authorities with half a million of dollars in the treasury. Instead of proving a hinderance, as was feared by many, the temporary supremacy of military power so encouraged all the industries and enterprises of the State that Texas has to-day a population more than double what it was in 1870.

I trust the committee will not deem it indelicate in me to refer specially to one act of the representatives of the people of Texas, showing their good will toward me.

On the assembling of the legislature, February, 1870, I was urged by many members and others of all parties to permit the use of my name as a candidate for the United States Senate. My election would have been beyond all question. I declined in the following card:

"HEADQUARTERS, FIFTH MILITARY DISTRICT,
"*Austin, Texas, February* 14, 1870.

"MY DEAR SIR: As a response to numerous applications to permit the use of my name as a candidate for the United States Senate, I have the honor to request the publication of this note.

"I am not a candidate for any civil position whatever, and have never authorized the use of my name in such connection. The proper discharge of my duties has required of me the performance of many acts of a political character, but my convictions of right and sense of propriety would preclude the acceptance on my part of any political office at the present time and under existing circumstances, at the hands of the legislature of Texas. I have, to be sure, resided in the State, with a trifling interval, for more than three years, but this residence has been as an officer of the Army, charged, in addition to the ordinary duties of my profession, with the execution of the reconstruction laws of Congress.

"Nothing but the existence of an unprecedented emergency could warrant the Government in placing in the hands of a single individual the vast powers intrusted by these laws to a district commander.

"I doubt whether a residence under such conditions constitutes me 'an inhabitant of that State,' in the sense in which this phrase is used in the Constitution of the United States.

"There are other matters pertinent to the question, but I forbear to lengthen this note. I fully appreciate the kindness of those friends who would confer upon me this distinguished honor, and return them my sincere thanks, but must decline to permit the use of my name in connection with any civil position.

"Very respectfully,

"J. J. REYNOLDS.

"J. G. TRACY, Esq.,
"*Editor Daily State Journal.*"

Notwithstanding this declination, in less than two years I was actually elected to the United States Senate, with the view of having me contest the seat of the sitting member. My credentials in due form are on file among the records of the Senate. I did not appear to claim the seat.

I have taken the liberty of briefly alluding to these historical facts for the purpose of showing that other motives than those of corruption influenced the fifty or sixty citizens of San Antonio in making me a present of a home among them.

In conclusion, I desire to state that, with an interval of about three years, I have been in the military service since 1843. If any one has the least evidence that during this entire period any official corruption whatever can be imputed to me I invite him to come forward and produce it.

At the conclusion of the foregoing statement, the chairman asked each member of the committee present whether he desired to ask the witness any questions, and each replied that he did not.

WASHINGTON, *June* 20, 1876.

C. M. TERRELL sworn and examined.

By Mr. BLACKBURN:

Question. Were you stationed as an officer of the Army in Texas during the year 1871, or thereabout?—Answer. I was.

Q. Do you know anything of any irregularities in the Quartermaster's Department in Texas at that time or on the part of any of its employés?—A. Of my own knowledge I do not know of anything which can be fixed directly upon any of them.

Q. Do you know anything in reference to the conduct of a clerk in the Quartermaster's Department named Chaney, with reference to a corn-contract?—A. I know of a certain circumstance that occurred there which raised a suspicion in my mind that this man, Tom Chaney, the chief clerk of General Ekin, of the Quartermaster's Department, was corrupt. A corn contract had been let at Fort Richardson to the firm of Adams & Wicks, and, according to my understanding, they sublet to a Mr. Stiff, of Kinne, Texas, who was to fill the contract and divide the profits with them. I met Stiff at the hotel. He was introduced to me by the hotel proprietor. He made a statement to me of his settlement with Adams & Wicks, and in that statement he informed me that in the settlement of the contract Adams & Wicks had deducted twenty cents per bushel from the amount that he understood he was to receive for the corn, which twenty cents per bushel they told Stiff was to go to Chaney.

Q. What was the alleged consideration for that?—A. The consideration stated by Adams & Wicks to Stiff, as Stiff reported it to me, was that Chaney had opened a telegraphic bid from a firm in Waco, making a tender to the Government of corn at $2.87 per bushel, and that by opening that bid and showing Adams & Wicks the price mentioned in it, they were

enabled to get the contract at $2.83. The statement was that Adams & Wicks were settling with Stiff on the basis of $2.63; the other twenty cents, according to their statement, going to Chaney for this service. Mr. Stiff, at my suggestion, addressed a note to Adams & Wicks, after he had made the settlement on the basis of $2.63, requiring them to settle in full for the corn on the basis of the contract-price, or that he would see General Reynolds and have the matter thoroughly investigated. I wanted Stiff to go over in the first place to headquarters and see General Reynolds, but he declined to do so, and addressed a letter to Adams & Wicks, in which he demanded his half of this twenty cents per bushel, and stated that if it was not paid he would investigate the matter, and find out whether they were telling him the truth, and fix the responsibility. After sending the letter, when I went over to supper that evening, he came to the dining-table and laid down a package of money, and said, "There it is." He asked me to count the money, and I counted it, and found that it was one-half the amount he had reported to me as detained by Adams & Wicks. That amount was $1,840.60, and the amount he laid on the table was $910.30. He claimed that he had not counted it prior to handing it to me. I have no evidence that Tom Chaney ever received one dime in that way; it is simply the statement of one contractor against another when they were in a quarrel in a settlement for business done at Fort Richardson.

Q. That contractor (Stiff) told you in the morning what amount of money had been withheld from him, and at your suggestion he addressed a letter to his co-contractors, making a demand for the money, and coupling it with the threat of investigation if his demand was refused, and that evening he brought you the second amount?—A. That evening he laid on the table a package that he said he had received from them, and asked me to count it, as I have stated. I then asked him to go over and see General Reynolds and explain the matter, but he declined. Said he, "I have got my money, and have no complaints to make of any one."

Q. Have you any reason to believe that General Ekin was ever acquainted with the facts or with the suspicions of improper conduct on the part of this chief clerk?—A. Of this circumstance that I have related I have no reason to believe that he knew anything at all.

Q. Either before or after?—A. Either before or after; nothing of my own knowledge. When General McCook was informed of this circumstance it was after his interview with General Ekin, in which he had reported Chaney as unworthy of confidence.

Q. That is what I desire to get at, whether you have any reason to believe that General Ekin's attention had ever been called to the corrupt, or alleged corrupt, transactions upon the part of Chaney?—A. When General McCook was on his inspecting tour he came out of General Ekin's room, apparently, one day, and came into my room, (the rooms were on the same hall,) and he was evidently under some little excitement from an interview. He related to me his interview with General Ekin, in substance the same as he gave it before this committee. I have a distinct recollection of his telling me of that interview, and it was after he told me of it that I mentioned this transaction of Stiff's, as I understood it at the time. General McCook came from General Ekin's office direct to mine, and told me of his interview with General Ekin, in which he had reported Chaney as unworthy of confidence, or had stated that there were reports current in the community to his disadvantage, and advised General Ekin to get rid of the man.

Q. Had General McCook heard of this Stiff transation prior to that time?—A. Not from me.

Q. Did you ever have any conversation with General Ekin in reference to Chaney?—A. I did.

Q. Prior or subsequent to the interview with General McCook?—A. Prior.

Q. Had you ever expressed to him any suspicions in regard to the integrity of Chaney or told him that he was suspected of corrupt purposes?—A. When General Ekin reported for duty as chief quartermaster, the headquarters were at Austin. On a tour of duty, coming down from Fort Richardson, I stopped at Austin, and for the first time met General Ekin in the department. I had known him before. He was telling me about the complaints that existed about some of the officers of his department in regard to drunkenness and extravagance, and he gave me to understand that he had come there to correct those things, and in that conversation I advised him to get rid of Chaney, telling him that reports to Chaney's discredit had been circulating in the department ever since I had been there, though personally I knew nothing against him. I cannot say how long this was before the conversation between General Ekin and General McCook, but it was while the headquarters were in Austin.

Q. Have you ever had any conversation with General Ekin in reference to that Stiff transaction?—A. Never. Having once advised him in regard to this man, and he not having acted on my advice, I did not feel like making any further complaint.

Q. Chaney was not suspended or relieved from duty?—A. Not that I am aware of.

Q. Did you see a publication that appeared in the Louisville Courier-Journal—a card from General Ekin in reference to the testimony of General McCook?—A. I saw a telegraphic dispatch, I think, in the associated press reports from Louisville, published in the Indianapolis papers, giving an account of an interview with General Ekin after General McCook gave his testimony before this committee.

Q. Do you remember the substance of the statements made by General Ekin and reported

therein?—A. Not sufficiently to state it before this committee. I have a general idea of the substance. I presume the dispatch could be procured. I understood it to be a kind of qualified denial of General McCook's having reported Chaney to him—a denial very cautiously worded.

Q. Your estimate of that card was that it was a conditional or qualified denial of the statement that General McCook had reported to him in relation to the transactions of Chaney?—A. Yes, sir.

Q. You have read General McCook's testimony on that subject?—A. I have.

Q. Were the statements made by General McCook substantially correct?—A. I considered them so, sir.

Q. Is it not a fact, that upon reading the associated press account of the interview with General Ekin you were so well satisfied of the correctness of the statement made by General McCook with reference to his report about this man Chaney, that you wrote him a letter stating that you were satisfied that that statement was substantially correct?—A. I wrote a letter to General McCook calling his attention to the fact that he had come out of that office into mine, and related this conversation to me, reminding him of it, as I thought he might have forgotten the circumstance.

Q. Have you stated the only transaction in which you have reason to believe that the improper conduct of this chief clerk was brought to the attention of General Ekin? Do you know whether any one else ever called his attention to the reports prejudicial to Chaney?—A. I do not.

Q. How long after your suggestion or advice to General Ekin, to get rid of Chaney on account of the reports in circulation to his prejudice, and after the report made to him by General McCook on the subject, did Chaney continue to act as chief clerk under General Ekin?—A. He continued to act as chief clerk as long as I remained on duty in that department. I left in December, 1871, at the end of the year, and up to the 18th of December Chaney was on duty.

Q. And these transactions that you have stated here had occurred during that year?—A. General McCook's inspection had taken place during that year.

Q. Was it prior to 1871 that you had called General Ekin's attention to Chaney?—A. I think it was in 1870. At any rate, it was shortly after General Ekin's arrival in the department as chief quartermaster.

By Mr. ROBBINS:

Q. When you reported to General Ekin the first time, that there were reports current to the discredit of Chaney, did you specify what those reports, or any of them, were?—A. I did not, that I recollect now. The reports generally were to the discredit of the man.

Q. And your statement was made only in those general terms?—A. Yes, sir; in general terms. I advised him, if he wanted to purify his department, to get rid of Chaney.

Q. But you did not indicate at all what the charges were?—A. That his reputation was bad.

Q. Do you know that General Ekin had any knowledge from any source of the nature of the discreditable reports?—A. I did not, except as General McCook stated to me in his interview at the time.

Q. The interview you have mentioned?—A. Yes, sir.

Q. I refer to others. There were, you say, other discreditable reports about Chaney besides that one?—A. Yes.

Q. Do you know of your own knowledge that any of them were true?—A. I do not.

By Mr. DANFORD:

Q. Do you know where this man Stiff, who showed you that money at the supper-table, can be found?—A. At the time he was there he reported to me that he lived in Kinne, Texas. I never met him before or since.

Q. Do you know anything about his character?—A. I do not.

Q. That was in 1871, you think?—A. It is hard for me to fix the date, as there was no occasion for me to remember it.

Q. You did not report the matter to General Ekin yourself?—A. After my first interview with Stiff I went over to the office and told General Reynolds that a circumstance had been reported to me; that I had asked permission to speak to him about it, and that I might yet get the whole matter before him; but after it was settled up in the way I have stated Mr. Stiff, of course, had no row to raise with anybody; he was perfectly satisfied; he had received his full pay, and he refused to go any further, or to permit me to do so. He had told me of it in the first place in confidence, and he refused to permit me to divulge it to General Reynolds.

Q. You did not bring it to General Reynolds's knowledge in any way, then, so that he could act upon it?—A. No, sir; I spoke of it in general terms, without giving any names or any particulars—just stated that a matter had come up during the day.

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

By Mr. ROBBINS:

Q. You do not know of any real evidence that there was any money paid to Chaney.—A. Not the slightest. There was a row between those gentlemen in the settlement of the contract. Stiff had charged that the firm were trying to swindle him out of the whole of the money. There is no evidence whatever in my possession that Tom Chaney ever received a dollar of that money.

Q. It may have been a mere ruse on the part of these men to serve as an excuse for swindling Stiff?—A. It may have been.

List of post-traders appointed under act of July 15, 1870.

Names.	Posts.	Date of appointment.	Date of revocation or resignation.	Where appointments were sent, &c.
E. W. Rice	Fort Richardson, Tex.	Oct. 6, 1870	Feb. 20, 1872	Washington, D. C.
Lewis M. Gregory	do	Feb. 19, 1872		Fort Richardson, Tex.
John N. Hedrick	Fort Concho, Tex.	Oct. 6, 1870	Mar. 14, 1872	Ottumwa, Iowa.
James H. Owings	do	Mar. 4, 1872	Mar. 11, 1872	Care Hon. W. T. Clark, House of Representatives.
James Trainor	do	Mar. 9, 1872	Dec. 8, 1873	Care Hon. W. T. Clark, House of Representatives.
Joseph Loeb	do	Dec. 6, 1873		Washington, D. C.
F. R. Diffenderfer	Fort Bliss, Tex.	Oct. 6, 1870	Apr. 3, 1872	Fort Bliss, Tex.
Henry J. Cuniffe	do	Apr. 3, 1872	Sept. 20, 1872	Do.
Ernest Angerstein	do	Dec. 12, 1872	Dead.	Do.
B. F. Brown	do	Nov. 10, 1875		Care Hon. W. F. Sapp, Council Bluffs, Iowa.
W. E. Friedlander	Fort Stockton, Tex.	Oct. 11, 1870	Apr. 30, 1872	Care S. Wolf, Washington, D. C.
Peter Gallagher, sr	do	Oct. 13, 1870	Sept. 28, 1872	Care Captain V. Van Antwerp, U. S. A., Philadelphia, Pa.
Joseph Friedlander	do	Apr. 30. 1872		Fort Stockton, Tex.
Michael F. Corbett	do	Sept. 28, 1872		Care Capt. Van Antwerp, U. S. A., Baltimore, Md.
John E. Gillespie	Fort Griffin, Tex.	Oct. 6, 1870	Feb. 8, 1871	Des Moines, Iowa.
Alvin C. Leighton	do	Feb. 3, 1871	Mar. 14, 1872	Washington, D. C.
James E. Adams	do	Mar. 13, 1872	Dec. 12, 1872	Care Hon. J. B. Hawley, House of Representatives.
W. H. Hick	do	Dec. 12, 1872		Washington, D. C.
W. C. Carroll	Fort Duncan, Tex.	Oct. 6, 1870	June 24, 1872	Care William B. Logan, office Second Assistant Postmaster-General.
James Carroll	do	June 22, 1872		Fort Duncan, Tex.
Simeon Chaney	Fort Davis, Tex.	Oct. 6. 1870	Nov. 5, 1874	Ottumwa, Iowa.
A. W. Chaney	do	Nov. 18, 1874	Nov. 16, 1875	Fort Davis, Tex.
John D. Davis	do	Nov. 9, 1875		Care B. F. Grafton, Washington, D. C.
W. A. Carter	Fort Bridger, Wyo	Oct. 6, 1870		Fort Bridger, Wyo.
Alvin C. Leighton	Fort Buford, Dak	Oct. 6, 1870		Ottumwa, Iowa.
Durfee & Peck	Fort Stevenson, Dak	Oct. 6, 1870	Jan. 16, 1872	Leavenworth, Kans.
J. W. Wham	do	Jan. 13, 1872	June 22, 1872	Care Hon. J. A. Logan, United States Senate.
D. W. Marsh	do	June 21, 1872	July 3, 1874	Fort Stevenson, Dak.
A. L. Bonnafon, jr	do	July 3, 1874		Philadelphia, Pa.
Durfee & Peck	Fort Rice, Dak	Oct. 6, 1870	June 22, 1872	Leavenworth, Kans.
Henry J. Miller	do	June 21, 1872	May 26, 1873	Fort Rice, Dak.
William Harmon	do	May 24, 1873	July 3, 1874	Do.
James P. Pitts	do	June 30, 1874		Cincinnati, Ohio.
Durfee & Peck	Fort Sully, Dak	Oct. 6, 1870	June 22, 1872	Leavenworth, Kans.
George H. Durfee	do	June 21, 1872	July 3, 1874	Fort Sully, Dak.
John T. Athey	do	June 30, 1874		Leavenworth, Kans.
J. H. Pratt	Fort Randall, Dak	Oct. 6, 1870		Hillsdale, Mich.
Brenner & Terry	Fort Totten, Dak	Oct. 6, 1870		Saint Paul, Minn.
H. W. Wheeler	Fort Wallace, Kans.	Oct. 6, 1870	Nov. 1875	Fort Wallace, Kans.
James Streeter	do	Nov. 23, 1875		Junction City, Kans.
E. T. McGunnegle	Fort Riley, Kans.	Oct. 6, 1870	Mar. 15, 1873	Fort Riley, Kans.
Charles W. McGunnegle	do	Mar. 15, 1873	May 3, 1875	Saint Louis, Mo.
Moses Waters	do	May 1, 1875		Care Benjamin E. Walker, Saint Louis, Mo.

Samuel P. Hatch	Fort Reynolds, Colo	Oct. 6, 1870		Saint Louis, Mo.
Samuel G. Bridges	Fort Lyon, Colo	Oct. 6, 1870	Oct. 16, 1872	Keokuk, Iowa.
D. B. Drummond	do	Oct. 16, 1872		Fort Lyon, Dak.
Hill P. Wilson	Fort Hays, Kans.	Oct. 6, 1870		Fort Hays, Kans.
D. W. Tice	Fort Harker, Kans.	Oct. 6, 1870	Apr. 1871	Saint Louis, Mo.
Joseph Gafford	do	Apr. 19, 1871		Keokuk, Iowa.
R. M. Wright	Fort Dodge, Kans.	Oct. 6, 1870		Fort Dodge, Kans.
George L. Cook	Fort Wingate, N. Mex	Oct. 6, 1870	June 27, 1872	Through Commissioner of Indian Affairs.
Henry Reed	do	June 27, 1872		Elizabeth, N. J.
John C. Dent	Fort Union, N. Mex	Oct. 6, 1870		Care General Dent, Executive Mansion.
William L. Rynerson	Fort Bayard, N. Mex	Oct. 6, 1870	May 9, 1872	Fort Bayard, N. Mex.
D. C. Knox	do	May 9, 1872	Dec. 24, 1873	Do.
John A. Miller	do	Dec. 24, 1873		
M. C. Crosby	Camp Halleck, Nev	Oct. 6, 1870		Memphis, Tenr.
E. D. Lane	Fort Sanders, Wyo	Oct. 6, 1870		Fort Sanders, Wyo.
E. D. Nichols	Fort Leavenworth, Kans.	Oct. 7, 1870	Nov. 9, 1874	Fort Leavenworth, Kans,
W. H. Keeling	do	Oct. 31, 1874		Fort Leavenworth, Kans. Care commanding officer.
Samuel Wallick	Fort McKavitt, Tex.	Oct. 7, 1870		Care Major C. M. Terrell, paymaster, San Antonio, Tex.
W. B. Cutter	Fort Shaw, Mont	Oct. 7, 1870	Apr. 15, 1871	Fort Shaw, Mon'.
J. H. McKnight	do	May 15, 1871		
N. Myrick	Fort Ransom, Dak	Oct. 7, 1870		Fort Ransom, Dak.
John Haslehurst	Fort Ripley, Minn	Oct. 7, 1870	Nov. 1875	Fort Snelling, Minn.
D. M. Brown	Fort Fred. Steele, Wyo	Nov. 23, 1875		Fort Ripley, Minn.
G. D. Thayer	Fort Clark, Tex	Oct. 7, 1870		Fort Fred. Steele, Wyo.
W. A. Saylor	do	Oct. 7, 1870	Apr. 26, 1872	Care Gen. E. W. Rice, Washington, D. C.
William E. Friedlander	Camp Douglas, Utah	Apr. 26, 1872		Washington, D. C.
B. M. Plumb	do	Oct. 7, 1870	June 3, 1871	Do.
William H. Greenhow	Ringgold Barracks, Tex.	June 5, 1871		Provo City, Utah.
B. F. Grafton	do	Oct. 10, 1870	Dec. 13, 1870	Care D. C. Forney, Washington, D. C.
Henry G. Tachan	do	Dec. 13, 1870	Aug. 22, 1873	Fort Jefferson, Tex.
James Parker		Aug. 22, 1873	Mar. 1875	Through General Augur, U. S. A., San Antonio, Tex.
Henry G. Tachan	Ringgold Barracks, Tex	Mar. 23, 1874		Delivered in person, Washington, D. C.
John S. Evans	Fort Sill, Ind. Ter	Oct. 10, 1870		Care C. P. Marsh, New York City.
George Clendenin, jr	Fort Ellis, Mont	Oct. 11, 1870	July 28, 1871	Care Secretary of Interior.
W. B. Cutter	do	July 27, 1871		Washington, D. C.
Collins Dixon	Fort McRae, N M	Oct. 12, 1870	June 28, 1872	Do.
John Ayers	do	May 6, 1874		Care Inspector-General N. H. Davis, U. S. A., New York City.
F. P. Brougham	Camp McDermit, Nev	Oct. 12, 1870		Washington, D. C.
Benjamin E. Davies	Fort Selden, N. M	Oct. 12, 1870	Mar. 31, 1874	Care H. Lesensky & Co., Las Cruces, N. M.
A. H. Morehead	do	Mar. 28, 1874	Sept. —, 1875	Care Hon. S. B. Elkins, House of Representatives.
Ernest F. Kellner	do	Sept 21, 1875		Fort Selden, N. M.
R. M. Stephens	Fort Stanton, N. M	Oct. 14, 1870	Oct. 21, 1870	Santa Fé, N. M.
R. M. Stephens	do	Nov. 23, 1870	Apl. 1, 1871	Care Hawkins Taylor, Washington, D. C.
Frank T. Bliss	do	Apl. 1, 1871	Mar. 19, 1872	Care Hon. M. H. Carpenter, U. S. S.
Charles F. Tracy	do	Mar. 12, 1872	Aug. 13, 1872	Care Hon. F. A. Sawyer, U. S. S.
Wm. Dayton	do	Aug. 12, 1872	July 14, 1873	Washington, D. C.
L. L. Higgins	do	July 14, 1873	Nov. 14, 1873	Care Hon. Alex. Sharp, Washington, D. C.
Paul Doulin	do	Nov. 13, 1873		Dowlings Mill, Lincoln County, N. M.
Chauncey S. Cook	Fort McIntosh, Texas	Oct. 14, 1870	Dec. 13, 1870	Care Hon. W. T. Clark, Washington, D. C.
M. M. Stein	do	Dec. 13, 1870	Dec. 11, 1872	Do.
W. C. Jones	do	Aug. 22, 1873		Fort McIntosh, Texas.
Allen T. Clark	Camp Warner, Oregon	Oct. 20, 1870	Nov. 28, 1870	Care Samuel M. Clark, Keokuk, Iowa.

List of post-traders appointed under act of July 10, 1870.

Names.	Posts.	Date of appointment.	Date of revocation or resignation.	Where appointments were sent, &c.
Andrew Snyder	do	Nov. 28, 1870		Camp Warner, Oregon.
Edwin C. Latimer	Camp Supply, Ind. Ter	Oct. 20, 1870	Nov. 17, 1870	Omaha, Nebr.
A. E. Reynolds	do	Nov. 17, 1870		Care L. M. Bates & Co., New York.
Wm. B. Hugues	Camp Stambaugh, Wyo	Oct. 28, 1870	Apl., —, 1871	Care Hon. John M. Thayer, Washington, D. C.
Noyes Baldwin	do	Apl. 20, 1871		Care Hon. W. C. Jones, House of Representatives.
Wm. F. Sweesy	Omaha Barracks, Nebr	Oct. 29, 1870		Care Hon. John M. Thayer, Washington, D. C.
Wm. E. Sweet	Fort Quitman, Texas	Oct. 29, 1870	Feb. 8, 1873	Care Hawkins Taylor, Washington, D. C.
James Moore	do	Feb. 8, 1873	Aug. 4, 1873	Fort Quitman, Texas,
Geo. H. Abbott	do	Aug. 4, 1873		Do.
T. W. Baldwin	Fort Wadsworth, Dak	Nov. 1, 1870		Care Kilburn Knox, New York.
Frank Wahldieck*	do	Dec. 30, 1870		Fort Wadsworth, Dak.
Thomas Ewing	Camp Apache, Ariz	Nov. 5, 1870	Jan. 6, 1873	Care Senator Wm. M. Stewart.
John A. Meredith	do	Jan. 6, 1873	Nov. 14, 1873	Care Hon. R. C. McCormick, House of Representatives.
C. E. Harlow	do	Nov. 13, 1873	Apl. 10, 1875	Do.
Louis B. St. James	do	Apl. 9, 1875		Care Hon. E. Johnstone, Keokuk, Iowa.
Henry Tachan	Jefferson, Texas, (mil. post.)	Nov. 14, 1870	Dec. 13, 1870	Washington, D. C.
J. Greenbaum	Camp Gaston, Cal	Nov. 16, 1870	Apl. 27, 1872	Care Senator Cole, Washington, D. C.
Alex. Brizard	do	Apl. 27, 1872		Care Hon. A. A. Sargent, House of Representatives.
D. M. Kenfield	Camp Verde, Ariz	Nov. 18, 1870	Dec. 12, 1872	Sonora, Cal.
Jake Marks	do	Dec. 12, 1872	Jan. 17, 1874	Care Hon. R. C. McCormick, House of Representatives.
Wm. S. Head	do	Jan. 16, 1874		Do.
C. T. Roe	Camp Cady, Cal	Nov. 19, 1870	Declined	Care Senator Cole, Washington, D. C.
Samuel Todd†	do	Feb. 18, 1871		Care Hon. R. C. McCormick, House of Representatives.
Henry Reed	Camp Mojave, Ariz	Nov. 22, 1870	May 15, 1871	Care General E. W. Rice, Washington, D. C.
R. C. Todd	do	Dec. 9, 1871	Mar. 8, 1872	Care Hon. R. C. McCormick, House of Representatives.
Paul Breon	do	Mar. 7, 1872		Do.
Frederick H. Kimball	Camp Date Creek, Ariz	Nov. 25, 1870	Aug. 12, 1871	Wickenburgh, Ariz.
George H. Kimball	do	Aug. 11, 1871		Care Hon. R. C. McCormick, House of Representatives.
Jay Beach	Fort Klamath, Oregon	Dec. 2, 1870		Fort Klamath, Oregon.
Allen T. Clark	Camp Harney, Oregon	Dec. 3, 1870	Mar. 14, 1874	Chico, Cal.
Arthur Bridgman, jr	do	Mar. 14, 1874	June 30, 1874	Keokuk, Iowa.
W. T. Stevens	do	June 30, 1874		Camp Harney, Oregon.
Wm. Chambers‡	Fort Sedgwick, Colo	Dec. 7, 1870		Omaha, Nebr.
Ferdinand Meyer	Fort Garland, Colo	Dec. 7, 1870	June 22, 1872	Care Hon. A. A. Bradford, House of Representatives.
R. Schmeiding	do	June 21, 1872		Fort Garland, D. T.
T. D. Smith§	Fort Abercrombie, Dak	Dec. 10, 1870		Care Hon. A. Ramsey, U. S. S.
John Haslehurst	do	Sept. 15, 1875		Delivered in person, Washington, D. C.
Henry Booth	Fort Larned, Kans	Dec. 10, 1870	Feb. 17, 1873	Care Hon. E. G. Ross, U. S. S.
P. T. Curlett	do	Feb. 17, 1873		Fort Larned, Kansas.
Henry Reed	Fort Yuma, Ariz	Dec. 15, 1870	May 15, 1871	Washington, D. C.
J. S. Hammer	Fort Gibson, Ind. Ter	Dec. 15, 1870		Do.
E. Tillotson	Fort Fetterman, Wyo	Dec. 29, 1870		

S. R. De Long	Camp Bowie, Ariz	Jan. [illegible] 1871	[illegible]	Camp Bowie, Ariz.
Andrew Cronly	Fort Vancouver, Wash	Jan. 5, 1871	[illegible]known	Camp Harney, Oregon, through Hon. Geo. H. Williams, U. S. S.
Geo. W. Brownmiller	do	Dec. 24, 1875		Fort Vancouver, Wash.
Frederick L. Austin	Camp Grant, Ariz., (old)	Jan. 6, 1871	Feb. 27, 1873	Care Hon. R. C. McCormick, House of Representatives.
D. P. Foster	Camp Hualpai, Ariz	Jan. 6, 1871		Do.
Herbert Bowers‖	Fort Whipple, Ariz	Jan. 6, 1871		Do.
George Bowers	do	Jan. 10, 1874		Do.
James H. Toole	Camp Lowell, Ariz., (old)	Jan. 6, 1871	May 18, 1872	Do.
A. Lazard	Camp Crittenden, Ariz	Jan. 6, 1871	May 18, 1872	Do.
Thomas Hughes	do	May 18, 1872		Do.
Wm. H. Greenhow¶	Fort Rawlins, Utah	Jan. 7, 1871		Fort Sedgwick, Colo.
Thomas J. Bidwell	Camp Colorado, A. T	Jan. 9, 1871	Declined	Care Hon. R. C. McCormick, House of Representatives.
Charles Atchisson	do	Jan. 7, 1874	Has not assumed duties.	Do.
James K. Moore	Camp Brown, Wy. T	Jan. 12, 1871		Care Dr. W. T. Collins, Washington, D. C.
Samuel J. Lyons	Fort Cummings, N. M	Jan. 20, 1871		Fort Cummings, N. M.
James A. Tomlinson	Camp McDowell, A. T	Jan. 19, 1871	Nov. 25, 1872	Delivered in person, Washington, D. C.
John Smith	do	Nov. 26, 1872	Feb. 17, 1875	Camp McDowell, A. T., care Jas. Tomlinson.
H. D. Jones	do	Feb. 16, 1875	Sept. 21, 1875	Care of Hon. R. C. McCormick, House of Representatives.
John Smith	do	Sept. 21, 1875		Camp McDowell, A. T.
Joseph Gafford	Fort Brown, Texas	Jan. 27, 1871	Aug. 29, 1871	Keokuk, Iowa.
William Miller	do	Aug. 26, 1872	Dec. 26, 1873	Fort Brown, Texas.
Julius G. Tucker	do	Dec. 26, 1873		Brownsville, Texas.
A. E. Alden	Fort Benton, Montana	Feb. 21, 1871	Declined	Care Hon. W. F. Prosser, House of Representatives.
Edward J. Wheeler	Fort Hall, Idaho T	Mar. 2, 1871	April 25, 1872	Washington, D. C.
Hugh Travers	do	Aug. 4, 1873		Fort Hall, Idaho.
E. T. Bridges	Fort Lapwai, Idaho T	Mar. 2, 1871	Sept. 14, 1872	Washington, D. C.
David C. Kelley	do	Sept. 14, 1872	Feb. 20, 1875	Fort Lapwai, I. T.
B. Loewenberg	do	Feb. 19, 1875		Care General Howard, Portland, Oregon.
J. D. Wooley	Fort D. A. Russell, Wy. T	Mar. 11, 1871		Care Hon. J. M. Thayer, Washington, D. C.
Fred'k G. H. Bradford	Fort Craig, N. M	Apr. 1, 1871	June 6, 1871	Care Hawkins Taylor, Washington, D. C.
J. B. Chaves	do	June 6, 1871	Apr. 23, 1872	Care Hon. J. F. Chaves, Sante Fé, N. M.
E. A. Rigg	do	Apr. 19, 1872	May 29, 1873	Care Hon. J. R. West, United States Senate.
Estanislao Montoyo	do	June 11, 1873		Care Commanding Officer, Fort Craig, N. M.
Edward Welch	Fort McPherson, Nebraska	Apr. 25, 1871		Iowa City, Iowa.
Henry Reed	Presidio, California	May 15, 1871	June 27, 1872	San Francisco, Cal.
Henry B. Simmons	do	Aug. 27, 1872	Dec. 11, 1872	Presidio, California.
Angelo Beretta	do	Dec. 10, 1872		Do.
J. S. McCormick	Fort Laramie, Wy. T	May 20, 1871	Dec. 30, 1872	Omaha, Nebraska.
John S. Collins	do	Dec. 28, 1872		Do.
J. S. Hammell	Camp Baker, M. T	Aug. 4, 1871	Dead	Camp Baker, M. T.
William Gaddis	do	Feb. 11, 1873		Care Gen. J. E. Blaine, Washington, D. C.
W. E. Friedlander	Camp Lancaster, Texas	Aug. 16, 1871	A temporary post.	Fort Stockton, Texas.
J. H. Saunders	Fort Stevens, Oregon	Dec. 16, 1871	Dec. 21, 1874	Care Hon. H. W. Corbett, United States Senate.

* Trader in dairy products only.
† Post discontinued April 24, 1871.
‡ Post discontinued May 31, 1871.
§ Died May 6, 1875.
‖ Dead.
¶ Post discontinued June 9, 1871.

List of post-traders appointed under act of July 10, 1870.—Continued.

Names.	Posts.	Date of appointment.	Date of revocation or resignation.	Where appointments were sent, &c.
John Moore	do	Dec. 16, 1874		Care Commanding Officer, Fort Stevens, Oregon
Irvin Ayres	Camp Bidwell, Cal	Feb. 27, 1872		Camp Bidwell, Cal.
M. W. Kennard	Fort Cameron, W. T	May 31, 1872	Dec. 18, 1872, formerly Camp Beaver.	Care Hon. P. Hitchcock, United States Senate.
Roger T. Beall	do	Dec. 18, 1872	Dead	Do.
Thos. F. Hall	do	June 26, 1875	Declined	Omaha, Nebraska.
Thomas W. Vollintine	do	Oct. 14, 1875		Care Hon. A. S. Paddock, United States Senate.
Samuel A. Dickey	Fort Abraham Lincoln, D. T	June 20, 1872	May 24, 1874	Beaver Falls, Pa.
Robert C. Seip	do	July 1, 1874		Baltimore, Md.
A. V. Allen	Fort Canby, W. T	Oct. 25, 1872		Fort Cape Disappointment, W. T.
Samuel A. Dickey	Camp Hancock, D. T	Sept. 12, 1872		
Charles Espenschied	Fort Tulerosa, N. M	Dec. 10, 1872	Mar. 19, 1874	Cincinnati, Ohio.
Frank Frenger	do	Mar. 19, 1874		Care L. Espenschied, Saint Louis, Mo.
B. H. Spear	Camp Beale's Springs, A. T	Dec. 12, 1872	Appt. changed to Camp La Paz, May 28, '74.	Care Hon. R. C. McCormick, House of Representatives.
Roger T. Beal	Camp Grant, A. T., (new)	Dec. 18, 1872	Dead	Care Hon. P. W. Hitchcock, United States Senate.
Warner Buck	do	Feb. 27, 1873		Care Hon. R. C. McCormick, House of Representatives.
John B. Allen	Camp Lowell, A. T	Mar. 28, 1873	May 15, 1875	Do.
Fred'k L. Austin	do	May 14, 1875		Do.
Ben. Simpson	Fort Walla-Walla, W. T	Sept. 10, 1873	Mar. 20, 1874	Care Hon. Geo. H. Williams, Attorney-General, Washington, D. C.
E. J. Williams	do	Mar. 20, 1874		Care Hon. J. H. Mitchell, United States Senate.
Sampson Oppenheimer	Fort Colville, W. T	Jan. 15, 1874	Declined	Portland, Oregon.
James M. Blossom	do	Aug. 8, 1874	Declined	Do.
Chas. H. Montgomery	do	Jan. 8, 1875		Care Hon. J. H. Mitchell, United States Senate.
B. H. Spear	Camp La Paz, A. T	May 28, 1874		Care Hon. R. C. McCormick, House of Representatives.
R. O. Adams	Camp Robinson, Neb	Oct. 1, 1874	May 7, 1875	Care Hon. P. W. Hitchcock, United States Senate.
W. F. Kimmel	do	May 6, 1875		Osceola, Nebraska.
Alfred T. Feay	Camp Sheridan, Neb	Oct. 1, 1874		Fort McPherson, Nebraska.
A. E. Alden	Fort Townsend, W. T	Jan. 12, 1875	Not known	Camp San Juan Island, W. T.
A. G. Allen	do	Sept. 23, 1875		Care Dr. F. W. Sparling, Seattle, W. T.
A. J. Moore	Fort Hartsuff, Neb	May 10, 1875		Care Hon. P. W. Hitchcock, United States Senate.
Neal W. Evans	Fort Reno, I. T	July 13, 1875		

No. 2.

TESTIMONY

RELATING TO THE

CLAIM OF THE KENTUCKY CENTRAL RAILROAD COMPANY.

No. 2.

TESTIMONY RELATING TO THE CLAIM OF THE KENTUCKY CENTRAL RAILROAD COMPANY.

WASHINGTON, *March* 10, 1876.

CHARLES NORDHOFF sworn and examined.

By the CHAIRMAN:

Question. Are you the chief of the New York Herald bureau of correspondence in Washington?—Answer. Yes, sir; during the session of Congress.

Q. In the Herald of Thursday March 9, 1876, there is a letter dated Washington, March 7, 1876, headed, "From our special correspondent," and with the further heading, "The scandal of the Pendleton railroad claim; a charge against a democratic investigating committee; what Mrs. Belknap received and whom she received it from." Was that letter written by you?—A. Let me look at it one moment and I will tell you; [looking at the paper;] yes, sir; except the head-lines. The head-lines are made in the office.

Q. The general tenor of the article seems to indicate that you have information with reference to the charges against the late Secretary of War, which this committee should have. Will you be kind enough to state what information, if any, you have on that subject, that we do not possess?

The WITNESS. Will you allow me to have the paper a moment?

The CHAIRMAN. Certainly, sir.

The WITNESS. In this dispatch it is stated, not that I have information, but it reads this way: "It is asserted that the following is susceptible of proof before a committee of the House."

The CHAIRMAN. Did you mean to say you had proof of what was in that letter in your possession?

The WITNESS. A. No; but——

Mr. BLACKBURN. What is it that is "susceptible of proof?"

The CHAIRMAN. The substance of the letter.

The WITNESS, (continuing his answer)—but that I could put you in the way of getting that proof, and should be happy to do so.

The CHAIRMAN. Not that you had any knowledge of your own on the subject?—A. No, sir. If it had been of my knowledge I should certainly not have put it in this way. Let me read: "It is asserted that the following is susceptible of proof before a committee of the House."

Q. Another thing that letter implies is, that the democratic members of this committee have been unwilling to investigate charges against the War Department arising out of the transaction with reference to the settlement of the claim of this Kentucky Central Railroad Company. Have you, of your own knowledge, any proof of that which you can give the committee?—A. No, sir; none of my own knowledge.

Q. Have you any evidence that any of the members of this committee have, at any time, refused to investigate any charges that have been preferred against the late Secretary of War?—A. You mean do I know that?

Q. Yes, sir.—A. No, sir; I do not. If I had I should have stated it.

Q. There are charges in that letter against me personally; that I traveled in Europe with these parties; that I was cognizant of the meetings at the Arlington Hotel with Mrs. Belknap and Mrs. Marsh.—A. Is that 'so? I beg your pardon for interrupting you. Will you allow me to read it to myself, because I think you are mistaken in that last? [After reading.] I cannot find that charge made here.

Q. It is charged that I traveled in Europe with Mr. Pendleton, with Mrs. Bowers, (the present Mrs. Belknap,) and with Mrs. Marsh. Have you any knowledge of that fact asserted there, of your own knowledge?—A. No, sir; nor of any other fact in the matter, the whole of it being stated with that phraseology that I have read, and I being in earnest in so stating it.

Q. Will you be kind enough to tell the committee upon whose authority you wrote that letter?—A. Yes, sir. I got my information from Mr. Henry V. Boynton, of the Cincinnati Gazette.

Q. You state nothing in that letter of your own knowledge?—A. I think that is evident from the dispatch. I was extremely careful to put it in that way, because I hadn't it of my own knowledge. In another matter which I have recently had in the Herald I did state some things of my own knowledge, because I knew them; but in this case, as I am

a conscientious person and a gentleman, I hope, I stated what was the literal truth—that that was asserted here to be susceptible of proof. That *was* strongly asserted to me.

Q. In the Herald of yesterday, March 9, 1876, there is another letter from the special correspondent here, dated March 8, 1876. Are you the author of that letter?—A Yes, sir, except the head-lines.

Q. That letter contains this statement:

"It is further asserted * * * that when it became known here to some who were of the party that Mr. Clymer had determined to bring Mr. Belknap down, he was reminded, in pointed terms, that if he was determined to do this, he could not decline to bring Pendleton down, too; that Mr. Clymer asserted that he had not sufficient data to reach Mr. Pendleton; that he was pressed with the rejoinder that Mrs. Marsh would testify to it; that the records of the Department would throw some light on the case; that, however, he refused to go into the matter.

"Now, it is a fact that this is asserted here to be susceptible of proof, as was said in the carefully-guarded dispatch of last night. It is also a fact that the name of a responsible person, who will prove it if called before a congressional committee, will be in the possession of a member of the committee of which Mr. Clymer is the chairman, to-morrow morning."

Q. Did you reiterate that charge against me of your own knowledge?—A. Undoubtedly I did not, sir.

Q. Upon whose authority did you assert it?—A. Upon the authority of the gentleman whose name I gave before, General Boynton, to whom I went the day before yesterday and said, (having had his assurances repeatedly before,) "I want now to know again whether this is susceptible of proof, and whether it is here asserted to be susceptible of proof," and he said, "Yes, undoubtedly." He then said to me, "I will go to a member of that committee to-morrow morning, (which would be yesterday,) and give him my name and tell him to say to the committee that I will be ready at any moment, with or without a subpœna, to go before the committee and give them the names of the witnesses." That seemed to warrant me, as a man of honor, in saying what I did say.

Q. Did General Boynton say that he knew these facts of his own knowledge?—A. He told me that he would produce the witnesses.

Q. That is hardly what I asked. I asked you did he say to you that he knew these facts of his own knowledge, or that he had heard them from others?—A. That he had heard the statement from others, as I understood.

Q. Did he give you the name of the person or persons who were to be responsible for this assertion?—A. He did not. I did not ask him.

Q. Did he say to you at any time that he had given the name of his informant to any member of the committee?—A. He did not.

Q. Do you know whether he had given the name of his informant to any member of this committee?—A. I do not know. I did not ask him.

Q. When did you see General Boynton last?—A. I saw him yesterday afternoon about five o'clock, and asked him at that time whether he had done what he had said to me that he would do, (and what I was prepared to require of him, of course,) whether he had gone to a member of this committee and offered to come and give the names of the witnesses, and he said he had, which satisfied me.

Q. Did he say that he had given to a member of the committee the name of his informant?—A. He did not. I did not suppose that he had done so, for the reason that he had stated that he was ready to come before the committee and give that testimony, and I supposed that he only awaited their summons.

By Mr. BLACKBURN:

Q. Did Mr. Boynton say to you, or indicate to you, that he had ever done anything that looked toward furnishing this committee with any information or proof upon this point, prior to the publication of this statement?—A. No; I do not know that he did.

Mr. DANFORD. No; it was about five o'clock yesterday evening that he came to me and authorized me to come to the chairman of the committee and say that he was ready to appear before the committee and give the name of the witness who could prove these statements.

Mr. BLACKBURN. His name was not given by you to the committee.

Mr. DANFORD. No; not until about five o'clock.

The CHAIRMAN. You did not, then, give me his name.

Mr. DANFORD. No; I came to the chairman and said that the gentleman from whom I had my information was willing to come before the committee and give the name of the witness who he alleged would prove this charge.

The CHAIRMAN. And my answer was that we had adjourned for the day, and that I should prefer to call Mr. Nordhoff first.

Mr. DANFORD. That was your answer.

By the CHAIRMAN:

Q. In the letter of March 7, from Washington, written by yourself as you have testified, there is this assertion, "It is a singular fact that there has been for some days past a notice-

able disinclination among some of the democrats to push investigations. It is not meant to charge that any considerable number of democrats discourage investigations, but it is certain that some do." Does that assertion apply to any member of this committee?—A. It does not; and I beg that you will not question me any further in relation to that statement.

The CHAIRMAN. I have no further questions to ask, but I want it distinctly stated and understood that no member of this committee is in that category.

The WITNESS. Undoubtedly no member of this committee is meant.

By Mr. ROBBINS:

Q. The head-lines of these articles speak of democratic members indiscriminately, which puts me under the necessity of asking whether in any of these communications made to you any mention was ever made of my name as having been concerned in this matter or connected with this business in any way whatever?—A. No, sir; your name was not mentioned in any shape.

Mr. BLACKBURN. I will ask you the same question with regard to myself.

The WITNESS. No, sir; your name was not mentioned.

By Mr. DANFORD:

Q. I presume that I was the member of this committee to whom General Boynton referred—or did he refer by name to the member of this committee to whom he would give this information?—A. My impression is that he did not at that time. I knew afterward that he had gone to you, but I do not think that at that time he told me anything about it.

Q. You knew yesterday evening that he had come to me?—A. I did, because I asked him if he had done so. My understanding from General Boynton was, also, that he asked you to say to the chairman that he did not need the preliminary of a subpœna, but would come at once to avoid delay.

Mr. DANFORD. All I said to the chairman was that my informant would come before the committee; but General Boynton did say to me that he did not need a formal subpœna; that he was ready to give the name of his informant. There was another matter in connection with it that I did not state to the chairman. General Boynton told me yesterday evening, just before I went to the chairman, that he expected to be called away to-day. That, however, I did not state.

The CHAIRMAN. No; that is news to me.

WASHINGTON, D. C., *March* 14, 1876.

GEORGE H. PENDLETON sworn and examined.

By the CHAIRMAN:

Question. Are you president of the Kentucky Central Railroad?—Answer. I am, sir.

Q. How long have you been so?—A. Since about the 1st of December, 1869.

Q. Did that company have, at the time of your accession to the presidency, a claim against the Government for transportation of troops, supplies, and for other matters during the war?—A. It had.

Q. Be kind enough to state fully and particularly all that you know regarding that claim, and, if settled, its mode of settlement.—A. I will, sir. The Kentucky Central Railroad originally belonged—I don't mean before its sale in 1858, but after that time—to Robert B. Bowler, of Cincinnati. He, with two other associates, formed a copartnership and exercised the powers of running the road until the 1st of January, 1863, when he formed a new organization, which was also a copartnership, not an incorporated company, and which continued, with various changes occasioned by death, up to May of last year. In 1869, as I have told you, I became the president of the road, chiefly because I represented the estate of Mr. Bowler, who was my brother-in-law, and who had a large interest in it at that time, the partner who had been the president having died very suddenly in the preceding May or June. I had been a director for two or three years before I became president of the road, but had taken no active part in the management, and knew very little about its affairs, except as it became necessary for me to know in order to protect the estate of which I was the administrator. When I became president, in December or in the fall of 1869, I was very much occupied with a suit which attacked the title of the road in Mr. Bowler, and consequently in the company which existed at that time. I was very much occupied with that during the winter and the spring after I became president. In the fall of 1870, after I had gotten through for the moment with the necessity for looking into the suit which attacked the title, (and which was quite a notable suit in that part of the country,) I turned my attention to the interests of the road and to familiarizing myself with the duties of the position which I held. Among other things I found—and I think then for the first time I heard of it, though of that I cannot be certain—that there was a claim against the Government for the difference between the rates that the Kentucky Central Railroad had claimed and the amount that had been paid for

transportation of troops and supplies, freights of various kinds; I cannot specify or particularize them more than that. If I had ever heard of it before, I knew nothing about it at that time. The Kentucky Central Railroad Company consisted at that time of the estate of Mr. Bowler, of which I was the administrator, his son, my nephew, being a member of the board; Governor, now Senator, Stevenson, of Kentucky. Mr. William Ernst, of Covington, Ky., and Mr. Gedge, and also the estate of Mr. Keith, who was my predecessor in office and one of the parties. I was in the habit of seeing these gentlemen very constantly. They lived in Covington and I lived in Cincinnati. Mr. Ernst is president of the Northern Bank of Kentucky, Governor Stevenson is the counsel of the company. Mr. Gedge was not so active a member, and I did not see him very often. My nephew, Mr. Bowler, was a member of the board. When I found that such a claim existed (and, as I remember then for the first time,) I went to see Governor Stevenson, whom I saw very constantly, and asked him about it, as he had been a member of that company from the beginning. He told me that there was a claim existing and told me in general terms what it was. He told me that it had been pending for a long time, and that the company had been willing to give a very large percentage of the claim to anybody who would get it through, because it had laid so long; it was one of the claims connected with transportation during the war, and in that conversation he told me that he had been willing, and for his part, was then entirely willing, to give fifty per cent. of the claim to have it collected. That put somewhat a new aspect upon the claim in my eyes, and I asked him if he thought that would be the disposition of the various owners now. He said certainly it would, that they had repeatedly been willing to give a large percentage upon the claim to anybody who would take charge of it; and he told me that various persons had made application for an employment of that kind. I said to him, "If that is the disposition that you have, I shall see the other members of the board who own it and talk with them on the subject." I saw Mr. Ernst, Mr. Bowler, and Mr. Gedge, and he agreed to see the representative of the estate of Mr. Keith. I had no personal acquaintance with any of that family, but they were near neighbors of his. It resulted in an arrangement by which I was to receive, upon the amount that I collected on the claim, 50 per cent. I then looked into the papers and made an examination as far as it was possible for me to make it in the office of the company. I believe that I found the whole thing represented there in some way or other. I found some correspondence—I could not undertake to detail now what it was—in regard to the claim and the foundation of it, and then I learned what I have already told you, that it was a claim for the difference between the amount claimed by the Kentucky Central Railroad for transportation and the amount that they had received from the various disbursing-officers of the Government. I found that the claim had been presented in 1863 or 1864—I do not now remember which—and that the proofs were on file to a great extent—possibly entirely. I prepared the claim and presented it to the War Department. My impression was, until I saw the publications in the papers, that the allowance finally made was one hundred and forty-nine thousand some hundreds of dollars. I see it stated that it was one hundred and forty-eight thousand and some hundreds of dollars. I have not had my attention called to the papers lately, nor had I before I left home an opportunity to look at them; but I suppose that is not important. I speak guardedly on that point, because I have seen recently statements of the amount differing from my recollection. I presented the claim to the War Department, and it passed into the hands of General Dunn. I saw him once or twice in connection with it. I had quite a voluminous correspondence with him; I suppose it is on file; I do not know; I have not seen the papers since. After several months it was allowed by the War Department and passed by the Treasurer. I went to see Mr. Boutwell in connection with it, (he was then Secretary of the Treasury,) and made but a single request of him—that I should not be kept here for an age waiting for it. He was very kind, and said that the examination of the account should be made at the earliest possible moment, adding a jocular remark. I knew him very well in the House of Representatives, and also as Commissioner of Internal Revenue. I think I was here for a week, while it passed through the Treasury Department. When it passed there I got a warrant from the War Department, and it passed through the Treasury Department, and I received the money and accounted for it to the railroad company.

Q. In procuring that award from the War Department, did you pay to the late Secretary of War, or to any member of his family, or to any person for him, directly or indirectly, any consideration whatever for making the award?—A. None in the world; not a dollar, nor any other consideration.

Q. You say the settlement was made for the difference between the freight claimed by the Kentucky Central Railroad and what was paid them by the Government?—A. That is my recollection of the claim. The basis of the claim was—perhaps I had better explain this a little more fully. I found upon an examination I made that there had been a convention of through-line railroads, in the States that were not affected directly by the incursions of the rebels, by which they had agreed to take a certain rate of freight for transportation of troops, supplies, and various things, and that in the convention that was agreed upon between the War Department and these railroads an exception was expressly made in favor of roads which lay within territory liable to incursions from the confederates. I think it will be found—though I speak with a little hesitancy, because I have not refreshed my recollection

upon these matters particularly—I think it will be found that in the published proceedings of that convention an exception was made in favor of the roads which lay within territory liable to such incursions, and it was stated in the resolutions by the agents of the roads that agreed to transport for certain rates that their jealousy would not be excited if allowances to the full amount of their tariff-rates were made to roads liable so to be disturbed. The claim of the Kentucky Central Railroad was for the difference between what had been paid according to this agreement with the railroads, and the tariff-rates of that road diminished by 10 per cent. Their claim was 90 per cent of their tariff-rates. Why they claimed 90 per cent. instead of the full amount I cannot tell. I know nothing about that. I found that that was the claim already pending before the War Department, when it came to my knowledge that there was any claim at all. I found also, in the course of my investigation, that the Baltimore and Ohio Road had been paid to the full amount of its tariff-rates. The Louisville and Nashville Road had been paid in the same way; whether before or after, I do not know. But, at all events, in 1869–'70, when I came to investigate this thing, I found that that was the condition of affairs. I am very frank to say, that if the case had been put into my hands as an original matter, I should have claimed the full tariff-rates.

Q. Then your road in this settlement only got 90 per cent. of its regular tariff-rates?—A. Only 90 per cent. of its regular tariff-rates, and I presented proofs (I presume they are among these papers) in order to substantiate the proposition that the Kentucky Central Railroad came within the exception made by this convention of railroads—proofs that it had been for weeks (and months, perhaps, but I will not be very certain about that) prevented from running by the occupancy of that territory by the confederate troops. I do not think I am out of the way in saying that at least four or five times during the war it was occupied by confederate troops, and the bridges destroyed, and the rails taken up and bent, and that there were weeks when it could not send any trains at all.

Q. You say that this same claim had been offered to others upon the same terms upon which you undertook to collect it?—A. I am told that it had.

Q. Do you know who had had any contract of that kind with the company?—A. I do not think anybody had a contract of that kind. I think it was given to nobody, but that persons had offered to take it, and the matter had been under consideration. That is what I was told at the time that I began to look into it. I do not know it of my own knowledge.

Q. Had you when here at Washington any interviews personally with the Secretary of War in regard to this claim?—A. Yes, sir; the first interview that I had in connection with the claim was when I went to the War-Office, and asked to see the Secretary, and made to him a statement in brief. I think that was in November, 1870. I did not look into the case at all until the fall of 1870.

Q. Then you saw him during your first visit here, with reference to that claim?—A. Yes; I went to the office early in the morning, about half past nine or ten o'clock. From having been in Congress here a good many years, I knew something of the times at which he could be found at leisure, and I went there in the morning before any visitors came, I believe, and I had an interview with him of about half an hour, or perhaps a little longer. I stated to him the case in brief. I see it stated in the newspapers that I filed also a written statement at that time. That is very possible; I don't remember. When I had stated the case to the Secretary, he sent, if I am not mistaken, for General Dunn, and said to him, "Here is a claim that Mr. Pendleton presents, and I refer it to you."

Q. Did you appear before General Dunn?—A. I was before General Dunn at that time; if you ask me just when, I do not know, but I recollect having had several interviews with him on the subject, and my impression is that I went immediately to his room from the Secretary's office. I had known General Dunn in Congress. We were colleagues in the House together. I saw him once or twice, I think, while I was here. I was not here more than three or four days at that time. I had several written communications with General Dunn afterward. I was not in Washington again until the 4th of the ensuing March, when I came on for a little visit without any special business. I am not able to say whether I saw the Secretary of War at that time or not. I think it very probable that I did, but I have no distinct recollection in the matter. I am certain that the communications which I had with General Dunn were chiefly in writing, but I presume I saw him at that time also.

Q. This claim had been before Secretary Stanton and, as I understand, before General Rawlins when he was Secretary of War?—A. I cannot speak with entire certainty about that, because it was before my intimate connection with the matter. My belief is that it was never before General Rawlins. My belief is that it was never before any Secretary of War after 1864, and in 1864, although refusing to pay the back-claim for services in 1861 and 1862, according to the rates that the Kentucky Central Railroad Company claimed, Mr. Stanton, then Secretary of War, and General Meigs agreed to pay, and either did pay the road its full-tariff-rates or 90 per cent. of the full tariff-rates for all work done for the Government from July or August, 1864, until the end of the war. But they declined to pay at the same rates for service done prior to 1864. You understand that I repeat this not of my own knowledge, except as I have gathered it from the books and from statements, for in 1864 I had nothing to do with the road.

Q. Do you know of any reason why, in direct oppposition to the opinion of the then

Quartermaster-General of the United States, General Meigs, dated Jnnuary 21, 1871, the Secretary of War approved that claim?—A. I thought there was a very good reason. I wrote a reply to the argument of the Quartermaster-General, and I thought I established very conclusively that it ought to be paid, in spite of his opinion.

Q. General Dunn then made a report upon the opinion of the Quartermaster-General and upon your argument?—A. My impression is—I speak with some uncertainty—but my impression is that after the claim was sent to the Quartermaster's Department a copy of General Meigs's statement, or opinion, or conclusion, was sent to me, and that I reviewed it in an argument which I filed in the War Department. My recollection is that my argument was sent to the Quartermaster-General, and still his opinion was not changed, and I made a still further argument and presented all the proofs that I could find in order to bring the case within the exception established by the railroad convention of which I have spoken.

Q. And upon that Judge-Advocate-General Dunn gave an opinion after you made your argument?—A. That is my recollection. I have no doubt the opinion is on file.

Q. And upon the filing of that opinion of the Judge-Advocate-General, it appears that the Secretary of War, on the 27th of May, 1871, approved the claim and recommended that the report be approved?—A. I cannot say at what time he gave his opinion. I was in Cincinnati attending to my ordinary avocations, when I heard that the claim had passed the War Department; I don't remember how I heard it; probably by a letter from General Dunn. In the course of ten days, I presume, it came on.

Q. Was any other person in any way whatever interested with you in prosecuting this claim before the War Department, or any of the other Departments of the Government?—A. The only person who was interested at all with me was Mr. A. H. Ransom, and I will explain exactly how that interest arose. Mr. Ransom was a clerk in the railroad company's office during the whole of the time when the service was rendered for which this claim was made. He is not (I state it in order that the names may not be confused) Mr. H. P. Ransom, our present auditor, and who is now in Washington. Mr. A. H. Ransom never was in the service of the company while I was its president, except as I took him in temporarily to supply a vacancy. He was familiar with the business of the road, and a good penman and book-keeper. and I took him in for a time in that way.

Q. What service did he render in relation to this claim?—A. The service that he rendered was in making up the account. He had been in the employment of the railroad when the service was rendered, and had made up the original account on which the claim was based. I found that he was familiar with the matter, and as soon as I began to look up the case I sent for him (he lived in Covington) and got from him all the information that I could. Subsequently, when I came to account to the railroad company for the amount I had received, he claimed that he was entitled, by an original contract with the company made when he first made up the account, to a percentage upon whatever they should recover, and when I came to settle with the railroad company there was a little discussion, of the most friendly character, between the gentleman who owned the claim and myself, as to whether his fees was to come out of my compensation or not; and, in addition to the fifty per cent. which they allowed me according to the contract I had with them, they made me an additional allowance, with the stipulation that I should settle with Mr. Ransom for any claim that he had against them; which I did.

Q. Please state, if you can, the proportionate interests of those several parties in the Kentucky Central Railroad. You represented the Bowler interest. How large was that?—A. I don't know that I can state with entire accuracy, but I know pretty nearly what it was. I do not undertake to give you the exact figures; I would not venture to do that; but my impression is that the Bowler estate owns three-fifths of the interest in that road, or perhaps a fraction less. The balance is owned by Mr. Stevenson, Mr. Ernst, Mr. Gedge, and the Keith estate. or, rather, Mr. Keith's father-in-law, Mr. Hathaway, first had the interest and assigned it to Mr. Keith.

Q. Do you recollect in what proportions the balance is owned?—A. As I cannot answer exactly, I would rather not answer at all, but my impression is that, assuming $263,000 to be the whole amount, the Bowler estate had $153,000 or $150,000, more or less, and that the balance was held between these other parties.

Q. In equal proportions?—A. No. One of them had $36,000, and I think one $20,000, and the other $24,000; yet if one had $36,000 and each of the others $24,000, I should not be surprised.

Q. You speak of having had a contract with the owners of the road for the collection of this claim against the Government; was that contract in writing?—A. No, sir; a mere verbal agreement.

Q. Made by those gentlemen personally, and by those who represented the interests concerned?—A. Made by them personally. They constituted the whole road. There were no stockholders, in the ordinary sense. They were each of them representing the interests which they themselves had. Except myself, as the administrator of the Bowler estate and the family of Mr. Keith, all the other owners were in the board, and active in the daily management of the road.

Q. When you made the settlement you gave the company their proportion?—A. I reported to them exactly what I had collected; they were perfectly cognizant of all that had

transpired between us; the only matter that was brought up was the payment of Mr. Ransom, which we settled in an hour—indeed, I think our whole meeting was not more than an hour, and I paid them the balance due them.

Q. Then Mr. Ransom, as I understand it, was the only person who in any manner assisted you in prosecuting this claim before the War Department?—A. The only person.

Q. And he was paid by the company?—A. He was paid, with the cognizance of the company, by me, out of the allowance which they made in addition to the 50 per cent.

By Mr. ROBBINS:

Q. Was the 90 per cent. which was paid, 90 per cent. of the whole claim, or 90 per cent. of that difference which you speak of?—A. The claim was for the difference between the amount that had been previously paid by the Government, and 90 per cent. of the ordinary tariff rates. The claim that was actually paid by the Government, all told, was 10 per cent. less than the tariff-rates for the services rendered. The way in which the account was made—I cannot tell how it appears upon the papers, but, as a mere practical question, we would charge the Government 90 per cent. of the tariff-rates, give them credit for the amount actually paid, as the work progressed, and charge them with the difference, and the difference made up the amount of this claim.

Q. General Dunn made a favorable report to the War Department upon this whole case, did he not?—A. I know the fact that he did, and yet if I ever saw it I cannot remember.

Q. And upon his report the allowance was made?—A. Upon his report the allowance was made by the War Department, and afterward it was carried to the Treasury Department, and it passed through that Department.

Q. You answered a while ago in regard to the Secretary of War. I will ask you now whether there was any pecuniary inducement ever offered to or accepted by General Dunn for his favorable action on this claim?—A. Not the least in the world.

Q. What was he at that time?—A. I think he was Assistant Judge-Advocate General, on duty as a sort of law-officer in the War Department, but I do not know exactly.

Q. Did any official of the Government have any pecuniary interest in the payment of that claim?—A. Not a dollar.

Q. Or was any consideration offered indirectly relating to other matters, so as to make it a personal interest?—A. Nothing at all, sir.

Q. The whole amount that was paid, including what had previously been paid and the amount which you received, made $263,000?—A. No; I cannot tell you what had previously been paid. In speaking of the $263,000, I merely assumed that that was the whole capital of the company, and endeavored, on that basis, to state what were the interests of the respective parties.

Q. You do not know how much was paid prior to the allowance which you obtained of $148,000?—A. I do not. I may have known, but I do not recollect now.

Q. You do not know what proportion the sum you collected bore to the whole amount of the claim originally?—A. I do not; I have no doubt I did know, but I don't know now.

By Mr. BLACKBURN:

Q. Do I understand you to say that there was nothing in fact in the prosecution of this claim for the Kentucky Central Railroad Company against the Government, which would warrant any statements that have been or that may be made implicating the Secretary of War, or Mr. Dunn, or any member of the Secretary of War's family with you, improperly, in its prosecution or payment?—A. You do most emphatically—that is, I do mean you to understand me to say that most emphatically.

By Mr. DANFORD:

Q. The claim of the Kentucky Central Railroad Company had been pending for some years in the War Department?—A. Yes.

Q. Hadn't it been presented and rejected repeatedly before you took hold of it?—A. I am not able to answer that from any knowledge that I have. My recollection is that it had been presented to Secretary Stanton. My belief is that it never was presented to any other Secretary; and yet, if the papers should show differently, I am wrong. I am speaking of matters that are not within my own knowledge, but my belief is as I have stated.

Q. If an examination of the papers should show that the claim had been presented likewise to Secretary Rawlins and rejected, then you are simply mistaken?—A. I am not cognizant of it. I am not mistaken in saying that I never had knowledge of that; I certainly never had any knowledge that the claim was ever presented to Secretary Rawlins. If the papers show that it was, then that only shows that the fact never came to my knowledge.

Q. Do you mean that it never came to your knowledge, or that it has escaped your recollection?—A. It never came to my knowledge.

Q. [Referring to a package of papers.] Did you examine this pile of papers in connection with that claim?—A. I presume I did, but I do not know. They were not in the office.

Q. Who was Judge-Advocate-General while Mr. Stanton was Secretary of War?—A. I cannot tell you; Mr. Holt, I believe.

Q. Was he not Judge-Advocate-General while Mr. Rawlins was Secretary of War?—A. I

think Mr. Holt has been Judge-Advocate-General from an early period in the war until, I should say, within six months. I have seen in the newspapers an announcement of his retirement within that time, I think.

Q. Was not this case examined twice by General Holt, and twice rejected?—A. I have no knowledge that it was ever examined by him.

Q. Did you intercede with Secretary Belknap to have this case referred to General Dunn?—A. I did not.

Q. Do you know how it came to be so referred?—A. I do not.

Q. How long did you remain in the city upon the occasion on which it was referred to?—A. It would be difficult for me to state the exact number of days; I think not more than three, four, or five days.

Q. How many conferences did you have with General Dunn?—A. It would be impossible for me to answer that; I think not more than two during that visit; and yet I may have seen him every day. I was only here three or four days, and I may have seen htm every day, or I may not. I cannot answer definitely.

Q. Did you on that occasion make an examination of the papers then on file, in regard to this claim, in the War Department?—A. I presume I did, but I have no distinct recollection of doing so.

Q. Did you ever take the papers with you to Cincinnati for examination?—A. No, sir.

Q. You prepared, did you not, two written statements or arguments in that case?—A. I prepared two or three.

Q. Did you prepare those arguments at your home in Cincinnati or in Washington?—A. I prepared them in Cincinnati.

Q. Without the presence of the papers?—A. Without having the papers by me, for I never had those papers in Cincinnati. I presume I knew their contents.

Q. Did you have copies of them?—A. Never copies of all those papers. I think it very probable, indeed I know, that I had a copy of the report of General Meigs, because that was, in part, the basis of the argument that I made.

Q. You were replying to General Meigs's argument in one of those papers you presented—A. That is distinctly on my mind.

Q. Did you get the facts that you refer to in your arguments from General Meigs's statement of the case?—A. That I am not able to say. I had collected all the information from every source that was open to me, that I thought was pertinent to the claim that I was pressing.

Q. Can you tell the committee upon what this claim was rejected, when it was rejected, whether upon a matter of fact, or upon some legal question?—A. I can only tell that from what appears upon the papers.

Q. Speaking from your examination of the papers, what was the reason assigned for the rejection of the claim?—A. I have an impression as to the cause of its original rejection, from a conversation that I had with General Meigs upon the subject. Whether I derived that impression from the conversation, or whether there is something in the papers connected with it, I am not able to say, but I have a very distinct impression of the conversation that I had with General Meigs upon the subject and of the ground that he took in rejecting the claim,

Q. Well, we are not confined to very strict rules of testimony here, and you will please state that impression received from that conversation.—A. I went to see General Meigs in regard to this claim, either before or after I had replied to his argument; I don't know which; if it was after, it was when I came here about the 4th of March; if it was before, it must have been at the first visit that I paid. I had a little conversation with the general, and he told me he thought the claim ought not to be paid, for two reasons. One was that it had been before the War Department and had been rejected, and he did not think it ought to be reopened. The other was, that he did not think the Kentucky Central Railroad was entitled to charge what it desired to charge, because the Government had been at the expense of changing the gauge of the road, and had been at a heavy expenditure in order to enable it to do its work. I said to him, "General Meigs, you are entirely mistaken as to that fact." He said, "No, I was in the western country and I know that it was changed." I said, "You are entirely mistaken as to the fact, for the gauge of the road was never changed;" and I presented to him the proofs that it never had been changed, that he had made a mistake in the road, and that it was the Louisville and Lexington road, and not the Covington and Lexington, as we called the Kentucky Central at that time. And when I presented that to him so clearly that he remembered that he had made the mistake he still insisted that the claim ought not to be paid.

Q. Does that fact appear in General Meigs's statement rejecting the claim?—A. My impression is that it does not; but I cannot tell. I think it does not. I have never seen those papers since 1871, or whenever it was. I am giving you my decided impression, but I speak with the reserve that is necessary when so long a time has elapsed.

Q. The Kentucky Central had been raided a number of times during the war?—A. Yes, sir.

Q. Its carriages had been burned and its trestles destroyed?—A. Some of them.

Q. Some of them were rebuilt by the Government, were they not?—A. I think not, but I cannot say positively, for that was before my connection with the road.

Q. Is not a part of this claim which was allowed, $148,000, based upon the destruction of the bridges during the war; did not the company make, in addition to the difference in the price of transportation, a claim for the destruction of bridges?—A. In this $148,000? My impression is that they did not. My recollection is very distinct that I presented the proofs of the raiding and the destruction that the road suffered, in order, as I said before, to bring it within the exception.

Q. Did you take any testimony yourself after you came into the case, or had it already been taken, and was it simply reviewed by you?—A. My impression is that I took two or three affidavits; I think not more than two or three, but I do not speak exactly.

Q. Where did you take them?—A. I must have taken them in Covington.

Q. Where was the principal office of that road in 1869?—A. In Covington.

Q. Where was it in 1871?—A. In Covington. It always has been in Covington since I have known anything about it.

Q. With what bank does the road do its business there?—A. The Covington branch of the Northern Bank of Kentucky.

Q. Who is president of that?—A. Mr. Ernst is the managing or controlling man. My impression is that Mr. Madison Johnson, of Lexington, is the president of the mother bank. Whether Mr. Ernst is the vice-president or the president of the branch bank, he is the controlling man.

Q. Was he president of that bank in 1871, when this claim was paid?—A. Yes, sir; that is, he was occupying the same position that he does now.

Q. In what shape did you take this $148,553.82 (if that be the correct sum) from the Treasury?—A. I took it in drafts upon New York, I think.

Q. Do you know how many of them?—A. I think there were three or four.

Q. Do you know what disposition you made of those drafts?—A. I presume I do. I handed over some of them to the railroad company and kept the rest for myself.

Q. How many drafts did you hand over to the railroad company?—A. That I am not able to say.

Q. If it should appear that a draft for $68,553.82 was collected through the Covington Northern Bank of Kentucky, would that be according to your impression the entire amount received by the railroad company?—A. I can tell you within a fraction how much was received by the company, and if the draft for $68,000 passed through the bank, I have no doubt that that was the amount of one of the drafts that I took out.

Q. Is that likely to have been the entire amount received by the railroad company?—A. I don't think that the company received practically $68,000. I mean to say that I do not think they received $68,000, though it may be so.

Q. Do you think they did not receive so much as $68,000, and the fraction whatever it was?—A. I do not say that they did not receive that check, (if that was the amount;) but that practically they received that amount for distribution, I do not think, because my recollection is that the allowance that was made to me above the fifty per cent., in order to settle with Mr. Ransom, would not leave $68,000 of the claim for the company.

Q. How much did Mr. Ransom receive?—A. My recollection is that I paid him $15,000.

Q. That would not leave so much as $68,000 to the railroad company?—A. My recollection is not quite as distinct as I thought it was. My recollection is that when I came to settle with the railroad company, they allowed me $80,000, the fifty per cent. and the addition to make it up to $80,000; but in trying to remember all these amounts I am now uncertain whether they allowed me $80,000 or $90,000.

Q. If they allowed you $80,000 would not the remainder be just $68,000?—A. If the $68,000 is the right amount, that would be it, but I am not certain of the amount. They either allowed me about $80,000 or about $90,000, and my distinct recollection was $80,000, but if it should appear to be $90,000, I choose to guard myself by saying that I am not certain about it.

Q. Now, if there was another draft for $50,000 collected through the Commercial Bank of Cincinnati, to whom did that money go?—A. If there was a draft collected through the Commercial Bank of Cincinnati it was mine. My brother was president of the bank.

Q. Your brother was president?—A. My brother is now the president and was in 1871. That is the bank through which I ordinarily do my business.

Q. And that money belonged to you?—A. That money belonged to me.

Q. All of it?—A. All of it.

Q. It went into your account when collected?—A. I don't know that it went into my account in the bank. I am not able to say that I deposited it with the bank, but I either deposited it with the bank or with my brother.

Q. Then if there was another draft of $30,000 collected through the First National Bank of Cincinnati, and the two other drafts that I have mentioned, collected upon the same day, to whom did that $30,000 go?—A. To me—collected in money.

Q. What disposition did you make of that money when it was collected; have you any recollection?—A. Yes, sir; I have a general recollection of it. I don't know that I could give you the exact cents, but I have a very distinct recollection, in a general way, of what I did with it. Would you like to know?

Q You may state it, if you please.—A. Certainly. I, in the first place, paid some drafts that were in the Commercial Bank which I had received from my family who were traveling in Europe. I paid up little debts that I had of various kinds. I put in my pocket as much as I thought was necessary to make a trip to Europe, which I left to do on the very day I closed all these transactions, and the balance, whatever it was, was deposited in the Commercial Bank.

Q. You are speaking now particularly of the $30,000?—A. Yes, sir; the $30,000 that you speak of.

Q. Your family were traveling in Europe at that time?—A. Yes, sir.

Q. Whom were they traveling in company with; of your own neighbors in Cincinnati, I mean?—A. There were none of them that I know of. My wife, my two daughters, my son, and my adopted daughter had been spending the winter in Rome, and had left a little before that time, having broken up their residence there, and were traveling in the north of Italy, and I was about to join them.

Q. Was Mrs. Marsh traveling in Europe at that time?—A. Not to my knowledge.

Q. Was Mrs. Bowers traveling in Europe at that time?—A. Not to my knowledge; and I think I would have known it if she were.

Q. She was a neighbor of yours in Cincinnati at that time?—A. She was a resident of Cincinnati at that time.

Q. Did she travel in Europe soon after that?—A. She went to Europe in 1872.

Q. This claim was paid in June, 1871?—A. This claim was paid in June, 1871; and upon the very day that I made the settlement with the railroad company, I left Cincinnati and sailed for Europe.

Q. When did you return?—A. It is a little difficult for me to give exact dates, for I have been to Europe every summer until the last, for four or five years. My family were abroad, and I went every summer to pay them a visit, sometimes shorter and sometimes longer, and I am liable to get the dates of the different years a little confused; but I should think that I came back in August, 1871. I again went to Europe in 1872.

Q. This $50,000, you have already stated, went to your account in the bank of your brother?—A. Yes, sir.

Q. Were you engaged in any other business than your connection with that railroad company at that time?—A. I have kept up my relations to the bar always more or less actively, but of course not very closely when I had charge of the road.

Q. Were you in any other business except your connection with the road and with the bar?—A. No, sir.

Q. I believe you have answered that no person connected in any way with the War Department received any portion of this money?—A. None.

Q. Had you any assistance from any person in Washington City in getting this claim through?—A. No, sir.

Q. You paid no money to any one in Washington?—A. Not a dollar.

Q. Had you any assistance from any one except the gentleman you have named, Mr. Ransom, in preparing this case or getting it through?—A. None, excepting from those who were in the railroad office at Covington. I may have called on the other clerks there to do some writing for me in the matter at some time.

Q. Did you pay a compensation to any one except Mr. Ransom?—A. I think to no one except Ransom.

Q. You were president of the road?—A. Yes, sir.

Q. You had a salary as president?—A. Yes, sir.

Q. I believe you have already stated that your connection with this road came about for the reason that you were administrator of the Bowler estate.—A. That was the sole reason that I had any connection with the road at all. Mr. Bowler was my brother-in-law.

Q. Who were the heirs of the Bowler estate?—A. My sister was the widow, and there are three children. The eldest is a young man of about 28 or 30 years of age, named after myself, George Bowler. The second son is not yet of age; he is named Robert, after his father; and the third is a young girl of perhaps 15 years of age.

Q. Was there not some twelve miles of that road that the Bowler estate had no interest in whatever?—A. Probably you are alluding to the portion of the road from Paris to Lexington, 19 miles. That was not a portion of the road that was purchased, but the Kentucky Central Railroad Company, that is to say, the road from Paris to Covington had been gradually buying up the stock of the road from Paris to Lexington, until it became the chief owner of it.

Q. Do you know how it stood during the war?—A. I do not.

Q. Please tell the committee out of which of these drafts Mr. Ransom was paid his $15,000.—A. I can't tell you. My impression is that of the draft that I gave to the road, a portion went to Mr. Ransom; whether it went directly through my hands or not I cannot state. The balance, whatever it was, I paid out of the draft which I collected in money.

Q. I believe you have stated that you did not know that Secretary Rollins had rejected this claim.—A. I had no knowledge of it.

Q. Did you know that it had been rejected by Secretary Stanton?—A. I knew what the papers show. I do not think it is a rejection. I knew that it had been under his supervis-

ion and had not been paid, and I presume that the papers will show the indorsement that he made.

Q. You knew what his indorsement was at the time you presented the claim?—A. Yes, sir; I knew it thoroughly.

Q. And you knew also what Quartermaster-General Meigs's indorsement was?—A. I presume I did know what he had said in the beginning, but the subsequent conversation that I had with him was so distinct that the prior indorsement may have become a little hazy in my mind.

Q. That was a matter of transportation, and so was specially under his care?—A. I presume it was.

By Mr. BASS:

Q. As I understand, in general terms, you, as administrator of the Bowler estate, owned three-fifths of this road.—A. In general terms.

Q. And your administration was for the benefit of infants?—A. Yes, sir.

Q. And you, as administrator, made a contract with yourself, as the president of the road, by which you received $80,000 and the Bowler estate received three-fifths of $58,000 or $68,000?—A. No, sir; I did not make it with myself——

Q. How was that done?—A. (Continued.)—because I consulted Mr. Bowler, my nephew, who was one of the heirs and entitled to his full share; and I consulted my sister, Mrs. Bowler, who had her interest.

Q. Yes, but there were two infants; who represented them except yourself?—A. Well, as far as they were represented, their mother and their brother and I represented them.

Q. It was assumed?—A. No, sir; it was not assumed.

Q. It was assumed that they would not object to this when they became of age?—A. Yes, sir; I don't think they will object to it.

Q. Then that is the fact that, as administrator, representing three-fifths of the road, you made a contract with yourself, as president of the road, to perform these services?—A. I made the contract just as I have stated it to you.

Q. Out of which you realized $80,000, as I understand?—A. Yes, sir; at least $80,000; either $80,000 or $90,000; that is to say, I realized that and settled Mr. Ransom's claim. My impression is that I paid him $15,000.

Q. Out of the $80,000?—A. Out of whatever I received.

Q. I understood you to say that his claim or part of his claim was paid out of the portion which went to the railroad company, the $68,000?—A. You misunderstood me if you understood me to say that any portion of his claim was paid out of the amount which the company was to receive for its share. They allowed me a certain amount, out of which I was to pay him. Now, the question was asked me whether or not a portion of a certain draft went to him, the draft for $68,000. That I can scarcely answer definitely; my impression is that it did.

Q. Then, will you state, as nearly as you can, how much the company realized of this claim?—A. If the company allowed me $80,000, as my distinct impression was that they did, they realized $68,000, assuming that $148,000 was the amount received instead of $149,000, as I think it was. If, on the other hand, they allowed me $90,000, or $87,000, or $88,000, or whatever it was, they realized the balance.

Q. That is what I asked you to state, how much they realized.—A. I have told you that the impression upon my mind was very distinct that they allowed me $80,000, and that I was to pay Mr. Ransom out of that; but in thinking over these things my mind is a little confused as to whether $80,000 was the exact amount that was allowed me; but whatever they allowed me I paid Mr. Ransom out of it, and the company received the rest. If I am right in saying that they allowed me $80,000, they received $68,000 and a fraction. If they allowed me $90,000, and I settled with Mr. Ransom, they have received but $58,000.

By the CHAIRMAN:

Q. Now, a little matter personal to myself. Didyou and I ever meet at any time in Europe anywhere?—A. I have not the least recollection of it.

Q. You never saw me there, did you?—A. I do not think I ever saw you there. I knew the fact that you were there, and I have seen you repeatedly at home.

Q. Have you ever seen me since you have been here this time, to have any conversation with me, in this city before, save in this committee-room?—A. No, sir. The statement that has been made, that I had been in communication or private conversation with any member of this committee, is an infamous falsehood.

Q. Or with anybody for any one of them?—A. Or with anybody for any one of them. I saw Mr. Blackburn on the floor of the House the morning I came in. With that exception I have not had any private conversation with any of the members of this committee.

Mr. BLACKBURN. I introduced a number of Congressmen to you that morning, as we came up.

The WITNESS. Yes, sir; I had the pleasure of knowing a good many of them, and you introduced me to a good many more.

Mr. ROBBINS. To me among others, I recollect. We merely spoke.

WASHINGTON, D. C., *March* 14, 1876.

S. P. RANSOM sworn and examined.

By the CHAIRMAN:

Question. Are you the auditor of the Kentucky Central Railroad?—Answer. I am.

Q. What do these books which you have produced here contain?—A. They are mostly letter-books, and one of them is chiefly devoted to this particular claim, in making up the detail as it was returned to the office from Colonel Swords's office—the assistant quartermaster-general in Cincinnati, in command of that department at the time.

Q. Does this book show the settlement of the claim?—A. No, sir; it does not

Q. Have you any books that show the amount received by the company on that claim?—A. No, sir; neither here nor in the office.

Q. Whose books in your office will show?—A. No one's.

Q. Where will that amount appear, if anywhere?—A. If it appears anywhere it will appear in the treasurer's books.

Q. Are not those in your office?—A. No, sir; the treasurer's office is separate; it is at the Northern Bank.

By Mr. DANFORD:

Q. You were auditor of the company at the time this claim was presented and pressed through?—A. I was auditor from the 1st of January, 1864. Some of the work was done before that.

Q. When was this claim made up?—A. In 1863-'64.

Q. Who had charge of the claim first?—A. A. H. Ransom, my brother, who was formerly in that office.

Q. Was he employed by the company to put the claim through?—A. Yes, sir; when he was in the office it was part of the work of the office. After he left the office, on the 1st of January, 1864, he was made general agent of the company.

Q. Had the company any other attorney in the matter of this claim?—A. I think not.

Q. Had the road a general attorney?—A. Yes, sir; Governor Stevenson.

Q. Did he ever do anything in regard to putting this claim through?—A. I do not think he did.

Q. You are familiar with the claim yourself?—A. I am.

Q. A great many of these papers were made up by you?—A. Not a great many of them; some of them.

Q. Some letters were addressed to you by the auditor, and you addressed letters to the Department in relation to the claim?—A. Yes, sir.

Q. You knew that it had been rejected at one time?—A. No, sir.

Q. Did you not receive information that General Meigs's opinion was adverse to the claim?—A. I received information that General Meigs declined to re-opent he account.

Q. And afterward the matter was put into the hands of Mr. Pendleton?—A. I so understood. I knew that as a matter of fact, not officially.

Q. Were you a party to the making of the agreement with Mr. Pendleton?—A. No, sir.

Q. Do you know any fact in connection with that agreement?—A. Not a thing.

Q. Did you ever hear Mr. Pendleton say anything about the agreement?—A. No, sir.

Q. Did you ever hear him say anything about any trouble that he had in getting the claim through?—A. No, sir.

Q. Or anything about his influence with the Secretary of War?—A. No, sir.

Q. Or anything about any manner in which he could operate on the Secretary of War?—A. No, sir.

Q. Did you ever talk with him about this claim?—A. Very little.

Q. Have you ever talked with him about the merits of the claim?—A. Yes; I have talked with him about the merits.

Q. Did you ever talk with him about the progress he was making here in the Department?—A. No, sir.

Q. You were the auditor of the road?—A. I was.

Q. And he never said anything to you in regard to that?—A. No, sir.

Q. When did you first ascertain that he was likely to put this claim through?—A. The first I ever knew of it was when he returned from Washington.

Q. Was not this amount that he received regarded as a pretty big fee?—A. I do not know what fee he got.

Q. If he got $80,000 out of $148,000——

Q. If he got that amount what kind of a fee do you regard it as, considering the work he did?—A. I cannot say as to that, because I do not know what work he did.

Q. Don't you know what the papers show?—A. I never saw the papers after the claim was made up.

Q. Was the claim not made up before Mr. Pendleton came into the case?—A. I think not.

Q. Did not your brother make it up in the main?—A. Yes, sir; in the main.

Q. Do you know what fee he got?—A. I do not.

Q. Did he ever tell you?—A. He may possibly have told me; if he did I have forgotten.
Q. You are the auditor of the road now?—A. Yes, sir.
Q. What connection has Mr. Ernst with the company?—A. He is treasurer.
Q. Is the office of the treasurer separate from the office of the auditor; is his place of business or his books and accounts separate?—A. They are, sir; his office is at the Northern Bank.

By the CHAIRMAN:

Q. Are you an owner of the road in any way?—A. No, sir.
Q. You are merely an employé?—A. That is all.
Q. You never had any interest in the road?—A. None, sir; except to draw my salary.

By Mr. DANFORD:

Q. What is the president's salary?—A. I think it is $6,000.

Kentucky Central Railroad Company's claim.—Drafts put in evidence.

WASHINGTON, *March* 14, 1876.

On the re-assembling of the committee at 2 o'clock p. m., Mr. Danford put in evidence the indorsement made upon the adverse report of Quartermaster-General Meigs, dated March 15, 1864, in relation to the Kentucky Central Railroad claim, as follows:

"The conclusions of the Quartermaster-General with regard to the Kentucky Central Railroad Company are approved.
"By order of the secretary of the board:

"C. A. DANA,
"*Asst. Sec. of War.*

"MARCH 15, 1864."

Also the following letter addressed to C. H. Ransom, general agent of the Kentucky Central Railroad, Covington, Ky.:

"SIR: Two decisions of the Secretary of War are now filed in this office, one of the 15th of April, 1864, approving the conclusions of the Quartermaster-General and adverse to re-opening the accounts of your company, once settled, in order to grant increased allowances; also, a decision of August 3, 1864, approving the recommendations of the Quartermaster-General that your company be allowed ninety per cent. of your local tariff from and after the 1st of August, 1864, agreeable with the inclosed certified copy of comparative statement of rates, as indicated in red figures.
"Very respectfully, your obedient servant,

"J. J. DAVID,
"*Capt. U. S. Army.*"

WASHINGTON, D. C., *March* 14, 1876.

C. P. WANNALL sworn and examined.

By Mr. DANFORD:

Question. What is your business?—Answer. I am a clerk in the Register's Office of the Treasury Department and have custody of these papers produced here.
Q. Have you the Treasury drafts (warrant 6603) on which this claim was paid?—A. Yes, sir; I have.

By Mr. ROBBINS:

Q. Are these papers copies?—A. No, sir; they are originals.
Mr. Danford read the papers in evidence, as follows:

Treasury warrant 1785.

Treasury of the United States, pay to the Hon. George H. Pendleton, president, or order, $30,000.

[Signed by the Treasurer.]

JULY 12, 1871.

[Indorsement.]

GEORGE H. PENDLETON,
President.

Pay to the Third National Bank of New York, or order.

THEODORE STANWOOD,
Cashier First National Bank, Cincinnati.

Treasury draft 1786.

Pay to Hon. George H. Pendleton, president, $50,000.

[Signed by the Treasurer.]

JUNE 12, 1871.

[Indorsement.]

GEORGE H. PENDLETON,
President.

Pay to National Park Bank or order.

C. C. COLVILLE,
Cashier.

Treasury draft 1787.

Pay to Hon. George H. Pendleton, president, $68,553.82.

[Signed by the Treasurer.]

JUNE 12, 1871.

[Indorsement.]

GEORGE H. PENDLETON,
President.

Pay to the Bank of America, New York, order of the Northern Bank of Kentucky.

W. M. ERNST,
President.

Mr. DANFORD. These drafts were paid, the first two on the 17th of June, and the last on the 19th of June, 1871.

Q. Have you any information that you can give the committee as to where the papers in this case were until within the last few weeks?—A. I have not, sir. These papers do not come to the Register's Office. They are filed in the Third Auditor's Office. The requisition is filed in the Third Auditor's Office. These papers come to the Treasury direct. They are war-drafts, but all moneys paid have to come through the civil department.

Q. You cannot give the committee any information as to whether these papers were on the files?—A. These papers that I have produced and that I have in my hands were on file; I have had them for years.

Q. And the other papers in the case, you say, are in the Third Auditor's Office?—A. The requisitions are in the office of the Third Auditor, or in the Second Comptroller's Office.

By Mr. ROBBINS:

Q. Do you know the date when the Auditor or Comptroller passed upon these matters?—A. No, sir; I do not. The date here is June 12, 1871, countersigned by the Comptroller of the Treasury and registered by the Third Auditor; that is all the date there is here.

Q. These drafts were issued upon the claim after it was passed by the Auditor or the Comptroller, I suppose?—A. They are issued on the requisition of the Secretary of War, and then countersigned by the Second Comptroller and the Third Auditor, and the Secretary of the Treasury orders the draft to be issued.

Q. All that was done on the same day, the 12th of June, 1874?—A. Yes, sir; on the 12th of June, and the warrant was issued on the 12th of June as well as the Secretary's requisition.

Q. The business was all transacted on that day?—A. Yes, sir.

By the CHAIRMAN:

Q. When a warrant comes does not the Secretary of War have to indorse it or sign it?—A. He has signed that through his Assistant Secretary.

By Mr. DANFORD:

Q. Look at the papers again and see whether they are marked special?—A. Yes, sir; they are marked special.

By the CHAIRMAN:

Q. By whom?—A. I do not know.

Q. Whose handwriting is it in?—A. I cannot tell.

By Mr. DANFORD:

Q. Look at the indorsement of Mr. Pendleton on the backs of those drafts; is there any difference in the ink in which the indorsements are written?—A. Yes, sir; two of them are signed with black ink and one with violet ink; that is the one for $30,000.

By Mr. ROBBINS:

Q. What do those letters just under the word special mean? Are they not intended to be the initials of the person who makes that order special?—A. No, sir; they are the initials of some of the clerks in passing the papers along.

Q. Why should he put them under that word special?—A. I cannot tell. The clerks have a method of signing their initials to the papers as they pass them along. These, I believe, are the initials of Mr. Tuttle the cashier, but I imagine that they were put there after the word special was written, because the paper does not come to him until after it leaves the Secretary.

WASHINGTON, D. C., *March* 14, 1876.

Senator JOHN W. STEVENSON sworn and examined.

By the CHAIRMAN:

Question. Are you one of the owners and directors or managers of the Kentucky Central Railroad?—Answer. I am a stockholder, and have been a director, I think, since 1863. I am also the general counsel of the company.

Q. If you know, will you please state what agreement was made by yourself, as one of the owners, and if you know of any such agreement being made by the others, with Mr. George H. Pendleton with reference to the collection of the claim held by your road against the Government for transportation prior to 1864?—A. Mr. Pendleton was employed to take charge of the collection of this claim, which had been pending a good many years, at a profit of 50 per cent. That is my remembrance. I am not certain that I was present when the contract was made. I was there when it was settled, and I knew of the fact. I had been applied to by various gentlemen, as the general counsel of the company, to know if I could not give them 50 per cent. for the collection of it. Mr. A. H. Ransom, who had been for a long time the secretary of the company—I was the corresponding secretary, he was the active man—had attempted to collect it and had come on and spent some years at it. I think they had a contract with him at 25 per cent., but he failed, and afterward he was consulted as to whether he would be willing to let somebody else undertake it at a larger compensation, to which he assented as I heard. I was not present at his assent, but I knew of it subsequently. Mr. Pendleton agreed to undertake it at 50 per cent. I was present when he made a report that he had collected it. Of the mode and manner of the collection I had no knowledge whatever.

Q. Did you, as one of the owners and managers of the road, indorse that settlement of his?—A. I did.

Q. Did you consider it just and fair?—A. I did; I was very glad to get it.

Q. What was the opinion of the other owners and managers who were there, with reference to it?—A. Mrs. Bowler is the guardian of her infant children; there was some little talk about the infants. I was perhaps the poorest man in the concern. I was very glad to get a settlement, because it had been pending here a long time.

Q. Did Mrs. Bowler indorse this settlement for herself, as guardian for her children?—A. She did.

Q. Was there any objection made by the others as to the settlement of the claim, that you know of?—A. No, sir; they all regarded it as desirable. Mrs. Keith, who is a widow and administrator of her husband's estate, a very good friend of mine and a client, who lives directly opposite to my house, is the next largest owner I think, and she was delighted at the settlement. She probably thought well of it from consultation with me.

Q. While Mr. Pendleton was attending to this business here, it was known among the owners upon what terms he was doing it, was it not?—A. I think so, sir. I do not think there was anybody concerned, but knew and sanctioned and approved the engagement and the settlement so far as I know.

Q. Do you know any of the owners to-day who are dissenting from it?—A. No, sir; I don't know any owner who does not consider that it was just so much money made; and perhaps I can state a fact which will go far to show what Mr. Bowler in his life-time thought when we were proposing to give a large compensation to some one who would collect that, he said, "I will sell my interest in that claim at five cents on the dollar," and I think a gentleman perhaps took him up, and afterward claimed that he was entitled to it, though it was regarded at the time rather as a jest.

Q. Knowing about this claim and its nature, did or did not you consider it a just claim against the Government?—A. I think it was as just a claim as ever existed. Of course, I was

an interested party, but that is my opinion. The rebels had burned the bridges again and again; trains had been destroyed. I think the rebels were in possession of that road for nearly thirty days. But it had been a long-pending claim. Mr. Guthrie had gotten for his road the same war-freights, and so had the Baltimore and Ohio, which perhaps was subject to more difficulty and danger, because it was the theater of the war, but still at Cynthiana there were two or three bloody battles, and there were always marauding parties. Mr. Montgomery Blair was seized on the road, just beyond Cynthiana, and if they had known that he was on the train they would certainly have taken possession of it. They did arrest several. It was continually during the war, in great peril from first one side and then the other. I know nothing about the claim except what I tell you. Of course, I have no positive information as to the Baltimore and Ohio and the Nashville roads, but I have always heard that they got it, and I know that General Canby, who acted as Secretary of War a short time, was upon the eve of allowing it. Mr. Swords, the quartermaster-general at Cincinnati, reported in favor of it. Although I was in the Senate when Mr. Pendleton was here, he never had a word to say to me, nor did I ever have a word to say to any human being, about the claim. I only know that Mr. Pendleton reported to me that he had gotten it. I think I met General McKee Dunn one night at a party, and he said to me, "What about this claim of the Kentucky Central? I am examining it," which was the first intimation I had. I said I was a party in interest, but I thought it was a very just claim. He said he was giving it a very thorough examination, and I think that was the only word I had with any human being about the claim anywhere or in any way.

Q. Do you know of any money having been paid to any one anywhere, other than to Mr. Pendleton and Mr. Ransom, for securing the payment of this claim?—A. I do not, sir; I never heard of it.

Q. And you never heard of Mr. Pendleton's employment being objected to by any one, or of any one objecting to the amount that was paid him?—A. I was the recording secretary and the general counsel of the road, and I never heard a word of complaint; I thought everybody was gratified, and the distribution was very promptly made after he got it. My remembrance is that the resolution that we would receive so much from Mr. Pendleton was, perhaps, entered by myself—that we would receive so much from him on this claim, and he was to pay Mr. Ransom. My remembrance is that he withdrew while the business was going on, and said that he would accept so much and pay Mr. Ransom. Of his payment to Mr. Ransom, except as he reported, I have never known.

By Mr. DANFORD:

Q. How long was it before the claim was put into Mr. Pendleton's hands that you understood Mr. Bowler to be willing to take five cents on the dollar for it?—A. Mr. Bowler had been dead several years before that I think the first person employed was a gentleman from Pennsylvania, who had been originally the treasurer of the State, Mr. Harry McGraw. I think he was here, he was a claim-agent and had some partner whose name has escaped me. I knew him very intimately, and perhaps it may have been at my suggestion to Mr. Bowler, with whom I was intimate, that this claim was put into his hands. McGraw did try for a long time and had various communications with me about it. I think Mr. Bowler died in 1864, and I do not think it was more than a year or two before Mr. Pendleton undertook to collect it that he was employed.

Q. As a fact, then, the claim was considered a bad one by Mr. Bowler?—A. I think so. The highest evidence I can give you of that I have given.

Q. And you yourself regard it as a just claim?—A. I regarded it as a just claim, but one of those just claims which are very difficult to get, and if you do get them sometimes it is a sort of accident.

Q. You knew that the opinion of General Meigs and Secretary Stanton had been adverse to it?—A. I did.

Q. You regarded it as a bad claim, or as a hard claim to get?—A. I heard that Secretary Stanton had objected to the claim. I did not hear anything about Mr. Meigs.

Q. You were surprised, were you not, that the claim went through?—A. Well, I was gratified and a little surprised, too. It was just what I did not expect to get.

By the CHAIRMAN:

Q. At the time the settlement was made in 1871, young Mr. George Bowler was of age?—A. I think he was.

Q. And there were two minor children, a young son and an infant daughter?—A. Yes, sir. The young man, I suppose, was eighteen.

Q. And Mrs. Bowler, Mr. Pendleton's sister, was the guardian of these children at that time?—A. Yes, sir.

Q. And she made the agreement on their part, as their guardian?—A. I do not wish to say that I was present at the agreement, but I have been the confidential adviser of her estate whenever it has been in Kentucky. Mr. George Pendleton and Mr. Elliot Pendleton have been the administrators in Ohio. I was the confidential adviser of Mr. Bowler as to his individual estate, and I am quite sure that I would be safe in saying, from subsequent conversations with Mrs. Bowler, that she was gratified at this settlement, both for herself and for the children, and I can say the same for Mrs. Keith, who had no infant children.

WASHINGTON, D. C., *March* 14, 1876.

H. V. BOYNTON sworn and examined.

The WITNESS. I would like to make a statement, Mr. Chairman, in the first instance, that I appear here voluntarily, not having been subpœnaed up to this time. I make the statement for the benefit of a member of the committee, who has been reported to me as having said that I had run away to avoid appearing before the committee.

Mr. BLACKBURN. In justice to myself, I probably being the gentleman referred to, I will state just what I did say. When Mr. Nordhoff's statement came out that he knew nothing of these alleged transactions except as he had learned them from you, and when, thereupon, a subpœna by order of the committee was issued for you, and when he further stated, as did Mr. Danford, that he had heard these things from you at about 5 o'clock the evening before, and when the examination of a witness was stopped and a subpœna issued for you, and the Sergeant-at-Arms reported that you had gone to Cincinnati, I then said that I did not like the idea of a man making as grave charges as these against a whole committee one afternoon and leaving the city early next morning.

The WITNESS. That being the statement of the gentleman, I suppose I may be indulged for a moment in making a statement of my side of the case. My understanding that I made a definite communication to a member of this committee, and to the chairman, through a member of the committee, and received a definite reply.

Mr. CHAIRMAN. Unfortunately the gentleman to whom you made your statement did not communicate it to the chairman. I will further remark that you have been in Washington long enough to know that a communication to a committee can be made only through the chairman. Mr. Danford did not say to me that you intended to leave town the next morning.

The WITNESS. I could not know that.

The CHAIRMAN. But I hold that you should have communicated with me, if you wished to give the committee any information. The reason I did not have you before the committee that evening was, that Mr. Danford never stated that you proposed to leave town the next morning.

The WITNESS. I would like to make a statement, in justice to the chairman of the committee, as well as to myself. In the afternoon, just after Mr. Nordhoff was examined, I met Mr. Danford, a member of the committee, who told me that he had come up stairs to meet me for this purpose: he said that while the committee was in session Mr. Clymer had read a dispatch in the New York Herald reiterating the charge that had appeared the day before, in which dispatch the statement was made that a member of the committee would be furnished with the name of a witness the next day, and that the chairman had stated that he had received no such name, and had asked the members of the committee whether they had received any; that thereupon he, Mr. Danford, had said to the chairman that a gentleman had called upon him the night before and had said to him that this matter was susceptible of proof, and that he could furnish witnesses; that thereupon the chairman asked Mr. Danford whether he would give the name of the person who had called upon him, and that he said, "No, not without seeing that person;" and he said he had now come to ask me whether I would allow my name to be given to the committee, or would go before the committee and give the name of the witness. I asked him if the committee was in session. Said he, "We are in perpetual session." I then asked him to please go to Mr. Clymer and not only give my name, but say that Mr. Nordhoff personally knew nothing of this matter; that I had furnished him the facts which he had used, and that I would not trouble the committee to issue a formal summons, but would remain in the gallery, and would come immediately if the chairman of the committee would send his messenger for me. A short time afterward I met Mr. Danford, who said to me that he had commenced to give my message to the chairman, Mr. Clymer, but that before he had got so far along as to say that I was going to leave the city next morning (in accordance with a previous arrangement, which I had mentioned to him before) Mr. Clymer said, "No, we will hear Nordhoff first." I then said to Mr. Danford, "Then the committee will have to wait until Tuesday morning, for I am going to Cincinnati tomorrow morning on a matter of business, and will be back on Tuesday." I considered that as a communication to me from the chairman, through a member of the committee, and I gave my reply to this same member of the committee, with the understanding that he would communicate it to the chairman, and of course I could not be responsible for his failure to state that I was going out of town. But, as a matter of fact, this business engagement of mine was made on the 27th of February, before this matter of General Belknap's, even, was presented to the House of Representatives, and I went to Cincinnati upon the train that I agreed to go upon, exactly as if this investigation had not been in progress at all, and I came back upon the train that I had decided to come back upon, exactly as if this investigation had not been in progress, and as if that telegram had not been sent to me, and up to this moment no subpœna has been served upon me, and I have appeared here voluntarily to answer.

The CHAIRMAN. You received a telegraphic dispatch and answered it.

The WITNESS. I suppose that the members of the committee are aware that a telegram is not a subpœna.

The CHAIRMAN. I know; but if we had supposed that you did not intend to regard it, we would have sent a messenger.

The WITNESS. I did not so regard it.

The CHAIRMAN. Well, it is a matter of no difference between us; the object is attained, and you are here, and we will now proceed with the examination.

Q. In the Herald published in New York on Thursday, March 9, of this year, there is an article headed "From our special correspondent." It is the same article concerning which Mr. Nordhoff was examined before this committee on Friday last. Referring to that article, have you any personal knowledge of the alleged facts stated in it?—A. No, sir.

Q. Have you any knowledge of the assertion therein made, that I was in Europe with Mrs. Marsh, Mrs. Bowers, and Mr. and Mrs. Pendleton?—A. Personal knowledge? No, sir; I have not.

Q. Have you any knowledge of the assertion that I, on being informed that Mr. Pendleton had some connection with that Kentucky Central Railroad claim, which implicated the character of the Secretary of War, refused to investigate the matter?—A. I understand you to mean personal knowledge; I have no personal knowledge of anything stated in that article.

Q. You did, however, impart all the information to Mr. Nordhoff upon which this article is based?—A. I imparted the facts; I did not see the language of the article.

Q. Is it your habit, without having any personal knowledge of facts, to communicate them to another person, and have them telegraphed all over the country?—A. I very frequently do it, sir, where I have no knowledge—personal knowledge, I understand you to mean.

Q. Are you in the habit of giving them to third parties, and becoming responsible for them?—A. I very frequently do it; and in that case I assured Mr. Nordhoff that I would be personally responsible to him for that statement.

Q. Do you still hold yourself personally responsible for saying that I was in Europe with this party?—A I hold myself responsible for the assertion which he printed in the Herald, or, rather, for the copy which I gave him, and from which he made up his article. I am not responsible for his language, but I am responsible for the statement that went to the Herald the day before that, in all its length and breadth, so far as it conforms to the manuscript that I gave Mr. Nordhoff. I am not responsible for his language; but I still hold myself responsible for those statements, so far as they conform to that copy which I gave him, of which I have a printed copy here. That [indicating a printed slip] is the dispatch which I sent myself to the Cincinnati Gazette. I manifolded it, and furnished Mr. Nodhoff the copy from which he made up his dispatch. While I take for granted that those assumed facts therein contained are the ones used in the Herald's dispatch, I did not see that dispatch after he wrote it, and of course I am not responsible for the language of it, except so far as it conforms to what is stated in that copy which I furnished; for that I am responsible, whether it is true or false.

Q. In the next day's Herald the statement was reiterated?—A. Yes; it was reiterated on my authority. He asked me if it should be done, and I said, "Yes, sir; I give you that; I am going to reiterate it to-night myself; I do not give you the names of the witnesses, but I will be personally responsible to you, and, if anything is said about it, I am personally responsible for it, whether it is right or wrong; but I believe it to be right and I am sending it myself."

Q. Will you be kind enough to state the name of your informant?—A. I should have to state the whole thing all the way through in order to cover the ground of that dispatch.

The CHAIRMAN. I would prefer that you should state the name of the witness that you said should be put in the hands of the committee.

The WITNESS. I shall have to give you the statement right through to cover the dispatch I sent to the paper, and to explain to you how I came to send it. I have never had any personal communication whatever with the gentleman to whom this will go back finally.

Mr. BLACKBURN. I insist upon knowing the name of his informant.

The WITNESS. I do not propose to state it left in front. If you permit me, I will state from first to last every single fact connected with it; I did not get the statement from the man who will finally verify it.

Mr. BLACKBURN. We are certainly entitled to demand a categorical answer, but I am in favor of letting the witness follow his own course.

The CHAIRMAN. I must ask you to give us the name of the person from whom you obtained that statement.

The WITNESS. I will have to give you three names to start with.

Q. Please tell the name of the witness from whom you obtained the facts, or alleged facts, contained in that article.—A. That is the point. I have had no communication with the man upon whom this will come back ultimately, but I propose to give his name, and I have reason to suppose that he will respond without any hesitation. Now, which name do you want me to give—the last?

Q. I want the name of the man that you meant when you said that the name of the witness would be given to this committee.—A. I did not say that.

The CHAIRMAN. Then I am mistaken, because that is what is asserted here.

The WITNESS. What I said to Mr. Danford was——

The CHAIRMAN. Not what you said to Mr. Danford—what is stated here in this paper.

The WITNESS. I did not write that.

Mr. BLACKBURN. Mr. Boynton has made certain statements which he has said that he did not make upon his personal information. It appears to me that all the committee requires him to answer further now, is upon whose authority he did make those statements.

The WITNESS. Is that the question that you want me to answer?

The CHAIRMAN. No, sir; I want the name of that particular witness that you said would be given to a member of this committee.

The WITNESS. That particular part of the dispatch, the statement that the name of the witness would be furnished, I did not give to Mr. Nordhoff. I authorized him to reiterate the statement that this matter could be proved, and he put in the statement that the name of the witness would be furnished to the committee. I am not trying to dodge anything. I will give you the name of either one of the witnesses—the name of every man concerned. All that I am trying to do is not to give a man's name until I am obliged to; if the committee will say that they require me to give the name of every man upon whose authority I prepared my dispatch, or made the statements therein contained, I will give the names.

The CHAIRMAN. Well, give them all *seriatim*.

The WITNESS. In the first place, I got my first hint in reference to this matter from the Hon. Jeremiah M. Wilson, of Indiana, and ex-member of the House of Representatives.

The CHAIRMAN. I know him.

The WITNESS. He referred me to his law-partner, Mr. Shellabarger, also an ex-member from Ohio.

The CHAIRMAN. Him I do not know at all.

The WITNESS. Mr. Shellabarger referred me to Col. B. F. Grafton, a practicing lawyer in this city, and, chiefly upon the statements which he made to me, (he making them, however, with the understanding that I was not to use his name in the matter.) I subsequently assumed the responsibility of using the information, for reasons which I will state to the committee. He gave, as his authority, General J. B. Kiddoo, of the United States Army, with whom, I believe, the chairman of this committee is very intimately acquainted.

The CHAIRMAN. I know him very well.

The WITNESS. With whom you [the chairman] have traveled in Europe, and who is the gentleman who talked with you on this subject.

The CHAIRMAN. Taking the names in their order, what did Mr. Wilson tell you that he knew?

The WITNESS. I met him in the Treasury Department a week ago last Friday, if I recollect right, and he stopped me and said, "Boynton, there is a matter that I heard of to-day that ought to be looked up." I cannot give you the exact language that he used, because I went from him back to these other gentlemen, but this is about the substance of what Mr. Wilson said: Said he, "The statement made to me is that Mr. Pendleton holds about the same relation to this Kentucky railroad case (or a Kentucky railroad case) that was settled through the War Department that Marsh held to this case that Mr. Clymer's committee has been investigating, yet General Belknap has been proceeded against, while Mr. Pendleton has not, and that is something for you to look after." I told him I was much obliged to him, and would like to know where to look, or something to that effect. Said he, "I cannot give you any names. This is a matter that Mr. Shellabarger, my law-partner, stated to me; I will refer you to him, and he can probably give you some names." I went to Mr. Shellabarger, and found him in his office, and he began talking about various things, and among them this investigation; and he went on and gave me the information about Mr. Pendleton, without my asking him at all.

The CHAIRMAN. Was my name mentioned by either of those gentlemen?—A. No, sir: he said it was a thing that he had heard. Said he, "It came to me in this way: I was sitting in the Court of Claims to-day with Colonel Grafton, and he said to me as a certain gentleman rose and went out of the room, 'There is a gentleman who knows all about a sum (I think he said $20,000 or $25,000) being paid by George Pendleton to Mrs. Bowers out of the Kentucky railroad case." Said I, "Will you authorize me to go to Colonel Grafton and say that you have talked with me on that subject, and that you have given me his name, and said that I may come and speak to him on the subject?" and Mr. Shellabarger said, "Certainly." I then went down to Colonel Grafton's office. I think I did not go to his office until Saturday morning; if I did go before, I did not find him in; but on Saturday morning he was in his office, and he introduced me to General J B. Kiddoo. I had a few minutes' conversation with General Kiddoo, in which no allusion whatever was made to this subject, and he went out. I then stated to Colonel Grafton what had passed between Mr. Shellabarger and myself, and that I had come to ask him if he could tell me anything in reference to it, with the distinct understanding that I was not to use his name in the matter, and he said he would tell me, and he proceeded to tell me this. Said he: "The gentleman who went out of the room just now, and to whom I introduced you, is the gentleman who knows all about it." The amount of it is this—and this is where the traveling in Europe comes in, and you will see as I proceed where the mistakes are and where the facts are—I understood him to say that General Kiddoo was one of the party that traveled in Europe

together. Mr. and Mrs. Marsh, Mr. Pendleton, and yourself [the chairman] were all mentioned in connection with the trip in Europe, and General Kiddoo was mentioned as one of the party with the Marshes during part of the trip; and as there was no special conversation in reference to the exact persons of whom the party was made up, I got the impression that you had all been there at one time.

Mr. CLYMER. I never was in Europe the year that they were there.

The WITNESS. Well, I will tell you how that mistake came about; no one is responsible for it but myself. All these persons were mentioned as persons who had traveled in Europe when General Kiddoo was traveling there, and I got it into my mind that you all had met there, because Colonel Grafton did not refer to that branch of the subject.

The CHAIRMAN. Which to me, was the most mortifying and annoying part of it.

The WITNESS. Well, it is of the least consequence so far as the investigation is concerned.

The CHAIRMAN. No; because of the ugly implications and inferences that were attempted to be drawn from it.

The WITNESS. Well, that is the way that that mistake occurred. You ask me if I am personally responsible for that statement. I am personally responsible for whatever error there may be in it, or whatever fact may be in it, but I consider that point of no particular consequence except as going to show that it was perfectly natural that these things should be known——

The CHAIRMAN. That is what I felt to be the disingenuous and unfair thing in the whole matter.

The WITNESS. Well, sir, whatever it is, I made it and am responsible for it, errors and all, and for whatever errors there are in it I am very sorry; but the main fact which impressed itself on me, and which I intended to state with some distinctness, was this: that at the time that Mr. and Mrs. Marsh came here, the night before Mr. Marsh testified finally before this committee, there was a certain conference at the Arlington Hotel, of which General Kiddoo either knew personally or had been informed, in which a conversation had taken place between Mrs. Marsh and Mrs. Belknap, formerly Mrs. Bowers, to this effect. I am stating now what was told me by Colonel Grafton. It was, that Mrs. Marsh in speaking of this matter, said she did not know why Mrs. Belknap felt so bad about this transaction as it was only a matter of $20,000, when here was a matter of $70,000 or ($74,000 I think he stated) of Mr. Pendleton's and yours in connection with the Kentucky Central Railroad; that Mrs. Belknap replied that that was all that they got altogether, and that she only got about half of it.

Mr. BLACKBURN. Did Colonel Grafton tell you that as a fact that he knew?

The WITNESS. He told me that General Kiddoo had become acquainted with that as a fact, and had related it to him in conversation, and further than that, that General Kiddoo had been to Mr. Clymer in person and had said to him, previous to the report made in the case of General Belknap, "Here, Mr. Clymer, is a case against Mr. Pendleton of very much the same character as this concerning Mr. Marsh and the persons about the Secretary, and the Secretary himself, and you cannot in justice pursue and pull down General Belknap without at the same time, as a matter of justice, pursuing this case against Mr. Pendleton;" that Mr. Clymer answered in regard to that, that he had not sufficient data to go on; that General Kiddoo then said that there could be witnesses obtained to prove it, that Mrs. Marsh knew it, and that there were records in the Treasury Department that would throw some light upon it, and that the data for proceeding against Mr. Pendleton were just as strong in the first instance in starting the investigation as they were against Belknap; that Mr. Clymer still objected that there were not data enough; and that the committee had gone on and made its report against General Belknap, but that no proceedings had been instituted against Mr. Pendleton. "Now," said Colonel Grafton, "there are no names to be used in reference to this matter. The way to get at it is to subpœna Mrs. Marsh, and she will go upon the stand and detail that conversation." Upon that I came up to the Capitol and tried to find Mr. Danford, as he was the only member of the committee with whom I had a personal acquaintance. I did not find him. I think on Saturday afternoon, in the evening, I went to his house and had an interview with him, and related substantially, without giving any names, this matter as it has been given to me, and said that I had been assured by a gentleman in whom I had great confidence that if Mrs. Marsh were subpœnaed she would testify to that interview. This was on Saturday evening. On Monday morning, as I was informed upon inquiring of Mr. Danford, he had obtained a subpœna from the chairman of this committee for Mrs. Marsh, and had started an officer to New York on the 1 o'clock train, for the purpose of bringing her here, but the next morning, Tuesday, there appeared a dispatch in the papers stating that Mrs. Marsh had retired to Canada. Seeing that, and taking it for granted in my own mind, without anybody s suggesting it to me, that Mrs. Marsh had probably gone to Canada for the same reason that Mr. Marsh went—that she had gone because there had been some intimations of this matter printed in the New York papers on Monday morning—or rather not intimations, but a distinct statement; which, by the way, I was not responsible for (and I may say here that I have never up to this time printed or authorized anybody to print any statement that Mr. Pendleton was involved in this matter)—seeing that Mrs. Marsh had gone to Canada, I concluded

that I would take the responsibility of publishing this story, for I considered it of very considerable consequence. If it was true, it placed the committee of investigation in a very awkward position, and if true it was a fact that ought to be known to the country. I took the responsibility, therefore, without consulting these gentlemen, of writing the thing up in that shape, and I manifolded it and gave a copy to Mr. Nordhoff, and another copy to the Boston Herald, and sent it myself to the Cincinnati Gazette and the Chicago Tribune, going to Mr. Wight of that paper for the purpose. I also gave the substance of it (I am not certain whether I gave a manifold copy of it or not) to Maj. Ben. Perley Poore, and I said to each of those gentlemen that I would be personally responsible for whatever might happen to them for printing that statement. After it came back in print, but before Mr. Clymer had made his personal explanation in regard to it, I met Colonel Grafton down town, and he said that the main facts of that statement would hold water; he said it in response to a question from me. He was not particularly pleased with the fact that the statement had been printed, because, I suppose, he concluded that it would come back upon him in the first instance, and in the next instance upon General Kiddoo, and he had been very much annoyed and embarrassed by the publication, of which I assume the responsibility. It has not been by the connivance or procurement of either of these gentlemen that the publication has been made. That is about the whole of it, and if General Kiddoo is called before this committee, I take it for granted that he will, as a matter of course, state whatever is true in reference to his communication to Mr. Clymer, the chairman of this committee. I have not seen General Kiddoo except on the occasion when I was introduced to him in Colonel Grafton's office. I have never had any conversation with him in reference to this matter, directly or indirectly, of any kind or nature whatever, through myself or through anybody else.

The CHAIRMAN. He will not sustain the statement as you have made it, or as it was made to you by Colonel Grafton.

The WITNESS. I cannot say about that, sir. I would like to make a further remark on one point that I have alluded to. There appears to have been an impression in the committee that I started this story upon Mr. Pendleton. The fact of the matter is that I have not printed any statement of Mr. Pendleton's connection with the matter. The Cincinnati Gazette was the only Cincinnati paper that did not have it on last Monday morning. Mr. Pendleton himself demanded an investigation at the hands of this committee, and the dispatches are printed in the Gazette to that effect, but even on the next day I said nothing about his connection with it, and up to this time there has never appeared in any paper that I send dispatches to, or am connected with, or anywhere else upon any authority of mine, any statement that Mr. Pendleton had paid this money to Mrs. Bowers, or anything connecting him improperly with this claim. The Gazette was the only Cincinnati paper that did not publish it, and if there was any news in the statement printed here in the Capital a week ago Sunday, and in the other papers on Monday and Tuesday, the Gazette was badly beaten in the matter. The dispatch which I had sent to the Gazette is the only one that I sent on the subject, and that is not a statement that Mr. Pendleton paid money to Mrs. Bowers, but it is a comment upon the story already in circulation, that he had done so; and the point of the whole thing is that it was called, definitely, to the attention of the chairman of this committee before the report was made in General Belknap's case, and that no steps were taken to follow it up.

The CHAIRMAN. Don't you think it would have been more kind and just in you to have asked the member of the committee who was so charged whether he had not taken some steps in the matter? I trust that my character is such that I would receive a suggestion of that kind with due consideration, and if you had simply asked me whether I had ever taken any steps in the matter I would have satisfied you that I had done so long before the article appeared in the Capital, and that, on the slightest and barest hint, I had gone to work and endeavored to do my duty in this matter notwithstanding the pressing engagements I was under; that would have been common fairness on your part, I think.

Mr. BLACKBURN. I do not know that I understand you, Mr. Boynton, upon this point. Did you have any conversation with this General Kiddoo, to whom you were introduced by Colonel Grafton?

The WITNESS. On this subject?

Mr. BLACKBURN. Yes.

The WITNESS. None whatever, sir. I have never had any communication with him directly or indirectly, in any possible way, on this subject.

Mr. BLACKBURN. Now, then, I call your attention to this sentence in this dispatch: "The facts are of a character to bring deep disgrace upon the democratic managers of that committee, [alluding to this committee,] whatever the result for Mr. Pendleton may be." Please state what facts authorized you to make that wholesale charge against this committee.

The WITNESS. Those that I detail there in the other part of the article.

Mr. BLACKBURN. Which to you were not known as facts at all?

The WITNESS. Well, I am responsible for them.

Mr. BLACKBURN. Well, I ask the question, what facts authorized you to make that wholesale charge against the committee?

The WITNESS. I believed them then, and I believe them now, to be facts, and I believe that when General Kiddoo has testified this committee will believe them to be facts.

Mr. BLACKBURN. When you answer questions that you propound for yourself, Mr. Boynton, I will be obliged if you will answer one that I, as a member of the committee, have a right to submit.

The WITNESS. I am trying to cover all the ground.

Mr. BLACKBURN. I do not object to the amount of ground you cover if you answer the question.

The WITNESS. I will attempt to do it, sir.

Mr. BLACKBURN. The "facts" upon which you made that statement, that deep disgrace was brought upon the democratic managers of this committee, whatever the result to Mr. Pendleton might be, I understand you to admit were not known to you or by you to be facts at all, neither then nor now.

The WITNESS. I do not admit anything of the kind.

Mr. BLACKBURN. I ask you did you, when you penned that article, know those detailed statements to be facts?

The WITNESS. I knew them exactly as I have detailed them to the committee.

Mr. BLACKBURN. I repeat the question. I have no earthly objection to your belief, sir; my question is, did you at the time you wrote this article know the statements upon which that charge against this committe was made to be facts?

The WITNESS. I knew them exactly as I have stated to this committee.

Mr. BLACKBURN. Well, sir, I will ask it again. I have a right to ask the question; if you refuse to answer it, that is your affair.

The WITNESS. I have answered it now three times.

Mr. BLACKBURN. You have not, in my judgment, answered it at all.

The WITNESS. Very well, sir; we will try to get at it.

Mr. BLACKBURN. I want you to say whether, when you wrote this article or authorized those other articles to be written, you knew those charges embraced therein, upon which you predicated the assertion that this committee had been brought into deep disgrace—did you at that time know them to be facts, or do you now know them to be facts?

The WITNESS. I knew them to be facts in just exactly the way that I have detailed at length to this committee, and in no other way, and to just exactly that extent, and to no other extent.

Mr. BLACKBURN. That is not answering the question.

The WITNESS. Well, I do not propose to answer it in any other way than exactly as I have answered.

Mr. BLACKBURN. I can say to you with perfect sincerity, sir, that it is a matter of utter indifference to me whether you answer anything or not.

The WITNESS. I understand that it is.

Mr. BLACKBURN. I can very well appreciate your hesitation.

The WITNESS. Yes.

Mr. BLACKBURN. I desire this committee to determine whether I am entitled to have my question answered when it is put in as plain English language as it can be couched in and with perfect courtesy. The statement (I read from the manifold copy) is this: "The facts are of a character to bring deep disgrace upon the democratic managers of that committee, whatever the result to Mr. Pendleton may be." I simply desire the witness to say whether the alleged facts contained in this article upon which he rested that statement were at the time he wrote the article known him, or are now known to him, to be facts.

Mr. ROBBINS. I understand the witness to say that he does not pretend to know them except by hearsay; that he does not profess to know them of his personal knowledge; he says that by hearsay only has he any knowledge of them.

Mr. BLACKBURN. If he had made that answer to my question, it would have been satisfactory.

The WITNESS. That is exactly what I mean by my answer; that I knew them at the time I wrote that article, and know them now, in exactly the way that I have detailed at length, and in no other way, and exactly to that extent and to no other extent.

Mr. BLACKBURN. That does not satisfy me; I want an answer to my question.

Mr. ROBBINS. I understand the witness to say that he has no personal knowledge of them.

The WITNESS. If that is what he is trying to get at, whether I knew the facts of my personal knowledge, or by hearsay, I say I knew them by hearsay.

Mr. BLACKBURN. I had a right to ask the question as broadly as I did, and to claim an answer as to whether you knew those statements to be facts when you wrote that article, or whether you know them to be facts now.

The WITNESS. I cannot answer that in any other way.

Mr. DANFORD. General Boynton has given a detailed statement of the manner in which all these facts came to him.

Mr. BLACKBURN. Not facts. He has stated the way in which these rumors came to him.

Mr. DANFORD. He has told the committee just how he came to make that statement and upon what authority he based it, and when he is asked whether he knows these alleged

facts to be facts, he says, "I know them in the manner I have already stated." Now, his statement is in the mind of every gentleman of this committee, and we all understand, I think, perfectly well, that his answer is: "I know them from having heard them from the sources that I have stated."

Mr. BLACKBURN. When the witness has gone on in a detailed statement covering an immense deal of ground, have not I, as a member of this committee, a right to submit a question in order that the answer may be put in such connection and in such terse shape as will bring it out fairly in the testimony?

Mr. DANFORD. I think you have a right to put the question, and I think the witness has a right to answer in his own way.

Mr. BLACKBURN. Provided it is an answer.

Mr. DANFORD. That is what I submit to the committee, that it is an answer.

Mr. BLACKBURN. I think not.

The CHAIRMAN. I think it would be an enswer if he said that he stated these things upon hearsay.

Mr. ROBBINS. I think I can solve the difficulty. [To the Witness.] You do not know these facts at all, except by hearsay?

The WITNESS. Of course not, sir.

Mr. ROBBINS. And you have not talked with the man who, you say, you think could give them of his own personal knowledge?

The WITNESS. I have had no communication with him.

WASHINGTON, *March* 15, 1876.

B. F. GRAFTON sworn and examined.

By the CHAIRMAN:

Question. An article appeared in the New York Herald of Wednesday last, March 8, from the special correspondent at Washington, containing certain statements regarding this committee, and myself in particular, of which (I will state for your information) Mr. Nordhoff avowed himself to be the author, and said that he had got the statements on which the letter was based from General Boynton. General Boynton, in his testimony here Saturday, said to the committee that his information touching the general facts in the matter was obtained from Judge Wilson in the first instance, then from Judge Shellabarger, and then from yourself. Now, please state first when this conversation was had between yourself and General Boynton—Answer. I do not remember the date. I think General Boynton fixed it a week ago last Saturday.

Q. In that conversation did you tell Mr. Boynton that "Mrs. Bowers, now Mrs. Belknap, the Hon. George H. Pendleton, Mr. Clymer, and Mr. and Mrs. Marsh, had made some parts of the tour of Europe together?"—A. I think not.

Q. Did you tell him that "on that journey, some, if not most of the party, became gradually acquainted with the main facts thus far developed, and others of a similar character?" —A. I think not.

Q. Did you tell him that "when it became known here to some parties that Mr. Clymer had determined to bring Belknap down, he was reminded in pointed terms that if he determined to do this he should not decline to bring Pendleton down too; that Mr. Clymer asserted that he had not sufficient data to reach Mr. Pendleton; that he was pressed with the rejoinder that Mrs. Marsh would testify to it; that the records of the Department would throw some light on the case; that, however, he refused to go into the matter?"—A. As that involves several propositions, perhaps I had better answer them *seriatim*.

The CHAIRMAN. I would be glad to hear your answer in your own way.

The WITNESS. The conversation had with General Boynton took place in my office. He called upon me. I had previously had some conversation with Judge Shellabarger. It was the day, I believe, when the report was to be made in the House touching Mr. Belknap; a Baltimore paper of that morning had an account of it, I think. We talked of some matters in a general way, and in the course of the conversation General Boynton asked me touching these matters, and I told him I had been informed that a gentleman had called upon you and had stated to you that if you brought Mr. Belknap down you ought to bring Mr. Pendleton down, too, in connection with this Kentucky railroad case, and that you had stated that you had not sufficient data. I do not think I told General Boynton that you had refused to go into the investigation. I told him further that it was true that the fact—not the *fact;* I will modify that—I told him that the statement had been made to me that the present Mrs. Belknap had, in the course of the conversation at the Arlington, said something to Mrs. Marsh to about this effect: that she [Mrs. Belknap] had received a certain amount of money in that case, and the way she had stated it was this: that Mrs. Marsh told Mrs. Belknap that she ought not to be raising such a fuss about this sutler business; that she had only got $20,000 out of that, while she had got a great deal more

out of the Kentucky railroad case; and that Mrs. Belknap replied that she had not; that she had got but one-half of it, or something like that—I will not be certain as to the language—that $70,000 was as much as both parties got. I did say to General Boynton that it had been told me, and I gave him my authority for that statement; (he had that, however, before he came to me;) but I told him at the same time that I did not wish my name mixed up with this business in any way.

Q. Did General Kiddoo, who was your informant, ever tell you that I had refused to investigate this matter?—A. No, sir; he never did; he made the statement about as I have given it.

Q. Did he tell you that he had told me that Mrs. Marsh could prove it?—A. He told me that he had related to you Mrs. Marsh's statement about the matter, and that you had said that you had not sufficient data.

Q. Did you tell anything to General Boynton which reflected upon this committee generally?—A. I simply related these facts to General Boynton; that was all.

Q. Did you speak about any other member of the committee save myself?—A. I do not think that we talked about the committee at all. I do not remember that we did.

Q. Did you gather at all from General Kiddoo that I wished to avoid investigating these facts?—A. I gathered this from General Kiddoo, that there was an apathy on your part about going into the question, but he did not state the reason.

Q. Did General Kiddoo ever state to you that I had been traveling in Europe with these parties?—A. He never did; on the contrary, when we talked about it afterward, he said that you never had been.

Q. After you had talked with General Boynton?—A. Yes; we had some talk about the matter afterward, and he stated to me as a matter of fact that you had never met these parties at all in Europe, but that he had met you, and had traveled with you a part of the time.

Q. That was in a subsequent year?—A. I do not know what year it was, but he said that as a matter of fact you had never met these parties in Europe.

The CHAIRMAN. Never. Did he tell you that I was ever present at any interview in the Arlington Hotel between Mrs. Marsh and Mrs. Belknap?

A. No, sir.

Q. Did you ever say so to General Boynton?—A. No, sir.

Q. When was the subsequent interview that General Kiddoo had with you?—A. I do not know; I have seen him almost every day.

Q. He is a client of yours, is he not?—A. He is; and I have seen him almost every day.

Q. Did he at that time tell you that I was having the records of the War and the Treasury Departments examined?—A. In a subsequent interview with me he said that you had sent your clerk or somebody to examine the matter at the War Department.

Q. Do you know when that subsequent interview was?—A. I cannot fix the date.

Q. You say that your conversation with Mr. Shellabarger you think was on the Thursday that the articles of impeachment were presented in the House of Representatives, which was Thursday, March 2?—A. I cannot be positive as to the date. We were walking up to the Capitol together, and we had a conversation in a general way, which we did not expect would result in this, by any means.

Q. Did he say to you that, either on that day or the subsequent day, I had asked a gentleman to search these records for me?—A. He did not at that conversation.

Q. He did inform you, however, that I had so told him?—A. Yes, sir; in the course of a subsequent conversation, he did tell me that.

Q. Then you do not know when I ordered that investigation to be made?—A. No, sir; I do not. It is a matter that I had no interest in, and I regret very much the necessity that has brought me into it at all.

By Mr. DANFORD:

Q. Can you fix the time at which General Kiddoo first talked with you, with reference to the morning upon which you talked to General Boynton?—A. My best recollection is that General Kiddoo called at my office on his way up to the Capitol, and stated to me that there was going to be a report of an important nature that morning, and invited me to go on up. I told him that I had to go up to the Court of Claims, and if he would wait a few moments, I would walk up with him, and I think it was the morning that this article appeared in one of the Baltimore papers about the Belknap matter; a paper which had the first article about the Belknap matter that was made public to all. That conversation was had on our way up to the court. I went into the court, and General Kiddoo went in there with me, and I remained there, and he went to the Capitol.

Q. Did you understand from General Kiddoo, in that conversation on the morning that that article appeared in the Gazette, when he had had his conversation with Mr. Clymer?—A. I understood that it was the evening before, I do not know now what words were used to make that impression on my mind, but that was the impression I got; it was before the talk with me, anyhow; but it might have been the day after that. I presume Judge Shellabarger would be able to give some light as to that date, and I think the judge ought to be summoned any way; it is a very important matter.

By the CHAIRMAN:

Q. He knows nothing but what you told him?—A. No; and I do not know anything but what somebody else told me.

By Mr. DANFORD:

Q. In that first conversation with General Kiddoo, did he say anything in regard to furnishing matter for the press, if the committee did not investigate it?—A. Yes; he did.

Q. Did he say whether he had said anything in regard to the matter to Mr. Clymer?—A. I think he told me about this: that he had told Mr. Clymer that he would give the matter to the press if he did not investigate it, or something of that kind, but he never took any steps in giving it to the press. On the contrary, he did not want the press to have it.

Q. I understand that, but did he tell you that he had said anything to the chairman of the committee about giving it to the press?—A. Yes; he made some remarks to that effect.

Q. How many interviews did you have with General Kiddoo?—A. I have been having interviews with him all winter.

Q. How many in relation to this matter?—A. Well, I do not know; I could not tell. We had a good many interviews—a good many talks about it in a general way. This Belknap affair was a matter that everybody talked about, and when we would meet we talked about it, and we met almost every day since the matter became public, as we had been meeting before.

Q. In the talk that General Kiddoo had with you, did you or not understand him to say that he had informed the chairman of this committee of what had taken place at this interview at the Arlington?—A. Yes, sir; I did; so much of what had taken place as relates to the Kentucky railroad case.

WASHINGTON, *March* 15, 1876.

WILLIAM ERNST sworn and examined.

By the CHAIRMAN:

Question. You are and have been for some years treasurer of the Kentucky Central Railroad Company?—Answer. Yes, sir; since 1863.

Q. Are you one of the owners of that road?—A. I am.

Q. Who are the other owners with you?—A. Origiually there was Mr. Bowler, Mr. Keith, Mr. Senator Stevenson, and William and James C. Gedge, representing one interest, (they were doing business as a firm,) and myself.

Q. Who were the parties in interest in 1870?—A. The same parties, except that three of the original parties died in the mean while, and their heirs became interested as such. No general change, except those changes caused by death.

Q. Can you state the relative interest of the different parties?—A. It may be expressed with approximate accuracy as 6½ elevenths for Mr. Bowler, and 4½ elevenths for the others.

Q. Do you know in what proportion this 4½ elevenths was?—A. The exact proportion was 1,080 to 1,550. The entire interest would be 2,630 parts, of which Bowler had 1,550, and the others 1,080.

Q. The 1,080 was divided how?—A. Mr. Keith had 360, Mr. Stevenson 240, the two Gedges jointly 240, and myself 240, making 2,630. The proportions that I have given were the original arrangement. It changed somewhat afterward and was somewhat different in 1871.

Q. In 1870 Mr. George H. Pendleton was elected president of the road?—A. In 1869.

Q. When he acceded to the presidency there was a claim which the company had against the Government for transportation during the years of the war?—A. Yes, sir; part of the time. That was for transportation from the 1st of May, it was 1862, I think, to the 1st of August, 1864. The Government had paid the full rates asked for up to May, 1862, and then introduced that regulation, and finally acceded to the change to take effect in August, 1864, from which time they paid what we asked. This claim was for transportation between those two periods.

Q. That was a suspended claim when Mr. Pendleton became the president in 1869?—A. Yes, sir.

Q. Was there any agreement made by the owners of the road that he should endeavor to collect the same from the Government?—A. Yes, sir.

Q. What were the terms of that agreement, if it was known to you?—A. Well, the agreement was that we would pay one-half of it. It had been hanging a long time. We had tried to get it and had failed, and it still remained unpaid up to that time.

Q. Was this agreement with Mr. Pendleton assented to by all the owners of the road?—A. So far as I know, it was. We managed that as a private partnership, not under a charter, and they all assented to it.

Q. Did you, as one of the owners, assent to it?—A. I assented to it as one of the owners.

Q. When the final settlement was made with Mr. Pendleton, did you assent to it?—A. I did.

Q. Have you ever heard of any one dissenting from it to this day?—A. No, sir; I think they were all present. I was, Mr. Stevenson was, Mr. Gedge, the only survivor, representing his own and his brother's interest as administrator, was present; and that embraced all who were interested except the minor children of Mr. Bowler.

Q. Who is their guardian?—A. I think their mother is their guardian.

Q. She also, as the widow of Mr. Bowler, had an interest in this matter?—A. Yes, sir; the estate had.

Q. She assented to it for her own interest?—A. I don't think there was any formal assent; but she knew of it, and there never was any dissent.

Q. Did she receive her proportion?—A. She did.

Q. For herself and children?—A. Yes, sir.

By Mr. BLACKBURN:

Q. Do you know of any portion of that fund collected from the Government having been used improperly or corruptly, either by Mr. Pendleton or anybody else?—A. No, sir; I do not, and I never had such an idea.

By Mr. ROBBINS:

Q. The claim was regarded as a good claim?—A. We regarded it as eminently just and proper. Perhaps the committee are aware that a convention of railroad men met and agreed upon certain rates for freights and passengers carried for the Government, but in that agreement excepted those roads which were in or contiguous to the seat of war, and in danger of injury from raids, &c., and we understood that always as covering our road, which was in Kentucky entirely, and which actually did suffer very largely.

Q. The reason why so large a percentage was agreed to by the partnership to be given to Mr. Pendleton for collecting, was it because the claim was regarded as a difficult one to get, or that it was doubtful in its justness?—A. Simply because it was regarded as difficult to get. Mr. A. H. Ransom was our secretary until January, 1864. After that he ceased to have any connection with the office, and a part of this transportation was done during the time that he was secretary of the board, and he was very familiar with the accounts. After he ceased to have a connection with the office, he undertook to present the claim, and got it allowed, and spent some time, and he, I think, was to receive 25 per cent. if he succeeded in getting it. I am speaking from recollection. He spent a considerable time in Washington, and a good long time in making out the account, for it was a somewhat troublesome one to make up, and he failed and did nothing, and it remained in that fix until after Mr. Pendleton came into the office as president; then it was brought up, and the agreement was that if he could get it paid we would be willing to give him one-half, and he undertook it and succeeded.

Q. I understand that the claim had been disallowed by the War Department some years before?—A. I never knew the history of the claim after it went into the hands of A. H. Ransom.

Q. Hadn't it been unfavorably acted upon by the War Department on its application?—A. As I said, I never informed myself of the history of the claim after it went into Mr. Ransom's hands. Several years elapsed before Mr. Pendleton undertook it. He did not come in until 1869, and this was in 1870 or '71.

Q. Do you know how Mr. Pendleton managed to get the claim allowed?—A. I do not. He simply reported he had got the claim allowed, and paid out a certain proportion of it.

Q. Were they satisfied with the allowance that he made them?—A. Yes, sir; we were all satisfied—the agreement was carried out.

Q. You say you do not know of any improper influences having been used in connection with any of the officials of the Government?—A. I do not.

Q. Or any of their families or friends in getting the claims allowed?—A. I have not the slightest knowledge of any such thing.

Q. After the money was collected by Mr. Pendleton and he received his portion, do you know of his having paid any portion of it to any official, or anybody interested with the Government?—A. I do not. I only know what was done with that which came into my hands as treasurer. I know that none of that went in that way.

Q. Did you ever hear afterward any rumor of an allegation that he had ever paid money to any one?—A. Never until I saw it in the papers about a week ago, I think.

By Mr. BASS:

Q. You say that this road was operated by you gentlemen as a copartnership, and not as a corporation in any way?—A. Yes, sir.

Q. How did it come into your possession free from a charter?—A. It was sold under a decree of the Fayette circuit court in 1859, under the foreclosure of a mortgage, and purchased by Mr. Bowler in 1859, and we purchased from him an interest in 1863, and our interests commenced on the 1st of January, 1863, and we continued to operate it as a partnership.

Q. Had any of the original owners died besides Mr. Bowler?—A. Yes, sir; Keith and Gedge. Mr. Bowler was the first owner who died. There were two Gedges, and William H. Gedge was in the board of management. Then Mr. Keith died.

Q. Mr. Bowler died first, and then Mr. Pendleton, being administrator of his estate, represented that interest?—A. He represented the interest; not as president, however, until a much later time. But when he was appointed administrator, he, of course, represented the interest of Mr. Bowler as a director or as one of the managing owners.

Q. When did Mr. Keith die?—A. I think it was the 31st of May, 1869.

Q. Who were his heirs?—A. His wife and three children. The children are all of age.

Q. Who was the next who died?—A. He was the last to die. Mr. Gedge was the second one to die, and Mr. Bowler the first. Mr. Gedge died in 1865, I think. His brother, James C. Gedge, came into the board. He was administrator of the estate and also part owner of the road. The interest which I spoke of a little while ago belonged to William H. and James C. Gedge, partners and brothers, and James C. Gedge came in after his brother's death, representing his own and his brother's interest as administrator.

Q. Who were the heirs of his brother?—A. He had a wife and a number of children; some of them minors, and some not.

Q. Were any of the Keith children minors in 1870?—A. There may have been one; though my impression is that they were all of age at that time, but I cannot speak with entire confidence on that point.

Q. At the time this contract was made with your president, was he receiving a salary from your road?—A. Yes. sir.

Q. How much was his salary?—A. $6,000 a year.

Q. How long was the line of road?—A. One hundred miles. We were operating in addition to that a leased road of thirteen miles.

Q. At the time this contract was made with Mr. Pendleton did you have any interview with any other members of Mr. Bowler's family with regard to it?—A. No, sir.

Q. Then what you know with regard to any assent of any members of the Bowler family must have been from some subsequent information?—A. Mr. George Bowler was in the board of directors. He was the son of R. B. Bowler. He assented.

Q. Did you have any interview with Mrs. Bowler about it?—A. I never did.

Q. Then you do not know definitely whether she assented or dissented?—A. I do not.

Q. You said that Mrs. Bowler and her family received their part; how do you know that?—A. I paid it to the administrators, George H. Pendleton and Eli Baldwin.

Q. All you know about it is that you paid it to them?—A. Yes, sir.

Q. Which one of them did you pay it to?—A. To Mr. George H. Pendleton, I think, but I cannot be entirely positive.

Q. How did you pay it to Mr. Pendleton?—A. By a check on the Northern Bank of Kentucky.

Q. How large a check did you draw to pay to Mr. Pendleton?—A. I don't recollect the exact amount. I think it was $30,000 or $40,000, according to my recollection—their proportion of what we received which was divided according to the representative interests; I don't remember exactly now what the amount was, but it was their *pro rata* share, whatever it came to.

Q. When did you pay him that?—A. Very soon after it was placed in my hands—the same month.

Q. Mr. Pendleton testified that he went to Europe the same day or the next day. If that is so, you must have paid him immediately?—A. It was paid very soon afterward; I don't remember the date.

Q. How much did the road realize out of this?—A. The amount he paid to me [referring to a memorandum] was $58.553.82.

Q. Did you pay any of that back with reference to the paying of a claim of Mr. Ransom's?—A. Yes, sir.

Q When this check was handed over he said that Mr. A. H. Ransom had a claim for the work that he had done, which he thought was a just one, and should be recognized; although he had failed to get it through, yet he had done a great deal of work. It was finally agreed that $7,647.75 of that should go, so far as we were concerned, in satisfaction of his claim against the company, and that amount was paid for that purpose.

Q. Which left the net amount received by the company——?—A. $60,907.07. This whole amount was received by me, but out of it, and by direction of the board, that amount was paid. I did not pay it to Ransom, I paid it to Mr. Pendleton, understanding that it was to be for Mr. Ransom, and there was an acquittance given so far as Mr. Ransom's claim was concerned.

Q You paid it to Mr. Pendleton, and he was to settle with Mr. Ransom?—A. Yes, sir; A. H. Ransom, whose connection with the road ceased at the end of 1863.

Q. Do you know how much Mr. Ransom was to receive?—A. I do not—whether more than this or not.

Q. Then all the balance of this money, except the sixty thousand and some odd hundred dollars, was paid to Mr. Pendleton or retained by him?—A. Retained by him, except the $7,646 which I paid him for that purpose, and I suppose it was so applied.

Q. Where was the office of the president of the company?—A. It was in connection with the building occupied by the company for a ticket-office, &c., in Covington.

Q. Do you recollect when it was that the negotiations were commenced with Mr. Pendleton that he should take the contract to collect this claim of the Government?—A. I do not.

Q. Mr. Ransom had been pursuing it for some years?—A. For some time.

Q. And still had this outstanding contract with reference to collecting it?—A. Yes, sir.

Q. He was to have 25 per cent. for collecting it?—A. That was my understanding.

Q. What peculiar considerations entered into your minds, from any representations or otherwise, to induce you to give Mr. Pendleton an additional 25 per cent.?—A. Well, it had been hanging a long time and we thought it was a just claim, but had failed to get it. It was a claim originating in 1862, and we were anxious to get something out of it, and we made the offer.

Q. That I understand; but why did you think he had greater facilities for collecting this claim than Mr. Ransom?—A. Well, Mr. Ransom had failed to do anything with it, and we were willing to try anybody else who could get it through.

Q. How many times had the claim, as you understood, been rejected by the War Department?—A. As I have said, I had not informed myself of the various steps, and really learned the history of it for the first time from the papers, and beyond that I don't know anything about it.

Q. Where did you learn that?—A. I did not learn it until I saw it published recently, within a week or two.

Q. Do you remember whether or not you were advised by Mr. Ransom while he was prosecuting the claim that it had been disallowed?—A. I was not. Mr. Keith was at that time in the office and attended pretty much to the office business. I am president of the bank, and my office is in the bank, and I gave very little attention to the office business of the railroad.

Q. Do you know whether or not Mr. Pendleton carried on any other business at that time besides attending to his duties as president of this railroad company and attending to such estates as were in his hands?—A. I don't think he attended to any other estate than Mr. Bowler's. He still continued to practice law. He kept his attorney's office in Cincinnati. I don't think he undertook general practice, but only special cases.

By Mr. DANFORD:

Q. You are the treasurer of this company at this time?—A. Yes, sir.

Q. Did you bring your books with you in which this claim was entered when received?—A. No, sir; the subpœna said nothing about books. We took these figures from the books, however.

Q. Have you the date of the payment of the draft that was collected through your bank?—A. It was handed to me on the 15th of June, 1871, or at least that is the date that it was deposited in the bank; on the 16th I gave that check to Mr. Pendleton for $7,646.73.

Q. To whom was that check drawn payable?—A. To Mr. Pendleton.

Q. That was on the 16th?—A. Yes, sir.

Q. What is the next entry?—A. I did not take a memorandum of those, for they were simply the distributive shares of the parties there, nothing else.

Q. Have you there anything that will show you when the draft was paid?—A. I deposited it in the Northern Bank and it was sent on for collection to the Bank of America, New York. It was sent on in the regular way through our cashier.

Q. But you made your distribution without reference to the time of its collection?—A. Yes, sir; I presume so.

Q. And you made this check to Mr. Pendleton without reference to that?—A. Yes, sir.

Q. Have you any memorandum which will show you the date on which you gave Mr. Pendleton the check, if it was a check, for the interest of the Bowler estate? Was that the same date as the Ransom check?—A. I don't think it was.

Q. Do you think that could have been deferred until Mr. Pendleton returned from Europe?—A. No; it was all distributed in the month of June.

Q. And if Mr. Pendleton went to Europe in that month, it was distributed before he went?—A. Yes, sir.

Q. You have already told the committee that he was the president of the road upon a salary of $6,000?—A. Yes, sir.

Q. Was he in the office of the company pretty much all his time?—A. He was generally every day an hour or two, sometimes longer and sometimes a shorter time, but he came over every day.

Q. Mr. Bass has asked you whether you considered that Mr. Pendleton had any peculiar aptitude for the collection of this claim, or what consideration operated upon your minds in giving him so large a share of it.—A. There was no consideration. I never believed myself that he would get it, as it had been so long delayed, but he did. We offered it, probably, because we were anxious to get the claim if we could, and we would have given that share to any one who could collect it, whoever he might be.

Q. Did you ever offer Mr. Ransom 50 per cent.?—A. I am not aware that we did. That arrangement with Ransom was made, I think, by Mr. Keith—our president—and reported to us by him. I think there was no written contract.

Q. Did you ever offer any one else 50 per cent. before you offered it to Mr. Pendleton?—A. Not to my recollection. I don't know that any one had ever been offered it before.

By Mr. BLACKBURN:

Q. Would you, as a stockholder in that road, or a partner, have been willing to have given Mr. Ransom or anybody else the same percentage upon the collection of that claim that you gave Mr. Pendleton?—A. Yes, sir; entirely. There was no partiality felt in my mind, and I do not think in any of the others.

By Mr. ROBBINS:

Q. You were ready to give that to anybody who would get it?—A. Yes, sir.

Q. You cared nothing as to who got it, so that you got it?—A. That is the feeling precisely.

Q. Something has been said about the minor children interested in this claim, as heirs. Did they have guardians at the time the agreement was made with Mr. Pendleton?—A. Yes, sir; I suppose they all had.

Q. Was Mrs. Bowler the guardian of her minor children?—A. I have always understood so.

Q. She is the sister of Mr. Pendleton?—A. Yes, sir.

Q. The children of Mr. Keith, you think, were all of age at that time?—A. I think they were. The youngest daughter may not have been quite of age.

Q. Who was her guardian when she was a minor?—A. It must have been her mother. She never had any other.

Q. The children of Mr. Gedge, deceased, were they minors, some of them?—A. Yes, sir.

Q. Had those children a guardian at the time the agreement was made?—A. The widow was their guardian, I think. We had, however, in our articles of association, a provision that the death of one of the parties should not at all interfere with the management of the business.

Q. That the death of a party and the accruing or vesting of an interest in minors should not stop the board from having full control of the whole affair?—A. Yes, sir; that was a provision in the articles of association.

Q. You understand, then, that whether there were minors or not you had the right, nevertheless, to make an agreement like this?—A. Yes, sir; for the entire management and operation of the road and its business.

Q. Among those who made the agreement with Mr. Pendleton was there or not a controlling interest then in the hands of persons who were not minors?—A. Yes, sir. The interest of Mr. Keith, as I stated, originally was about one-eleventh and a half; the Bowler interest, six and a half elevenths; and the others, three of them, an eleventh each.

Q. A controlling interest at the time the agreement was made with Mr. Pendleton was actually in the ownership of persons not minors?—A. Largely.

Q. And the minors all had guardians, and were represented in the agreement through their guardians?—A. Well, the widow of William H. Gedge I don't think was represented in any way. We did not regard it, because of the provision I have just named, as necessary to go outside of the board of management.

Q. The brother of Mr. Gedge, deceased, was acting for his interest?—A. Yes, sir; he was the administrator of his brother.

Q. And owned an interest of his own equal to that of his brother?—A. Yes, sir.

WASHINGTON, D. C., *March* 16, 1876.

H. T. CROSBY sworn and examined.

By Mr. BLACKBURN:

Question. Are you the chief clerk of the War Department?—Answer. Yes, sir.

Q. Did you, as such chief clerk of the War Department, go to the Treasury Department for the purpose of withdrawing from the files of that Department papers in what is known as the Kentucky Central Railroad case?—A. Not to my recollection.

Q. You are not the chief clerk referred to in the testimony of the Third Auditor here?—A. No, sir.

Q. That is the chief clerk of the Treasury Department. What is his name?—A. I think his name is Wilson.

Q. Were you chief clerk of the War Department in 1873?—A. Yes, sir.

Q. Do you remember anything about the obtaining of papers in this Kentucky Central Railroad case by your Department from the Treasury Department at that time?—A. I have an indistinct recollection, which is in substance about this: that the Secretary of War told me to send for the papers, once, I think, in 1873. It is my impression that I wrote to the Auditor and the papers were returned, and I handed them to the Secretary of War; and the reason that my recollection is revived somewhat is that I think they returned my letter of request with the papers. The papers staid there on the Secretary's desk for a long time, and at some time or other, which I think our records will show, I had the papers put on my desk from the Secretary's office, as having been there a long while, and I ordered them to be put up-stairs in the record room until they should be called for, as they were lumbering up the room down-stairs, and if anybody made inquiry they could be obtained.

Q. Do you know for what purpose those papers were withdrawn by the Secretary of War from the Treasury Department at that time?—A. No, sir; I do not.

Q. Do you know whether any question was pending that necessitated a re-examination of them?—A. I do not. I think they were not returned until after the decision in the case was made and the money paid.

Q. That was done, as shown by the record, in June, 1871, I believe?—A. Yes, sir; the papers were withdrawn from our Department, I might add, recently.

Q. Were those papers, from the time that in 1873, when, under the direction of the Secretary of War, you withdrew them from the Treasury Department, until recently when they were returned from your Department to the Treasury Department, accessible; and, if so, who was of right entitled to see them?—A. I think they were, sir.

Q. Do you know whether there was any intention upon the part of your Department to conceal those papers or prevent access to them by taking them over to your office, instead of leaving them in the Treasury Department?—A. I think there was no idea of that kind that I ever heard of.

Q. You know of no reason prompting the withdrawal or the re examination?—A. No, sir.

By Mr. ROBBINS:

Q. What room do you say you deposited them in?—A. What I call technically my "record room," wherein all the records are kept, files and books.

Q. How long did they remain in the Secretary's immediate keeping before they came specially into your keeping?—A. That I cannot tell without reference to the records; but on the day that I received them, or within a day or two after they came into my possession, they went up-stairs to be put on file. I never keep papers on my desk longer than I cannot possibly help.

Q. How long did you say they were in the Secretary's desk?—A. They were there from the time that they were received until the time that I sent them to the record room; that date the records would show.

Q. Did the Secretary make any examination of them after you brought them from the Treasury Department?—A. I don't know.

Q. Did he say nothing to you about that?—A. Nothing at all.

Q. You wrote the letter asking for them?—A. Yes, sir; by his direction.

Q. What was said when he gave you those directions; anything else accompanying the directions?—A. No, sir; I think it was a mere verbal request to send for the papers in the Kentucky Central Railroad case.

Q. They were brought to you?—A. They were brought to me.

Q. You handed them to the Secretary?—A. I handed them to the Secretary.

Q. No conversation between you and him then as to what it meant?—A. No, sir.

Q. And never?—A. Never.

By Mr. DANFORD:

Q. You do not know, of course, what the Secretary's purpose was in getting those papers?—A. No, sir.

Q. Did you look over the papers after they came back, for any purpose?—A. No, sir; I never examined them.

Q. Why did you send them up-stairs after they finally came into your hands?—A. Because they were a large pile of papers, and that was the proper place of deposit.

Q. But these were not papers belonging to your office?—A. I thought they might be called for again.

Q. By whom?—A. By the Secretary.

Q. The Secretary never gave you any directions to send them back?—A. No, sir.

Q. So far as your duties there were concerned, you had brought them from the Treasury Department by direction of the Secretary?—A. By direction of the Secretary.

Q. And you felt that it was not your duty to return them except by his direction?—A. Except by his direction.

Q. And you retained them?—A. Yes; I retained them where they would be easily gotten at.

Q. And he never gave you any further orders on the subject?—A. No further orders.

By Mr. ROBBINS:

Q. Were the papers all done up in one single package when they came from the Treasury to you?—A. I think they were; my impression is that they were in a long package, probably two layers in the package, but all tied round with one string.

Q. And you passed them into the hands of the Secretary of War in that form?—A. Just as I received them.

Q. When you got them back from him afterward, were they in that same identical form, or did they show that they had been opened, changed, or examined?—A. That I could not tell. It looked to me to be the identical package.

Q. No appearance that they had been opened or disturbed?—A. Not to my recollection.

Q. Do you recollect the manner in which the package was fastened up when it came to

you first?—A. I don't recollect the manner; I think it was done up in a brownish paper, tied round with twine, with the usual marks of the office outside.

Q. Was it in that same form when it came back to you from the Secretary?—A. No; the wrapper was not on it. The papers had been taken out of the wrapper; my recollection is very dim about it.

Q. They had been undone then, you think?—A. I do not. I think they did not look to me as if they had. The wrapper was off, but I think I took it off myself.

Q. Was there any indorsement on the package to show what it did refer to?—A. No, sir. I think there was a letter accompanying it, which was detached.

Q. You did not look through the papers at any time?—A. I never examined them.

Q. You took off the wrapper, you think, and you handed it to the Secretary of War with the wrapper off?—A. I think so.

Q. When it came back to you from the Secretary of War it seemed to be exactly the same as when you handed it to him?—A. Yes, sir.

Q. As if it had never been even untied?—A. Yes, sir.

Q. Is it your opinion that it never was opened?—A. My opinion about that would be worth very little, I think.

Q. I mean, judging from the appearance and all the circumstances?—A. Yes, sir; it so appeared. Those papers are all numbered and charged up, and you can very easily discover whether anything was taken out; or probably the order of the papers would indicate that.

Q. How long did the Secretary keep them before he handed them back to you?—A. That I cannot recall; it was some considerable time.

Q. How long; a week?—A. They lay on his desk probably for several months; my records will show.

By Mr. DANFORD:

Q. When were those papers first called for after they had gone to your files room?—A. They were called for about, I think, a week ago since the developments that have been made before this committee.

Q. Were they called for prior to the date of their return to the Treasury?—A. No, sir; on the same day of their return. I went myself with the letter from the Third Auditor up-stairs where the papers were deposited, and I directed them to be put up in a brown-paper package and sealed. The request for their return was addressed to me by the Auditor himself, and I thought probably that we had better be very careful about the papers, so I directed that they should be sealed up, and should be transmitted to the Auditor, with a regular letter of transmittal, which was done on the same day.

Q. Then the date of that letter will show the date on which they were called for?—A. Yes, sir.

WASHINGTON, D. C., *March* 16, 1876.

J. B. KIDDOO sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. I am temporarily in Washington.

Q. How long have you been here?—A. A couple of months. I live on I street, 1336 I think.

Q. In the New York Herald of Wednesday, March 8, a letter appears from a special correspondent in this city, dated March 7, which it is in evidence before this committee was written by Mr. Nordhoff, who, when asked for his authority, said that he wrote it on the authority of General Boynton. General Boynton, on being asked his authority for the statements contained in it, said that he had first heard of the matter from Judge Wilson, next from Judge Shellabarger, and next from Colonel Grafton, and Colonel Grafton yesterday, in his testimony, testified that so much of it as he said was in accordance with what he had stated came from you. Now I wish you to state whether you ever told Colonel Grafton or any one else that some years ago Mr. and Mrs. Marsh, Mrs. Bowers, Mrs. Pendleton, and myself were traveling together in Europe?—A. No, sir: I never stated anything of the kind. Nothing of the kind ever occurred to my knowledge.

Q. We did meet in Europe?—A. You and I; yes, sir.

Q. Where?—A. In Vienna.

Q. In what year?—A. On the 4th of July, 1874, I think.

The CHAIRMAN. 1873.

The WITNESS. It was at the Fourth of July celebrat'on, 1873. We then traveled through Germany together to some extent, and I met you afterward here in Washington last winter.

Q. We parted somewhere in Germany, I believe?—A. In Berlin, I believe.

Q. In Berlin, late in July. The allegation is here that you informed me during the week when the impeachment of the late Secretary of War was being spoken of of certain things; will you be kind enough to state what you told Colonel Grafton.—A. With reference to what?

Q. With reference to what you had said to me.—A. In substance, so far as I can recollect, I said to Colonel Grafton just what I said to you, if you remember; we live in the same house and we have had conversation about this thing frequently; I said that this matter, when thoroughly investigated—I am stating what I said in substance—would, perhaps, involve a prominent member of the other political party than the one to which Secretary Belknap belonged—namely, Mr. Pendleton. I stated to you that I thought his case should be investigated. I stated the same to Colonel Grafton. You remarked to me, in substance, that your committee had not sufficient data to go on to begin an investigation. I remember that I remarked that you had as much data, I thought, as you had when you first began to investigate Secretary Belknap. I stated, in general terms, that I thought there ought to be a clean breast made of the whole story from beginning to end, and I am under the impression that I stated—in fact I am very certain about it—that if Mr. Pendleton's matter was not investigated in connection with this thing, the facts I had in my own knowledge, or, at least, the facts that I had heard of, I would give to the press. I said nothing more than that to Colonel Grafton, that I can think of now. If my memory is refreshed, perhaps I can think of other things.

Q. During that conversation do you remember my asking you where I could get some information?—A. I do.

Q. Did I not ask you whether I could get it from the War Department?—A. You said, in substance, that you would go to the War Department for it. You did not ask me where you could get it. I said, "Go to the Treasury Department and you will get it all."

Q. Did I intimate to you then any unwillingness to investigate?—A. Not at all; you did not intimate any unwillingness.

Q. Did you ever say to Colonel Grafton that I did?—A. No, sir.

Q. Was there anything in my manner or conduct with reference to this matter that would have led you to suppose that I was unwilling, for any cause, to investigate it?—A. Well, Mr. Clymer, I do not know how I can answer that squarely. I thought there was a strong partisan feeling in the whole matter; you said nothing, you manifested no unwillingness, but whether my suspicions or beliefs were well grounded or not, I had the impression that you would rather the thing hadn't come out; I do not know; you did not manifest it—you did not express it; it may have been only my own impression.

Q. Did you tell Colonel Grafton that?—A. No, sir; not that I know of. I do not think that I told any one that you either expressed or manifested an unwillingness to investigate this thing, but when you ask me for my own impressions, why, I cannot say much about whether you did or not.

Q. Did not I ask you where I could get the information?—A. Yes.

Q. Didn't I say to you that I would get it?—A. Yes, sir; a few days afterward you said to me that you had sent to the War Department about those matters. I think I can very truly say that you neither expressed nor manifested any indisposition to investigate.

Q. Did you ever say to Colonel Grafton that you would insist upon my having Mrs. Marsh subpœnaed?—A. No, sir; I certainly did not. I *certainly* did not. I read that report in the papers this morning with very great regret. I certainly did not say so. I saw Colonel Grafton this morning, and he admits to me that he was, perhaps, mistaken in that respect. I certainly never said it. I certainly did not say so, because in all this matter I was particularly careful that the names of women should not be used, or that I should not have my name used in connection with it. I saw Colonel Grafton this morning, and he admits that in that impression he was perhaps wrong.

Q. Do you recollect how soon after the impeachment was presented I remarked to you that I had made arrangements to have this matter hunted up in the War Department?—A. I cannot say how soon. It was a very short time afterward; short enough for all consistency and zealousness.

Q. I presume that your statement that you have made covers the other democratic members of the committee; you had no communication with them whatever?—A. O, I never met any of the gentlemen.

Q. Did you say anything to Colonel Grafton prejudicial to any of the other members of the committee?—A. I did not say anything to Colonel Grafton prejudicial to any member of the committee in any way or shape.

Q. You did not intend to refer to the other members of the committee as indisposed to investigate?—A. I never said that any member of the committee was indisposed to investigate, and Colonel Grafton appears to be aggrieved this morning at the insinuation drawn from his testimony yesterday that I had said anything against any member of the committee. I had not; on the contrary, I think I did the opposite.

By Mr. DANFORD:

Q. When did you have this conversation with Mr. Clymer; can you fix the time with reference to the presentation of the resolutions in the House?—A. That is what I am trying to do. They were presented, I think, on Wednesday.

The CHAIRMAN. Thursday, the 29th of February.

The WITNESS. It was either Wednesday night or Thursday night, either the night before or the night after, as far as I can remember.

Q. What is your best recollection as to whether it was the night before or the night after?—A. I think it was the night after the resolutions were presented.

Q. Can you fix that date with reference to any other fact? Can you fix the time of your conversation with Mr. Clymer with reference to the fact of Mr. and Mrs. Marsh still being in the city or having left?—A. I do not remember about that; I cannot tell you. My impression is that they left on Thursday on the half-past one train. If this conversation occurred Thursday, then they had left; if it occurred Wednesday evening, then they were still in the city.

Q. Was there anything in your mind in connection with anything that you had heard as coming from either Mrs. or Mr. Marsh in reference to this thing?—A. I have had a conversation with Mrs. Marsh.

Q. Is there anything then in your mind with reference to that conversation when you talked with Mr. Clymer?—A. Well, I suppose there was.

Q. Putting those things together can you remember whether they had left the city when you communicated this fact to Mr. Clymer?—A. I had had a conversation with Mrs. Marsh about this matter, and my impression is that I had had it the day before or the night before.

Q. The night before you communicated with Mr. Clymer?—A. I think this conversation between Mr. Clymer and myself, to the best of my recollection, occurred Thursday evening.

Q. After the Marshes had left the city?—A. Yes; if they left Thursday.

Q. You feel confident that you said nothing in that conversation with Mr. Clymer of the conversation with Mrs. Marsh?—A. O, I had not said that. I feel confident that I did say something.

Q. To Mr. Clymer in relation to your conversation with Mrs. Marsh?—A. Certainly.

Q. What did you tell Mr. Clymer in relation to any conversation with Mr. and Mrs. Marsh?—A. Well, it is very embarrassing to have to state it. This was a purely private matter. I shall do it, however, frankly. Mrs. Marsh and I conversed about this thing. She spoke of an interview that she had had with Mrs. Belknap, and she stated, in substance, that she had said that this was not, perhaps, as serious a matter as some other matters connected with the Kentucky Railroad, in which Mrs. Belknap was supposed to, or did, get $70,000. I forget which phrase she used. Mrs. Belknap replied, "I did not get $70,000; that was all the road got." I stated those facts to Mr. Clymer.

Q. When did you state those facts to Mr. Clymer?—A. I think on Thursday night. That is the very best of my recollection.

Q. Recalling again that conversation with Mrs. Marsh, or what you had gathered from her in connection with that Kentucky Central Railroad claim, and Mrs. Belknap's connection with it, can you state to the committee whether, when you communicated these facts, the Marshes were still in the city, or whether they had left?—A. That I cannot tell. My impression——

Q. You cannot bring those two facts together?—A. Let me think of it a moment, and I will tell you, as nearly as I can. You want to know the evening?

Q. What I am trying to get at is, when with reference to the Marshes having left or being still in the city you had the conversation with Mr. Clymer, and I thought, by calling your attention to that conversation, you might, perhaps, recall it definitely.—A. Wednesday, the day the explosion, so to speak, was made.

Q. It did not burst upon the country till Thursday.—A. Very well, then it was Thursday night. I am almost certain, sir—certain enough to swear to it—that it was on Thursday evening, and in Mr. Clymer's room, that I had this conversation.

Q. Did you have your conversation with Colonel Grafton or with Mr. Clymer first?—A. I think with Colonel Grafton first. I am very certain I had. He is my attorney in a matter in the Court of Claims, and I sustain quite confidential relations with him, and we talked about this matter in confidence.

Q. Your conversation with Colonel Grafton in relation to what you had said to Mr. Clymer, was certainly after you had talked with Mr. Clymer?—A. My impression is that it was. Colonel Grafton came up to the Arlington Sunday morning, and we took a walk. I know since that he came with some object. He reminds me that this conversation I had with him first was on Friday. I have not a distinct recollection of it myself.

By Mr. BLACKBURN:

Q. Do you mean this last Sunday?—A. No, sir; the Sunday following. He reminds me since that it was on Friday.

By Mr. DANFORD:

Q. When you gave Mr. Clymer this information Thursday evening —— A. (Interrupting.) I do not know about giving him any information. I simply had a conversation. It was not my intention to be an informant, or to give information at all.

Q. I understand; but when you told him of this conversation between these parties, what did he say then in relation to it?—A. Mr. Clymer said that he did not have sufficient data upon which to proceed against Mr. Pendleton, or words to that effect.

Q. That, then, was the first conversation you had with him in relation to this matter on Thursday evening?—A. Yes, sir.

Q. And that was after the articles of impeachment had been presented?—A. Yes, sir.

Q. And at that same time you spoke of giving these facts to the press?—A. I said if it did not come out before this committee I would consider it my duty, or I would be at liberty, or something of that kind, to give it to the press; and he said that he had not sufficient data, but would go to the Department; and afterward he told me that he had done so. My own impressions about his unwillingness are simply those that one would get from talking with a man about a subject—strong partisan and personal feelings. It is only my own impression; and I don't know but I would do injustice in that.

Q. You did travel in Europe with Mr. Clymer?—A. Yes, sir.

Q. And did you state that fact to Colonel Grafton?—A. I do not know. It is probable that I did.

Q. Did you travel in Europe with any of those other parties named?—A. I met Mrs. Marsh, Mrs. Bowers, now Mrs. Belknap, and Mr. Pendleton, in London, first. I met them afterward in Paris. I met one or two of them afterward in Hamburg, and again in Paris afterward, all of them, or at least the two ladies

Q. Did you state these facts to Colonel Grafton at any time?—A. It is probable; I don't remember.

Q. Very likely that is the way that the confusion arose?—A. Yes; I think that is the way that this story came round. It is probable that I spoke of these things, and that they were wrongly put together.

By Mr. ROBBINS:

Q. What did Mrs. Marsh say? Tell us all about it.—A. I have stated that; I will state it over again if you desire.

Q. I did not understand precisely that portion of your statement in regard to the amount of money. Did I understand you to say that there had been money passed from Mr. Pendleton to the Belknaps? That is the part I want to get at. That is the merits of this thing. —A. The impression that Mrs. Marsh left on my mind was this, that she had spoken to Mrs. Belknap about this Kentucky Railroad matter, and that Mrs. Belknap tacitly admitted that money had passed, though no particular amount, nor any square acknowledgment of the fact; that is all I know of it.

Mr. ROBBINS. Tacitly?

The WITNESS. That is my own word, you understand.

Q. She did not state, then, that she had ever received money, or did she so state?—A. No, sir; not at all.

Q. Did Mrs. Marsh state that she had charged Mrs: Belknap with receiving money, and that Mrs. Belknap did not deny it?—A. She did not state that she charged her with anything.

Q. But that she had mentioned it as a fact?—A. Yes, sir.

Q. And that Mrs. Belknap did not deny it?—A. Yes, sir; that is just about the way it came to me.

Q. Did Mrs. Marsh in that statement to Mrs. Belknap indicate how large the sum was?—A. She spoke of $70,000 and Mrs. Belknap replied that she did not get $70,000; that that was all that was paid to the railroad.

Q. That she did not get $70,000?—A. Yes, sir.

Q. Did Mrs. Marsh say that Mrs. Belknap distinctly implied by what she said that she did get some amount of money?—A. Mrs. Marsh left me to draw my own inferences, and I will leave you to draw yours.

Q. I want to know what did take place then?—A. Well, I have no knowledge.

WASHINGTON, *March* 16, 1876.

A. M. GIBSON sworn and examined.

By the CHAIRMAN:

Question. If at any time I spoke to you with reference to looking up evidence regarding the settlement of this Kentucky Central Railroad claim, please state if you can recollect about what time it was, and what I said to you?—A. It was some time shortly after the report had been made from your committee to the House of Representatives in regard to General Belknap. It was in the cloak-room in the rear of the hall of the House, after we had talked about this matter.

Q. It was the next day, was it not?—A. It is my impression that it was Friday afternoon; I am very certain it was, because that was private bill day, and there was not much going on, and you said to me that you had just heard something about the Kentucky Central Railroad, about a claim that had been put through the War Department, and you wanted me to help you look it up, and, I think, asked me about where the papers would likely be found. I think I said they probably would be found in the War Department; and I said that of course I would do anything I could to help you.

Q. You had been giving me assistance when I was laboring with this committee for weeks without a clerk?—A. Certainly, and had gone to the War Department with you.

Q. You had gone with me to the War Department to search for materials to facilitate the operations of this committee?—A. Yes, sir; and I am always willing to do that kind of work.

Q. State what my manner with reference to this investigation indicated, if anything?—A. The utmost anxiety to do whatever you could.

Q. You know, perhaps, better than any one else, for you are the only person who seemed to be willing to give me any assistance around this Capitol to search these things out. Please state now what I did in reference to this matter.

Mr. BLACKBURN. You don't mean, Mr. Chairman, to include the members of the committee, I suppose, in that statement?

The CHAIRMAN. O, no.

A. I will state that after my return from the West, the 29th of January, I think, I met you —I hunted you up, and from that time, or until the grand explosion came, I was daily in consultation with you at your room; and we talked about these matters, and we worked together, and I can very freely say that I never saw a man more anxious to get at something than you were.

Q. Did I ever object to you as to where the lightning should strike?—A. No; and I am sure I was only too glad to have it strike frequently.

Q. You remember you said it was on Friday that I asked you to go to the War Department; now if you remember about what was done on Monday please state that.—A. Yes; I had intended to go to the War Department on Saturday, but was very busy and could not go. I came up to the House early on Monday and went to your committee-room, and we were looking over the list of post-traders, and I remember that I remarked, "Well, I see this thing came out in the Capital yesterday and I understand it was telegraphed to Cincinnati," and just at that moment when we were speaking of it a telegraph-messenger delivered to you a telegram, which you opened and read and handed to me.

Q What did I tell you about it?—A. I read it.

Q. Whom was it from?—A. Mr. Pendleton.

Q. What was the tenor of it?—A. Demanding that he should be brought before your committee. At your request I went up-stairs to see the Sergeant-at-Arms about it. I do not think I saw him, but I came back to your room and you told me that you had seen the Sergeant-at-Arms.

Q. I told you that I had ordered Mr. Pendleton to be telegraphed to?—A. Yes, sir.

Q. That was on Monday?—A. That was on Monday, and I think I said to you that it was no use to go to the War Department to hunt up the papers, that they would be out now soon enough.

The CHAIRMAN. Yes; I recollect your saying that your examination there would not be needed under the circumstances.

The WITNESS. On the Monday previous to that we had been together at the War Department and at the Judge-Advocate-General's Office, and you obtained some papers that we went for, and some other important papers that you called for were not furnished and have not been yet; they declined because it is a very important matter, confidential communications from a staff-officer to his chief, and they did not like the public to have them.

By Mr. DANFORD:

Q. Did Mr. Clymer tell you on Thursday or Friday that he had heard that Mrs. Marsh knew some damaging things in relation to Mrs. Belknap or the Secretary of War?—A. No; he did not mention Mrs. Marsh's name.

Q. When did you first learn that there was anything of that kind being bruited about as to Mrs. Marsh having talked?—A. When I read it in the New York Herald.

Q. I believe you have stated that you did not go to the Department; that the telegram of Mr. Pendleton prevented it?—A. Yes, sir.

The CHAIRMAN. I believe we are through with that part of the case, except that I want Mr. Danford to state that on that very Monday morning he came to me requesting that Mrs. Marsh be subpœnaed; that I at once acceded to the request and sent a messenger to New York. I believe that is the fact.

Mr. DANFORD. I will state here that on Saturday evening, at dinner, I first heard of this matter, in connection with what Mrs. Marsh would testify. On Monday I came up to the Capitol and found the chairman of the committee, shortly before 12 o'clock, and told him that I desired a subpœna for Mrs. Marsh. He manifested no indisposition whatever, but suggested, I believe, that we could bring her here or a subcommittee could go to New York and examine her. I told him that I preferred that she should be brought here. He went down to the office of the Sergeant-at-Arms, or in that direction, for the purpose of speaking to him. That was near 12 o'clock on Monday. That was the first information I had ever given to the chairman in relation to Mrs. Marsh.

WASHINGTON, *March* 16, 1876.

AUGUSTUS E. WILSON sworn and examined.

By the CHAIRMAN:

Question. Are you chief clerk in the Treasury Department?—Answer. Yes, sir.

Q. Did you, on the 6th of March, go with General Boynton to the office of the Third Auditor and procure the papers in the claim of the Kentucky Central Railroad against the Government?—A. I don't remember the day, but on a day some days since, General Boynton came to my office in the Treasury Department with a memorandum of some papers which he said he would like to see, and which he told me were probably on file in the Third Auditor's Office, in the story above me, and I went with him to Mr. Gangewer, the Deputy Auditor, and asked him to let General Boynton see the papers. I don't think I noticed at the time the name and case, but afterward I saw the papers, and I think they were the papers in the Kentucky Central Railroad case. If you have the bundle I can recognize them.

Q. Did Mr. Gangewer give you the papers?—A. No, sir; I just left this message with Mr. Gangewer, and returned to my room, and left General Boynton there with Mr. Gangewer.

Q. How long did General Boynton remain there?—A. I have no recollection; I was not there myself any more; but some time afterwards, the same afternoon, General Boynton came to my room with a bundle of papers which he desired to take with him and examine. I told him that I could not allow that; that we did not allow any papers to go out of the Department.

Q. What was done then by General Boynton and yourself?—A. The bundle of papers I hold in my hand, being the largest roll in the bundle of papers handed to me, is one that I disremember who brought it to my office, but I know it was there when General Boynton was there in the afternoon, and that it is the one which he wanted to take with him to examine. It is marked on the back, "Kentucky Central Railroad Company. Report of Assistant Judge-Advocate-General Dunn." General Boynton took the papers to a table in the corner of my room (I would not let them go out of the supervision of an officer of the Department) and examined them there, perhaps for half an hour or so, and then handed them to me, and I locked them up in my table-drawer. It seems to me he was there another time—the next day—though I am not positive about this; looked at them a few minutes with me, and gave them back to me.

Q. Did he, while there, make any extracts in your presence from the papers?—A. I think he was copying something from them; I don't remember particularly about it; he appeared to be making memoranda. I did not look particularly, except that I knew the papers were over there.

Q. How long did he remain there the next day?—A. I think he came the next day—I am not positive about that—and that he was there a few minutes, perhaps fifteen. There are so many persons in my office in the day that I have no definite recollection.

Q. Was he making the examination under the supervision of any particular officer? And, if so, give his name.—A. While in my office I was the officer in charge of the papers. The Third Auditor intrusted them to me, and I think I gave him a receipt for them, so that the papers could be traced and not lost in any event.

Q. Is it the habit of your Department to allow persons to come and examine papers who are not the parties interested themselves, or who do not have a power of attorney to examine them, or who are not recognized officials of the Government?—A. I am very poor authority on the habits of my Department. I have been in the office of chief clerk for two months, or since December 6, and am not as well posted on the customs of the Department as I could wish, but I will say this, that a great many people apply at my office for permission to examine bundles of papers. I am the officer that gives such permission to persons desiring to examine papers of the Department. I usually refer the parties to the officer who has custody of the papers, saying to him that the order which I give him—if it is proper to examine the papers, not knowing usually myself whether it is proper or not—that this may be the formal permission.

Q. What renders that authority proper; is it requisite in order that a man should be entitled to examine a bundle of papers that he should be a party in interest, should have a power of attorney, or that he should be some recognized official in the Government or in the legislative department?—A. Those would all be reasons. There are different reasons. I have frequently, in matters of interest, allowed correspondents to look at papers. I did not consider this application at all remarkable. I do not want to be extravagant as to the number, but there are a good many applications made every day to look at papers.

Q. Would you have allowed any person, irrespective of interest in the papers themselves, or of politics, to have examined this bundle of papers?—A. If a person applied to examine a case in this way, sometimes I would ask him, and sometimes I would not, what interest he had in it. Usually I would write, as I have even this morning in two or three cases, to the officer having charge of the papers, "This may be considered formal authority to you to exhibit the papers desired if, in your judgment, it is proper to do so." In this case I probably showed General Boynton more courtesy, to speak very frankly, than I would to any one whom I had not known. I know few people here. I happen to have met him several times. I have

not an intimate acquaintance with him. I went with General Boynton and said, "He wishes to look at the papers in this claim, and, if it is proper, I wish you would let him look at them." I said that to Mr. Gangewer and then left him there.

Q. Did General Boynton state to you the object of his examining these papers?—A. No, sir; I don't recollect much about what he did state. I simply recollect that he brought to me a memorandum of some papers, and I did not at the time read the names of the papers. I did not know the names of them.

Q. Then, you mean to say that General Boynton, by reason of his acquaintance with you, would have been allowed to examine any paper in the Department for which he asked?—A. No, sir; I mean that I would always in such case have gone with him to the officer, as I did in this case.

Q. I mean under your supervision?—A. Yes, sir; a great many people come there and want to see papers. I usually write a note, because I haven't time to go; but in this case, the room was above me, one flight of stairs, and I went up. I usually write a note saying, "If it is proper to have these papers examined this may be the formal permission necessary," leaving it in the discretion of the old officers, who have been in the service of the Department longer than I have, to determine whether it is proper. There are some cases in which I suppose it would not be proper. At any rate, to take proper care, I always cautioned the officer that he was not to regard my permission as a command to show them.

Q. You thought it proper that General Boynton should have them, and so stated to the officer?—A. I said to Mr. Gangewer, "General Boynton wishes to see these papers. It is a case I don't know anything about. If it is proper to show them to him, do so." I probably indicated that I would like to oblige him if it was proper, but I made no order to show them to him. I left it in the discretion of the officer who had charge of the papers.

Q. General Boynton did not state to you the object of his wanting these papers?—A. I don't recollect that he did. I have an impression in my mind, and I can't tell what has made it, but I have a notion in my mind that at that time he wanted to examine them to find some developments or something of that kind. What they were he did not indicate, and I did not know; but I remember this, that from what he said I thought I would look at the papers myself, if I got time, in order to see if there was anything of interest in the case. I think that he said enough to indicate that to me. I don't think he mentioned any names, and I don't think I knew the name of the case. I simply had a general idea that it was a case that had been settled, and that there had been some fraud in it, or that there was supposed to have been.

Q. You say that these papers were brought from the Third Auditor's Office to your office?—A. Yes, sir.

Q. Can you state who brought them there?—A. No, sir, I can't. I don't remember. I think the first I knew that they were in my office General Boynton was speaking to me about them. This was in the afternoon, while the mail was on my desk. I have charge of all the mail that goes out from the Secretary and Assistant Secretary and read the letters. I was very busy, and this mail was going over my table at the time.

Q. What do you say was the first you saw of the papers?—A. General Boynton was speaking to me about them. I don't know who brought them to me.

Q. They were there then?—A. Yes, sir; and he spoke to me about them, asking if he could take them out, and I refused permission.

Q. Did any officer bring or hand them to you that you can recollect?—A. I can't say. It seems to me Mr. Gangewer brought me those papers some time, but whether it was then or at another time I don't know. I have a recollection of Mr. Gangewer's coming down to my office. I think it was about these papers, although I don't remember. I did not take particular notice of that.

By Mr. BLACKBURN:

Q. State whether it is, within your knowledge, the practice of the Department to allow access to its files to any unofficial disinterested party who may ask for it.—A. Well, I don't think it is. I think we usually try to know why the person should look at the papers.

Q. Did you find any special reason in this case?—A. I forget now whether I made particular inquiry. I think that would have been a matter for the Auditor to settle under my custom. I usually, as I say, referred it.

Q. Leaving it discretionary with him?—A. Yes, sir; leaving it to him if it was proper to show them. What their practice is I do not know. I merely know in this case, I told the Auditor to show these papers if it was proper to show them. That is my recollection. It is my custom, and I think that is what I did in that case. I am not at all sure but what I would be willing to show the representatives of any of the leading papers, papers that I have a sort of feeling ought to know about the condition of the public record. In my own office I have frequently furnished news as to the conscience funds and contributions and things of that sort to correspondents as matters of public interest. I think if the representative of any leading paper should come to me and say that he had information of fraud in a case, I would allow him to examine the papers in the case, under the supervision of an officer of the Department.

Q. And take copies?—A. I would not furnish him copies. He could take memoranda if

he wanted to. If I thought there was any danger of its being a person who wanted to make a claim against the Government I would not do it. We guard against claim-agents doing those things. But the only object, as I understand it, of any restriction in examining cases like this is simply to prevent the papers from being lost. They are supposed to be matters of as public importance as recorded deeds. I understand this to be a case that any or all people have a right to examine, and it is our duty to show it to them if they do it in a spirit of interest to the public. I would not allow it to be done in order to make up a claim against the Government if I thought there was any danger of that, but I think all these matters are public records, and something the people have a right to know about.

Q. What position had you been holding heretofore prior to your appointment in the Treasury Department?—A. I was a lawyer practicing in Louisville, Ky.

Q. You had not been in the Department before?—A. Never until I qualified on the 6th of December last.

Q. Is it not a fact that it is the rule of every Department of the Government here to allow no man access to any papers or archives on file except he be a party in interest, or holds a power of attorney from a party in interest, or comes within the excepted class of those officials connected with the Government, such as Senators, Congressmen, or Department officers?—A. I don't know anything about the rules or regulations in the other departments. I think I have never been in one of them nor examined any of their regulations since I have been here. In my own Department I have stated all I know on that subject. What I have stated in my last answer before this is rather my theory than a knowledge of the Department. It is the theory on which I have given these orders—gave formal permission to people to examine the papers, unless there was some objection known to the officers in custody of the papers that the party should have a right to examine them.

Q. Do you know of any other instance in which a newspaper correspondent has been allowed access to the files of that Department and permission given him to make transcripts or copies or memoranda from them?—A. I don't remember any other now. I don't remember that any man has asked me for them. I don't remember having refused any man such a request. I don't remember ever having refused anybody this formal permission to see papers if the officers in charge thought it was proper.

Q. I have no idea that any other newspaper man ever attempted to make such a request.—A. O, I have heard of such things—not since I have been here. It is not at all uncommon.

Q. You have heard what?—A. Of requests to examine papers.

Q. By newspaper men?—A. Yes, sir.

Q. Did you ever hear of one being granted before this?—A. I really don't know whether they were granted or not.

Q. Then you don't know whether they were granted or not?—A. No, sir. But, then, I have not the sole custody of the papers.

Q. O, I do not mean any reflection upon you, sir.

The WITNESS. I am not at all jealous or sensitive upon that point.

Mr. DANFORD. Do you know whether, in General Boynton's interview with you, he brought a note or word from Mr. Conant? In other words, did you gather from him that he had been to see Conant before he came to see you?—A. I don't remember. It seems to me that he had been to see somebody; whether it was Mr. Conant or not I don't remember. I didn't pay much attention to it. It did not strike me as anything of any consequence at the time. The first time I paid any attention to it at all was when he asked me to take the papers out of the Department in the afternoon—that is, any great attention, as far as I can remember.

WASHINGTON, D. C., *March* 16, 1876.

A. H. RANSOM sworn and examined.

By the CHAIRMAN:

Question. You were formerly, as I understand, secretary of the Kentucky Central Railroad Company?—Answer. I was.

Q. State during what period you were secretary.—A. I went there about the commencement of the war—in the fall—first as clerk; and after I had been there about six weeks, I was put in the position of secretary. I remained there until the 1st of January, 1865, if I am accurate. It was a cold New Year's Day. That, I think, was 1865.

Q. During that period, did a claim accrue to the company against the Government for freights which the company claimed in excess of those allowed by the Government on the transportation over their road?—A. There was a claim of that kind.

Q. Were you authorized by the company to attempt to collect that claim of the United States; and, if so, upon what terms, and what did you do under the contract, if anything?—A. I made a bargain with Mr. Bowler to collect that if I could; I was to get twenty-five per cent. of the claim if I collected it. If I didn't collect it, I was not to get anything.

Q. Was Mr. Bowler the president of the company at the time?—A. It really was not a

company at that time; it was a partnership. Mr. Bowler was the principal owner. He first bought the road himself, individually, and then took in two or three partners with slight interests.

Q. What did you do in pursuance of the agreement with Mr. Bowler, or with the partnership?—A. The first step that I took was to submit the matter to Secretary Stanton by letter, setting forth the facts in the case.

Q. What subsequent steps did you take?—A. He referred the matter to the Quartermaster-General, as I understood; of course I was not cognizant of that. The Quartermaster-General referred it to Colonel Swords, of Cincinnati. Colonel Swords notified me that he had received it, and I made up the paper showing a comparative statement of what we had received and what the company claimed they were legitimately entiled to. After the comparative statement was made up, I then, with a letter from Colonel Swords, went to the Quartermaster's. This letter from Colonel Swords was to the effect that they were to examine the papers, and, if correct, to certify to their correctness. This was all done by Colonel Swords, but in fact the labor was performed by me. After having received their certificate of the correctness of the statements which I had made, it was taken back to Colonel Swords, and he sent me with the papers to the Quartermaster-General's Office in Washington.

Q. Had he indorsed them in any way?—A. He sent a letter stating that there was the report which they asked from him.

Q. What subsequently took place?—A. Acting Quartermaster-General Thomas referred them then to Captain Dana, who was in the Quartermaster's Department. Captain Dana examined the papers, made up his report and showed it to me, and I took some exception to it, and he made another one, to which I did not take any exception. His report was recommending the payment according to the smallest amount.

Q. Do you recollect the amount recommended to be paid?—A. I looked at the papers the other day, and I think that the additional amount, according to the accounts that were then made out, which were not all claimed by the company, were some $60,000. That went to Quartermaster-General Thomas, who, as I understood, and I believe it was a fact, approved it and sent it to Mr. Stanton. Then I was informed by Secretary Stanton that inasmuch as General Meigs was on the ground, the matter was referred to him, as he was in better condition to judge of the matter than they were. General Meigs was at that time at Chattanooga, which was a good deal farther away from Cincinnati than Washington, taking into view the question of transportation. I then left. The next time the matter came up I met Quartermaster-General Meigs on his way from Chattanooga to Washington, at the Burnett House, in Cincinnati. I then asked him about the claim, and he said that the papers being in Washington, of course, he could do nothing about it. That ended that. I arrived in Washington about as soon as General Meigs and asked him to look at the matter then. I don't recollect distinctly what occurred in Washington at that time, except that after an ineffectual effort I went home. There were some other claims against the Government due the Kentucky Central Railroad, which, at the time I was on here, I attended to and had fixed up. My next connection with the matter was after I had left the Kentucky Central Railroad. I took a position in a house in Cincinnati with S. N. Pike, and after I had been there something like a month word come to me from Philadelphia—I don't remember what the word was, but it was to the effect that I had better look after the claim—press it, or something of that kind. I came on to Washington and spent three months here, first at the Quartermaster-General's Office, and then into the office of the Secretary of War, and back and forth and back and forth. I got Washington enough. I spent a little more or a little less than three months. I finally succeeded in getting a decision from Mr. Secretary Stanton to the effect that, from and after the 1st of August, 1864, if my recollection is correct—for I have not looked at these papers for years—the company should be allowed 90 per cent. of their regular tariff which they asked for during the whole time. My recollection of his decision is that the Kentucky Central Railroad had enjoyed a singular immunity during the war; and, therefore, their claim would not be allowed, but because their property had been destroyed during the war it would be allowed, from and after the 1st of August, 1864. That was the purport and substance of the decision. Mr. Stanton nor General Meigs never, so far as I heard, intimated that the claim was unjust or fraudulent.

Q. The reason for paying it was that during the war your company had great immunity from destruction?—A. His decision was that the Kentucky Central Railroad had enjoyed singular immunity during the war, and that, therefore, the claim would not be allowed; but as the property had been destroyed during the war, the claim would be allowed from and after the 1st of Aug ıst, 1864. The papers before the committee look to me like the papers I made up several years ago, and I presume you will find it all in there.

Q. It was made in 1865?—A. I think that was in the spring of 1865.

Q. Had you, after the spring of 1865, anything to do with the further prosecution of this claim?—A. Of course I was looking after it. I had something in it in which I was interested. The claim thus remained. It never was submitted, so far as I know, (and if it had been I am pretty certain I should have known it,) to anybody until Mr. Pendleton presented it to Secretary of War Belknap.

Q. That was in the fall of 1870?—A. I don't think the papers were ever spoken about in

connection with the Government from the time I left them, when I got that decision, until the connection of Mr. Pendleton with them through Secretary of War Belknap. I was watching for a chance always.

Q. There was a final settlement of this claim between the company and the War Department?—A. Yes, sir; so I have reason to believe.

Q. That was made in the spring—in June, 1871?—A. That was in 1871.

Q. Do you know what amount of money was allowed the company?—A. Not except from what they have told me. I did not see it paid. It was said to have been $148,000. I have no doubt those were the exact figures.

Q. Did you receive anything in compensation for the services which you had rendered in this case?—A. Not up to that time; I had not.

Q. But at that time?—A. At that time, when Mr. Pendleton came back he sent for me. I was not with the railroad company then. He sent for me to come to the office of the Kentucky Central Railroad, and I did so. There was a meeting of the parties interested. He called me out and asked me how much I would be satisfied with in full for my claim in the case. I replied to him that I didn't suppose it made much difference whether I would be satisfied or not, for I supposed that they wouldn't give me anything. I had so understood, that that was the action of the board. He said to me: "You will be justly dealt by." I then asked him what the figures were, and he told me. I had forgotten, however, what they were, but that was undoubtedly the amount. I figured up what I should have according to my contract originally, and I told him I would be satisfied with $10,000.

Q. Were you paid the $10,000?—A. He then said to me to come over to his office that afternoon, or rather, he asked me to give a receipt in full to the parties there, and I did so. He then told me to come to his office at 3 o'clock in the afternoon and he would give me the money. I went over to his office in the afternoon, and he did give me the money. He said to me: "Are you satisfied?" "For," said he, "I would rather give you five thousand dollars more than to have you not be satisfied." I told him that I was satisfied—not only satisfied with what I got, but I also told him that I was satisfied if it had not been for him I would not have got a dollar.

By Mr. DANFORD:

Q. You got, then, but $10,000?—A. He gave me ten thousand five hundred and some dollars—ten thousand and five or six hundred dollars.

Q. Did you have any conversation with Mr. Pendleton while he was getting this claim through, as to how he was progressing with it?—A. Well, he called upon me for some assistance, because there were a good many things connected with the case that nobody but myself knew.

Q. You did render him some assistance?—A. I did render him assistance; whatever he wanted and whatever I could.

Q. Did you ever have any talk with him as to what he thought the success was likely to be in the case?—A. The only thing that I can remember in regard to that was, that he said it was proposed to him that if he could get the money they would pay him 50 per cent. of the claim, and asked me what my opinion was in regard to that fee. I told him that I thought it was right, and so far as I was concerned—so far as my interest went—I was perfectly willing to agree to it.

Q. You had some interest in the road at the time, hadn't you?—A. I had no interest whatever in the road. The only interest I had was in the claim.

Q. Do you know what Mr. Pendleton did to get that claim through?—A. No, sir.

Q. Do you know what influence he had that you didn't have?—A. Well, Mr. Pendleton occupies a far different position, politically, socially, and every other way, from what I do; that was sufficient for me.

Q. You had all the facts that Mr. Pendleton had?—A. Yes, sir.

Q. And you pressed them with diligence here for three months?—A. Yes, sir.

Q. And went from the Quartermaster-General's office to the War Department, and back and forth?—A. Yes, sir.

Q. And gave it up?—A. No; did not give it up.

Q. There was an adverse report?—A. There was a report that was not satisfactory.

Q. Well, it was adverse as to the claim—between 1862 and 1864?—A. Yes, sir; but I had not a soul to help me here in any way.

Q. And you did not occupy the political or social position that Mr. Pendleton did?—A. No; nor anybody else.

Q. Was it not your understanding that that claim was put into Mr. Pendleton's hands because of his political and social influence, and the power he would have here because of that position?—A. I cannot say that. But it was put into his hands because it was thought he could get it.

Q. He did get it?—A. He did get it; yes, sir.

Q. You went out of that office on the 1st day of January, 1865?—A. Yes, sir.

Q. If you think about it, wasn't it the 1st of January, 1864, instead of 1865?—A. It might have been 1864, instead of 1865. As I say, I cannot fix the year, except that I know it was that exceedingly cold 1st of January that everybody remembers.

Q. I think that was 1864. But there is another fact in connection with these papers. Your work upon these papers, if you will examine them, was done in 1864.—A. Perhaps it was.

Q. And your work was done after you had gone out of the office?—A. No; not with these papers.

Q. Well, your connection in putting the claim through was after you had left as secretary?—A. The three months I spent in Washington was after I left as secretary.

Q. And the report made by Meigs, and indorsed by Stanton, was after you had quitted the position as secretary?—A. Yes, sir. I was subsequently at work—two or three times, perhaps—in the office of the railroad, as clerk.

Q. This work that you did here was in presenting the facts. Did you make an argument to either Quartermaster-General Meigs or to the Secretary of War, further than what appears to have been written?—A. I think everything that I said to them would be found in the papers, because it was in writing. I could not say anything else.

By Mr. BLACKBURN:

Q. I understand you, then, to say that you took charge of the prosecution of this claim originally; that that portion of the claim against the Government subsequent to 1864 you collected; that Mr. Pendleton only collected that back portion of the claim from 1862 to 1864, and he obtained a settlement upon the same basis for his part that you had obtained for your part?—A. Yes, sir; during the time that this claim accrued, it was my business to make out all accounts and settle with the Government. And when we did settle our claims with the Government we always filed a protest. Afterward, when this 1864 business was settled, on the 1st of August I made out the bills against the Government for the railroad, but made them out in accordance with Secretary Stanton's decision—according to the tariff of the company, less 10 per cent.

Q. Which would have been per 90 cent.?—A. Yes, sir; precisely what we asked for in these papers.

Q. And you collected a portion of that claim?—A. After the 1st of August all the bills were paid as they accrued in that way.

Q. And Mr. Pendleton simply collected the back portion of the claim, and arrived at an adjustment upon the same basis that you had reached with the portion that you collected?—A. Mr. Pendleton collected from the Government, in this claim that he did collect, the difference between what the company had received according to Meigs's tariff, and what they were entitled to receive at 90 per cent. of this railroad tariff.

Q. You will see in one moment the object of my question. It is this: Was, or was not, that portion of the claim of the road against the Government, which Mr. Pendleton collected, upon the same basis; that is, the 90 per cent. that you yourself had settled with the Government for?—A. Yes, sir; that $148,000 made all those bills equal to 90 per cent. of the Kentucky Central Railroad tariff, and which the Government paid the road on all business done after the 1st of August, 1864.

By the CHAIRMAN:

Q. Secretary Stanton said that the claim up to the 1st of August, 1864, should not be allowed, because the road had enjoyed singular immunity from the enemy?—A. Yes, sir; that is my recollection.

Q. State whether during the war the road had enjoyed singular immunity; whether it was ever in the possession of the enemy, or whether they ever destroyed its tracks or bridges, or anything of that kind, to your knowledge as an officer of the road.—A. It might have been called singular immunity. I saw the other day a copy of a report I made myself to one of the officers of the Government, of one raid where the damage was $68,000. I know that Kirby Smith captured the whole road down to Covington, every foot of it, and held it for some time, burned all the bridges, and the bridges had to be rebuilt after he went away.

Q. At whose expense were the repairs of the bridges, &c., made?—A. At that time the Government built temporary bridges, in order to accommodate the business, and those were replaced by good bridges by the railroad as soon as they got hold of them. Very frequently the rebels would come in and make a raid on the road and burn the cars and the depot buildings.

Q. Was the gauge of the road ever changed during that year?—A. No, sir; it never was; the gauge of the road is now what it was before the war, five feet. The gauge of the Louisville and Lexington road was changed.

Q. Did General Meigs ever state to you why he did not think the claim should be allowed? Did he ever give any reason?—A. The reason that he gave was that the bills had already been settled. I claimed that they had not been settled, because we received the money under protest, and a copy of the protest was put with the bills until the quartermaster said it was useless to put any more in. His position was that the bills had been settled. Before the circular of General Meigs came out, the company voluntarily transported freight at their tariff, less 10 per cent., and when his circular was issued he refused for some time to settle according to that circular, claiming that they were included in those which were exempted under the circular. The circular recommended that those roads whose expenses were enhanced by reason of being in or near

the seat of war should receive additional compensation over and above the Meigs tariff. We claimed that the Kentucky Central Railroad was within the category, and that there were but four roads in the United States that were, and the other three did receive their full tariff.

Q. Then your road had not received any more than was allowed to those other three roads?—A. Not as much. The Baltimore and Ohio received full tariff during the war, all the time. So did the Louisville and Nashville. We were willing to take 90 per cent. of our tariff, and claimed we were justly and honestly entitled to it; and so we were.

By the CHAIRMAN:

Q. Was there any portion of this $148,000 recovered in this claim that was ever used improperly or corruptly by Mr. Pendleton or any other person for the prosecution and settlement of that claim, so far as you know or have reason to believe? —A. It is something that I know nothing whatever about. All I know is that he gave me my money, and that is all I had any interest in. I don't know what he did with the rest of it.

By Mr. DANFORD:

Q. Do you know how much of your $10,500 came from the railroad company?—A. I don't know anything about it. Mr. Pendleton gave it to me. If it had not been for him I wouldn't have got anything.

Q. Did you ever ask Mr. Pendleton what he did with the rest of the money?—A. No, sir; that was none of my business.

H. V. BOYNTON here appeared before the committee, and was examined as follows:

By Mr. DANFORD:

Question. State in relation to your facilities in the Departments here for examining papers, how it has been heretofore and how it is now.—Answer. For the ten years that I have been here, I have never had any difficulty. I have never had any difficulty in getting access to any papers in any one of the Departments that I ever visited unless there was some very special reason in a case pending, or a case of peculiar confidence, or something of that nature. That was done on my simple application to look at the papers.

Q. How frequently have you made applications in the different Departments for papers?—A. It is a matter of very frequent occurrence, as are applications on the part of all correspondents here.

Q. Did you ever know of any correspondent of a leading paper in the country being refused access to papers for any particular information?—A. No case has ever come to my attention, except, as I say, in a matter where there was some special reason for confidence, or some special reason why the Department did not want the matter looked into, but for all o dina y Government matters, I have had access to the papers. I have been refused, as a matter of course, but only in such cases as I speak of.

Q. Do you remember whether you saw the Secretary or either Assistant Secretary when you went in reference to getting access to these papers?—A. No, sir; Mr. Danford asked me to look for those papers for one gentleman, but I knew where to go for the papers, and went to Mr. Wilson, the chief clerk, and asked him to give me a note to the Third Auditor allowing me to look at the papers in the settlement of the Kentucky Central Railroad case. Instead of giving me a note he went up with me. Mr. Gangewer then sent for the papers, and was much surprised to find they were not on the file, as he told me, when I called back in a little while to see them; and he either had sent or then did send to the War Departemt for them, and later in the day I saw them. I saw this same pile of papers that is before the committee and looked through these documents myself in the McKee Dunn report, &c., and made some notes from them.

By the CHAIRMAN:

Q. In Mr. Gangewer's office?—A. Yes, sir; I made the notes in his office, and looked the thing through there; I made some notes for telegraphing. Subsequently, when I had talked with Mr. Danford, I went back and got the document, and copied some portion of it. That, however, was not in Mr. Gangewer's office. I had it brought down into the chief clerk's office at my request, where I had a table and facilities for copying it out. I never spoke to the Secretary in reference to the matter.

Adjourned to 10.30 to-morrow a. m.

WASHINGTON, D. C., *March* 15, 1876.

A. M. GANGEWER sworn and examined.

By Mr. DANFORD:

Question. What is your position?—Answer. Deputy Third Auditor.

Q. How long have you held that position?—A. Since 1863.

Q. Do you know where the papers in the case of the Kentucky Central Railroad are kept since the settlement?—A. Yes, sir; they are kept in our office.

Q. Do you know whether they have been on file in your office for the last two or three years or not?—A. They have not.

Q. State what you know in relation to the whereabouts of those papers.—A. The War Department and sometimes the Quartermaster-General's Office send letters over requesting the loan of certain papers, not for permanent use, but for examination for a temporary purpose. Inquiry was made for a paper in that case the other day, and on examining the file I found a letter there from Mr. Crosby, chief clerk of the War Department, requesting the loan of these papers. That letter was dated in June, 1873, the papers were not there; but this letter was filed there in place of them. I immediately wrote over to Mr. Crosby to have the papers transmitted, and they were transmitted the same day.

Q. When was it that you sent and received those papers back?—A. I cannot give you the exact date. There is a letter among the papers showing the date. I think it was this month some time. From July, 1873, to March, 1876, they were not on file in our office.

By Mr. BLACKBURN:

Q. When you say that they may have been borrowed by the War Department, do you mean the Secretary of War, or do you mean to include as well the Quartermaster-General's bureau of that Department?—A. In this case it was by the authority of the Secretary of War that the chief clerk asked the loan of the papers.

Q. When was that?—A. In June, 1873.

Q. You have not had them on file since?—A. They have been over there ever since, till a few days ago.

By the CHAIRMAN:

Q. Who had them taken back to your Department a few days ago; was it when I sent for them?—A. I think it was before you sent for them. There was an inquiry made for them before you sent for them. I was astonished when inquiry was made for them and I found they were not on file. They were probably forgotten and stuck away somewhere in the War Department; we forgot them and they forgot them until we sent the letter over there for them.

By Mr. DANFORD:

Q. Do you know of any other occurrences of that character where papers remained out for nearly three years from the proper files?—A. I cannot recall any.

Q. Have you any information as to where they were found in the War Department?—A. They were not accessible immediately when I sent the letter over, but they were returned that same day. I wanted them returned by the messenger that I sent.

Q. When did you send?—A. The letter in the papers will show the day they were returned to our office. I could give you the date of the original request for them from the War Department, but, unfortunately, I returned that letter to them when they returned the papers. I see by reference to the letter returning the papers, that it was on the 6th of March, 1876.

Q. Do you know any reason why the Secretary of War applied for those papers in 1873, which was two years after the settlement of the matter?—A. I do not, sir.

[The witness produces a letter from among the papers, and it is dated March 6, 1876.]

By the CHAIRMAN:

Q. Do you know why you wrote that letter that day?—A. There was inquiry made by the chief clerk of the Treasury Department to examine those papers.

By Mr. DANFORD:

Q. Do you know who was in there at the time?—A. I think Mr. Boynton was there, with the chief clerk.

By Mr. ROBBINS:

Q. Is it not the custom in the Departments when papers are taken from the files and sent anywhere, that it shall be by the order of the head of the Department?—A. Well, we recognize the chief clerk of the War Department as acting for the Secretary of War. I think he says in this letter, "by order of the Secretary of War."

Q. You are of the Treasury Department?—A. Yes, sir.

Q. Do I understand you that these papers were transmitted from the Treasury Department files to the files of the War Department?—A. Yes, sir; for temporary use.

Q. My question is, is it not the custom when papers are delivered in compliance with a request from another Department that the head of the bureau from which they go must order it?—A. No, sir.

Q. Is it your custom to take any receipts for papers transmitted?—A. O, yes.

Q. Was any receipt taken in this case?—A. No, sir.

Q. Why not?—A. We had the written request of the chief clerk of the War Department acting for the Secretary of War.

Q. And you regard that letter as a sufficient voucher for the papers?—A. Yes, sir.

By Mr. DANFORD:

Q. That letter, you say, was placed in the files?—A. Yes, sir; in the place of those papers, so as to show where they were.

By the CHAIRMAN:

Q. On the 6th of March, from the letter of the Acting Secretary of War, it seems that the Treasury Department made application to the War Department for these papers, they having been removed from the Treasury Department to the War Department?—A. Yes, sir.

Q. Now that request was made by General Boynton?—A. It was made by the chief clerk.

Q. But the fact is that Mr. Boynton is the person who instigated it?—A. He was with the chief clerk when he came up to see the papers.

Q. Is it the habit of the Treasury Department, or the other Departments of the Government, to permit all persons to examine papers on file?—A. No, sir.

Q. Is it their habit, on the request of a person holding no official authority, to permit him to have access to those files?—A. No, sir. If the chief clerk had not been with Mr. Boynton, of course we would not have recognized his right to see them.

Q. He was with the chief clerk when he came to your office?—A. Yes, sir; and at the request of the chief clerk I sent over for the papers. We do not recognize anybody's authority. When a man has a claim, either settled or unsettled, and he appears there and wants to see the papers, we ask him, "Where is your authority? Have you a power of attorney or a letter?" and if he has a letter from the claimant we recognize him.

WASHINGTON, D. C., *March* 20, 1876.

W. SCOTT SMITH sworn and examined.

By the CHAIRMAN:

Question. You are the correspondent in this city of the New York Evening Post?—Answer. I am.

Q. In its edition of Friday last, I think, there appeared a special despatch from Washington, stating that evidence has been discovered showing conclusively that $30,000 of the money received by Mr. Pendleton for getting the Kentucky Central Railroad claim allowed went into the hands of Mrs. Bowers, now Mrs. Belknap; did you write that article?—A. I did, sir.

Q. Will you be kind enough to aid the committee in their endeavors to ferret out this matter? State the name of the prominent republican lawyer who gave you this information.

Mr. BASS. I desire to state here, as a matter which the committee may, perhaps, desire to take into consideration, that, as I understood Mr. Smith a few moments ago in the hall, he has no objection to disclosing those names; he did not state to me the names of the witnesses; I do not know who they are, but I presume that he knows; and I would suggest that that information, for the time being, at least, be given to this committee privately, in order that we may take steps to subpœna the witnesses.

Mr. ROBBINS. If you think there is any occasion for that I am in favor of it.

Mr. BASS. That is all the occasion I know of, just what I state; I understood from him that one of these witnesses had recently left New York City; that he had such information.

Mr. ROBBINS. A portion of that article is a mistake, unintentional, no doubt. Mr. Pendleton swore most positively in answer to questions, that he not only did not pay that to any official, but he did not pay any of it to anybody on the face of the earth, directly or indirectly, to influence that case.

Mr. BASS. There is another evident error, that this $30,000 draft was placed to somebody's credit in New York City. The evidence before this committee was that it was deposited in a bank, in Cincinnati, and sent forward to be collected in New York for the account of that bank.

By the CHAIRMAN:

Q. You say in this article that one of those Treasury drafts for $30,000 was indorsed by him, and made payable to the National Park Bank, New York. You assert that as a fact?—A. That statement appeared in the published abstract of the testimony, which I took to be a correct report of the question and the answer; that is the way that the statement was given me. I presumed that to be true.

Q. Can you state who it was who promised to push this investigation if the committee did not do it?

By the CHAIRMAN:

Q. Is this informant of yours a resident of this city?—A. He is in this city, or he was when that was written.

Q. Have any other persons this general information than yourself that you know of?—A. Yes, sir.

Q. Be kind enough to state who has it as well as yourself.—A. Mr. Danford, a member of this committee.

Q. You are able to give us the name of this lawyer in a private examination?—A. I cannot say now about that. I desire to say that when this matter was communicated to me, I was informed that if Mr. Danford or Mr. Bass would wait upon the person, all the facts in the case would be given to them; that I went, myself, with Mr. Danford to this person, where the statement as printed there, only more in detail, was told him, and Mr. Danford has all the information on that point that I have, and it was his express wish that when I appeared before the committee, I should not disclose the name of this lawyer, and I, myself, desire that Mr. Danford should be present.

By Mr. BLACKBURN:

Q. When did Mr. Danford come into possession of this information?—A. On the day that that article was printed; I think it was on Friday last. That is not the first that I heard of this $30,000; it was published in the Sun the next day.

At this point the committee went into secret session. The witness was again asked to state the name of the "prominent republican lawyer" who, he alleged, had the information contained in the dispatch of the Evening Post, and could give the names of the witnesses to prove it. He declined, and asked permission to consult Mr. Danford before being required to answer. His request was granted, and he was directed to return to the committee-room at 4 p. m. to-day.

At 5 p. m. the witness W. SCOTT SMITH was recalled and further examined.

By the CHAIRMAN:

Question. Did you see Mr. Danford?—Answer. I did, and found him very sick, indeed, in bed.

Q. What is your determination in regard to giving the committee the names?—A. Mr. Danford says that as he is now, feeling as he does, he did not think that he could relieve me or relieve the committee.

Q. What do you mean by relieving the committee?—A. By disclosing the name. He says he regrets very much that this thing came up to-day; that he wanted to be here when it came up, and hopes to be here to-morrow.

The CHAIRMAN. It would not have come up to-day; it would have come up Saturday if he had told me about it.

Mr. BLACKBURN. He was not at the committee meeting on Saturday, I think.

The CHAIRMAN. Yes, he was.

Mr. BLACKBURN. Are you sure?

The CHAIRMAN. Yes, I am certain.

By the CHAIRMAN:

Q. Do you decline to give the name of this prominent republican lawyer?—A. Yes, sir; I do. Mr. Danford advises me that I ought not give it.

Q. Have you ever given the name of the lawyer to Mr. Bass?—A. I am not sure about that; I presume, however, that Mr. Bass knows it.

Q. Does Mr. Danford know the names of these witnesses who are supposed to be running out of the country?—A. That I don't know.

Q. Have you spoken to him about them?—A. I know that at the time the communication was made to him in my presence the names were not given, but it was arranged that there should be a subsequent interview.

Q. When was that?—A. Last Friday.

Q. Are you willing to give me, as chairman of this committee, in confidence, the name of this prominent lawyer, and of the witnesses, if you know them?—A. No, sir; I think not.

Q. Why is this information given to the republican members of the committee and not to the democratic members?—A. This matter was communicated to me in confidence, with the request that Mr. Bass or Mr. Danford might wait upon this lawyer. A message was sent to them through me; I notified them. Mr. Bass agreed, but he afterward felt so sick that he went home. Mr. Danford went with me, and the communication was made to him there. My reason for declining is that the name and all the facts known to me are known to two members of this committee.

Q. Is there anything in the facts which is a reason why the republicans of this committee and not the democrats should have them?—A. Well, the lawyer thought there was; that was his reason.

Mr. BLACKBURN. I don't wish to be harsh toward this witness, but I do protest against his coming here under a subpœna and telling the majority of the committee that he is in possession of facts which he does not intend that we shall have, and that the republican members of this committee are in possession of those same facts which are concealed from

us, while at the same time he notifies us that the witnesses are on their way out of the country.

The WITNESS. I have not notified you that they are on their way out of the country.

Mr. BLACKBURN. They are so reported.

Mr. ROBBINS. It has turned out just as I thought it would when we allowed this consultation.

The CHAIRMAN. No; you said you thought Mr. Danford would allow him to give us the names.

Mr. ROBBINS. I thought he would.

The CHAIRMAN. I put the question to you, gentlemen of the committee, whether the witness shall be required to give the name of this lawyer.

Mr. ROBBINS. Of course.

Mr. BLACKBURN. Certainly; and the names of the other two witnesses, if he knows them.

The WITNESS. I have stated that I don't know the names of the witnesses.

The CHAIRMAN. I ask you once for all whether you decline to give the name of the person referred to as a prominent republican lawyer, in an article written or telegraphed to the Evening Post of New York on last Friday.

The WITNESS. I do, for the reason I have already stated.

The CHAIRMAN. It is the decision of the committee that you shall be required to give that name.

Mr. ROBBINS. We are obliged to have the name of that lawyer, because through him we can get the names of the other witnesses who, we are informed, are going out of the country.

The WITNESS. That name is known to two members of this committee.

The CHAIRMAN. But it is withheld from the majority of the committee for some unaccountable reason.

Mr. ROBBINS. It is withheld from the only body that can take prompt action this evening to have those witnesses that are running away intercepted. What we desire is to take those witnesses on the wing, as it were, and stop them and bring them here.

Mr. BLACKBURN. It may as well be noted in the minutes that the names of the witnesses or the name of the republican lawyer is not in the possession of any member of the committee here present.

The CHAIRMAN. Certainly. I have no suspicion of the name of the lawyer or the names of the witnesses. I never heard of the matter until our recess to-day.

Mr. BLACKBURN. I never heard of it until since we have been in session to-day, and, as the record will show, I made a guess for the benefit of the witness that the prominent republican lawyer referred to was General Butler, but the witness declined to say whether that was correct, and I don't know.

The CHAIRMAN. It only remains for the committee to report the facts to the House, and in the mean time I will ask on my own responsibility that a subpœna shall be issued at once for General Benjamin F. Butler.

The committee unanimously directed the issue of the subpœna.

Mr. ROBBINS. As a member of the committee, I want it known and remembered that if these witnesses get out of the country it is because a majority of the committee, now in session here, cannot get possession of information said to be known to two members of the minority of the committee.

Mr. BLACKBURN. I ask that a subpœna shall be issued for Mrs. General Benton; and I want it understood that I am guessing in the dark; I never heard of the lady until to-day; also a subpœna for Mrs. Cowles, of New York, of whom I never heard until to-day.

The CHAIRMAN. [To the witness.] I regret exceedingly that you feel that you cannot answer this question which is so essential to the prosecution of the business before this committee, and I fear that your refusal may result in the escape of persons represented in your own publication as very material to the matter before us.

The WITNESS. It is very possible that if I can see the lawyer from whom I got this information he will consent to my giving it to the committee. I don't know whether he will or not, however; the committee did not give me the necessary time to ascertain.

Mr. BLACKBURN. You had about three hours.

The WITNESS. No, sir; I had about an hour and a half to go to Mr. Danford's.

By Mr. BLACKBURN:

Q. Did that lawyer give you authority or permission to publish this information?—A. He did not restrict me from publishing it.

Q. He did not give you permission to do it?—A. I cannot say absolutely that he gave me permission.

Q. Did he restrict you from giving us his name?—A. He did; he said at the interview with Mr. Danford in my presence that he wanted this matter to be kept confidential. That was at the interview on Friday.

Q. That was not the first interview you had with him, I understand?—A. No, sir; I saw him previous to that.

Q. Did he impose any secrecy on you about what transpired between you and him be-

fore Friday?—A. I understood that he did at that interview. Yes, he did, as he went over substantially the same ground.

Q. Am I to understand you as saying that you regard yourself as under obligation to him not to give his name to this committee, but that you are under no obligation not to publish these facts to the world?—A. I can state that that dispatch was written and sent before I saw him with Mr. Danford.

Q. Then, is this your position, that you are requested by him not to give his name to this committee, but that you are not inhibited or prohibited from publishing these facts to the country, as you have already done?—A. If he had made the request at the first interview that he did at the second, I should not have published anything; but his idea in having the interview with Mr. Danford, as I understood, was to press this investigation, and I understood that Mr. Danford had taken steps to carry that out.

By the CHAIRMAN:

Q. Did that lawyer inhibit you from telling Mr. Danford and Mr. Bass?—A. He told me to say to Mr. Danford or Mr. Bass, or rather he requested that they would come and see him.

Q. Did he give you any reason why he did not want the whole committee to know it?—A. Yes, sir; he did.

Q. Please state what it was.—A. He said that if it came to the knowledge of the full committee the information would get out in some way and that these parties would be warned and would get away.

By Mr. BLACKBURN:

Q. Was that on Friday that he said that?—A. Yes, sir.

Q. Didn't he think the publication of the facts as you had given them a very sufficient warning?—A. He did not know that I had published the facts at that time. This was published on Friday afternoon.

Q. Did not you tell him that you had published them?—A. No, sir; I did not tell him until Saturday, when I sent him a copy.

Q. Now, you are exercising your discretion in withholding an answer from this committee, and it is perfectly fair for me to ask you, addressing myself to your discretion, do you think that your giving the committee the information that they now ask for would any more tend to give warning to these parties who may be running away than your having published it in the columns of a newspaper and had it copied all over the country?—A. Yes, sir; I do.

Q. Be kind enough to state how you reached that conclusion?—A. Well, sir, in publishing these facts I published them in cities where I had reason to believe that those parties would not see them.

Q. Is your refusal to give this information to this committee predicated upon an idea in your mind that any member of the committee would give it out so as to afford an opportunity to these parties to escape?—A. No, sir; it is not. I can say that.

By the CHAIRMAN:

Q. You have said that your publication was made in a city where these witnesses would not be likely to see it; therefore you must have known who the witnesses were.—A. No, sir; I did not.

Q. Then how could you judge that they were not in New York, where the paper for which you correspond is published?—A. I was told that they were not in New York, no names, however, being mentioned. As I say, it is possible that if I have an opportunity tonight to consult this gentleman he may offer no objection to my stating his name to the committee.

By Mr. BLACKBURN:

Q. In order to facilitate the work of the committee, I will ask you this question: Did you have any interview with General Benjamin F. Butler on last Friday?—A. I had, sir.

Q. Was Mr. Danford present at that interview?—A. That I cannot answer. I will say this, that I went to see General Benjamin F. Butler on last Friday under orders from one of my papers.

Q. With reference to this subject?—A. No, sir; not at all. I got a telegram from my paper published in Boston requesting me to interview General Butler in reference to the Dana, nomination, which I did.

Q. Had you any conversation with General Butler within forty-eight hours preceding that Friday's interview?—A. I had, sir; I met him at the Attorney-General's office the day before.

By the CHAIRMAN:

Q. Did you see Mr. Danford when you went down a while ago?—A. Yes, sir.

Q. Did he object to your giving us the name of the lawyer and the names of the witnesses?—A. He thought I ought not, in his absence.

By Mr. BLACKBURN:

Q. Did he give you any idea when he would be here?—A. He stated that he thought he would here to-morrow. He is sick in bed.

Q. You say that Mr. Danford had this information on last Friday?—A. Yes, sir.

Q. The records show that he was in committee all day Saturday. Do I understand you to state that your refusal to answer these questions is in obedience to or in conformity with the counsel and advice given you by Mr. Danford, a member of this committee, to-day?—A. No, sir; I did not say that.

Q. Let us hear exactly what you do say on that subject.—A. I base my refusal on this ground, that this matter was communicated to me in a confidential manner; that all the facts known to me were communicated in my presence afterward to a member of this committee, and, as I am informed by Mr. Danford to-day, also to a second member of this committee, Mr. Bass—first to Mr. Danford, second to Mr. Bass; and that Mr. Danford thought I ought not to communicate the name of that lawyer unless when he, Mr. Danford, was present.

Q. Is it in accordance with the advice given you by Mr. Danford that you are now declining to answer these questions and give this information?—A. No, sir.

Q. Then he did not advise you not to give it?—A. He thought I ought not to give it, but he did not advise me, and even if he had advised me to give it, I should not.

By Mr. ROBBINS:

Q. Why, then, did you ask leave to go and consult Mr. Danford?—A. I should not have told you the name at any rate; but I presumed that he would relieve me from any embarrassment by giving the name of the lawyer himself.

By Mr. BLACKBURN:

Q. Mr. Danford suggested that he did not think you ought to tell the committee the name of that lawyer; did you have any interview on Friday last with Mr. Shellabarger?—A. No, sir; I did not.

Q. Did you see him?—A. Not to speak to him that I know of. I may state that I heard of this $30,000 matter over two or three weeks ago.

Q. Did you ever hear of it from Mr. Shellabarger?—A. No, sir.

By the CHAIRMAN:

Q. Did you have any communication on this subject with Judge Wilson?—A. I don't know him.

Q. Or with Colonel Grafton?—A. No.

Q. Or General Kiddoo?—A. No, sir.

After some consultation between the committee and the Sergeant-at-Arms, the witness, having refused to answer the questions put to him, was placed in the custody of the Sergeant-at-Arms, who was directed to produce him before the committee to-morrow, March 21.

WASHINGTON, *March* 21, 1876.

BENJAMIN F. BUTLER sworn and examined.

By the CHAIRMAN:

Question. In the Evening Post of New York there appeared, on Friday last, a telegraphic dispatch from Washington, of which the paper I have in my hand contains a copy, in which it is stated that a prominent republican lawyer of this place, who has taken much interest in the matter known as the Belknap scandal, so far as it may relate to Mr. Pendleton, has important information. I desire to ask whether you are the gentleman referred to in that article?—A. I really cannot tell, sir.

Q. May I ask whether you have any information with reference to what is known as the Pendleton scandal, and, if so, whether you have communicated that information to any one?—A. I have no information. I have only hearsay, and the only time when I attempted to give it in any detail was to a member of your committee, in order that it might be used if it was of any use.

Q. Who is the member of the committee?—A. Mr. Danford.

Q. Had you any conversation with reference to that matter with Mr. Scott Smith?—A. I had not. He was present when I was conversing with Mr. Danford. I do not say at all the conversation, but at part.

Q. It is alleged in this article that a Treasury draft for the sum of $30,000, made payable at the National Park Bank of New York, was indorsed by Mr. Pendleton, and that it passed through the hands of two persons, who paid over this amount to Mrs. Bowers in person in the city of New York. Have you any information regarding that statement, or did you give that statement to Mr. Danford or to Mr. Smith?—A. What is the amount of the draft, sir?

Q. The amount is said to be $30,000.—A. Perhaps if I should state exactly what occurred, it would be more satisfactory.

Q. I will be obliged if you will state exactly what did occur.—A. I had a gentleman investigating some facts in relation to a lawsuit in which I was engaged as counsel, and after his investigation, he came to me in New York, and said to me that he had been told by one person that she knew, either by presence or from the relation of another person, that that third person was present when $30,000 of money, said to have come from Mr. Pendleton, was paid over. I said to him, "Can you get at that person?" The answer was, "Yes." That was a week ago Saturday; I left for Washington Saturday night. I said, "I think you had better do so; probe it to the bottom. If such a fact exists, it ought to be known, because it is a fact of interest to everybody." I said to him, "Cannot you do it now?" He said, "No," and went away. He came back to me, and said that he had made an arrangement by which he was to meet this party informant and the party who was supposed to possess the information on Wednesday. I asked him why he fixed that day. He said he had business in Washington between then and Wednesday. He came to Washington. I saw him on Tuesday, and I said to him, "Well, are you going back to-morrow to make your meeting?" and he said, "Yes." "Well," said I, "if there is anything which would seem to require my presence, or to be of sufficient interest to require my presence, if you will telegraph me, I will, if I can, come over." On Thursday morning, I think, I am not sure, he telegraphed me in a cipher which I understood, "The parties whom I was to meet left New York for New Orleans on Tuesday night, both my informant and the person of whom he informed me." Under those circumstances, not knowing that Mr. Bass was ill, and not having the intimate acquaintance of the other gentlemen of the committee except yourself, I took means to come into communication with Mr. Danford, and I told him the facts substantially as I have told them here, perhaps a little more *in extenso*, because I do not think it ever worth while to put in a public statement mere hearsay which may compromise other people; and I said to him, "It is evident that somebody has been tampering with those parties to send them to New Orleans so suddenly. Now, if you can get a summons from your committee without having it put in all the newspapers whom you want to get—because that would entirely subvert all use of the summons; the parties, of course, will not only go to New Orleans, but further, if they find there is anybody after them—and will get the Sergeant-at-Arms to deputize a man that I will name who knows these parties, I think they can be got." I refrained from telling him the names, for the very reason that I knew the moment the names were out, there would be twelve or fifteen gentlemen publishing them all over the United States, and that would defeat the ends of all inquiry. I do not know that I have anything else that I can aid you in.

Q. This conversation with Mr. Danford was on Thursday last?—A. I will not say whether it was on Thursday evening or on Friday evening. I think upon reflection it was Friday; I am quite sure it was.

Q. Have you at any time since then communicated the names of these parties to him?—A. I have not; I have not seen him. I advised him to get a subpœna in blank.

Q. Would you have any objection to stating to myself as chairman of the committee or to other members of the committee the names of these parties?—A. By no means, sir. I should not have made the communication to Mr. Danford at all if I had not intended to give him the names under such circumstances that they would not be exploited to the country.

Q. Have you any objection to stating the name of the gentleman who was your informant?—A. Mr. B. G. Jayne, formerly a revenue agent. He is a resident of Ithaca, but at present in the city of New York.

Q. What is his address there?—A. The Fifth Avenue Hotel, I think. A telegraphic summons will fetch him, I know. I will telegraph, if you desire it.

Q. Had you stated these facts in a general way to Mr. Smith of the Post before you gave them to Mr. Danford?—A. I think not, sir. I do not remember that I saw Mr. Smith at all.

Q. My recollection of his testimony is that the facts were given to him in a general way and that then he came to Mr. Danford with you, when the interview took place to which you refer?—A. I rather think I might have said, "I have some facts," or something of that sort. Ah, I remember now exactly what took place. I met Mr. Smith in the Attorney-Gen ral's Office, and I said to him, "My attention has been particularly called to the testimony of Mr. Wannall, the Treasury clerk, for this reason: The amount paid to the Kentucky Central Railroad was divided into three portions; sixty-eight thousand five hundred and some odd dollars went to the Northern Bank of Kentucky by that draft; another draft, of exactly $30,000, was taken by Mr. Pendleton; another draft, of $50,000, was taken by Mr. Pendleton, and I was curious to see that testimony—or that testimony struck me curiously when I did see it, because I had heard something about $30,000, and I could not see why he should have desired to divide it, why he should not have taken it in a lump to divide it as he pleased if he had not some payment to make before he got home;" and thereupon Mr. Smith rather sought to interview me there after the manner of newspaper reporters. However, I only said, "I have some means of knowing about this $30,000 draft," and the next time I saw him I saw him with Mr. Danford.

Q. Did you suppose that Mr. Smith was going to publish these facts in his paper?—A. No, sir. Well, that is a difficult question to answer. I never did tell anything to a newspaper

reporter that he did not publish. I should not have given it to him if I had supposed he would have given the statement in such a way that anybody could trace it to the persons of whom I was speaking, because the publicity would prevent any possibility of getting at the testimony. I do not mean to throw any imputation upon Mr. Smith. I never did tell anything to a newspaper reporter that he did not publish. There are men in that corps that I would trust with untold gold, but I would not trust them with a bit of news that I did not want published.

The CHAIRMAN. I have no other questions to ask.

The WITNESS. I trust that Mr. Smith will come to no harm. I suppose he attempted to keep what he supposed was my secret; I have no secret about it except for the purpose I have told you.

Mr. ROBBINS. We want the names of the parties confidentially.

The WITNESS. Certainly.

By Mr. BASS:

Q. The names of the witnesses were not disclosed to Mr. Danford?—A. No, sir; and for the reason which I have given, I said, "Get your subpœna in blank; for the moment you get a subpœna with the name, it will go on record, and some enterprising gentleman will find out who it is and publish it."

Q. And the names had not been disclosed to Mr. Smith, the reporter for the Post?—A. Not by me.

Q. May I be allowed to ask if this is all that you know with reference to the payment of any money in connection with this affair by Mr. Pendleton to any other person or persons?—A. I know nothing but what I have stated nothing but what the public knows except this, and this I only know from hearsay. It came to me accidentally, in the course of another investigation for private purposes.

Q. In the testimony that you read, do you recollect that the evidence seemed to be before this committee that the $30,000 draft had been drawn by the Treasury on New York?—A. That seemed to me to be so.

Q. It was so reported.—A. The fact, however, is not so. I have been engaged in a little investigation of this on my own account, and I have ascertained that it was not deposited in the Park Bank.

WASHINGTON, D. C., *March* 23, 1876.

EZRA G. LEONARD sworn and examined.

By Mr. DANFORD:

Question. Do you reside in Cincinnati?—Answer. I do, sir.

Q. Were you in business at any time in Cincinnati with the late Mr. Bower?—A. I was. Mr. Bower was my junior partner for many years in the hardware business.

Q. Do you know what estate he left at the time of his death?—A. I do, sir.

Q. What did it amount to?—A. Do you mean the interest in the business outside of the life-insurance, or with the life-insurance?

Q. Give them separately.—A. Fifteen thousand dollars was the amount of life-insurance, and the other about the same amount; perhaps $28,000 or $30,000 the sum-total. There was some deduction of some notes that were deducted from the life-insurance.

Q. In whose hands were those two sums of money?—A. They were in the firm of E. G. Leonard & Co. The life-insurance was put into the firm after his death by his widow, her interest remaining in the firm.

Q. When was that amount of money paid to the widow?—A. It was paid during the year 1870.

Q. In how many different installments?—A. Monthly.

Q. Just state the manner of payment.—A. It was by notes payable about the 17th of each month, beginning with January and running through the entire year. [Produces notes.] It was during 1870-'71; each of the notes was for the sum of $1,027.22; they were payable monthly; there are thirteen notes here.

Q. Are the notes all of the same character?—A. They are, sir; they were all dated January 1, 1870.

Q. Read one of those notes.—A. "January 1, 1870. On September 17, 1870, without grace, I promise to pay to the order of A. S. Bower $1,027.22, with interest from date. E. G. Leonard."

Q. Is that indorsed by any one?—A. By A. S. Bower.

Q. To whom did you pay them?—A. I paid the money to honorable George H. Pendleton.

Q. When?—A. At the time of the maturity of these several notes.

Q. As they fell due?—A. Yes, sir; there were two notes, that were extended at one time, but they were also paid. I have got a note embodying those two. They were all paid in full.

Q. All paid by you or your firm?—A. By me personally to Mr. Pendleton.

Q. Was Mr. Pendleton acting as the agent or attorney of Mrs. Bower in that transaction?—A. Well, a friend and an attorney. He was a mutual friend, a friend of mine and also of Mrs. Bower. She was away from the city, at Washington. She made my house her home after her husband's death. I regarded her more as a sister than in any other light.

Q. During that time you say there were two of the notes that were not paid on time?—A. Yes, sir.

Q. Only two?—A. Yes, sir; and there is one note there embodying the two.

Q. The last note fell due at what time?—A. The last seems to be September 17, 1871. That is the date.

Q. In whose hands were those notes, so far as you know, from the time they were drawn until they were taken up by you?—A. Mr. Pendleton's.

Q. He was, as you say, the mutual friend in the transactions?—A. Yes, sir.

Q. During the time that these payments were being made, do you know anything of the progress of the claim in the hands of Mr. Pendleton in favor of the Kentucky Central Railroad against the Government?—A. I do not, sir.

Q. Do you know of any connection that this Kentucky Central Railroad claim had with this business between you and Mrs. Bower?—A. I do not, sir.

Q. Did you never hear that the one had any connection with the other?—A. I did not, sir.

Q. In any way whatever?—A. Not in any regard.

Q. So far as you understand the matter, they were independent transactions?—A. Entirely. I know nothing of that claim at all. This was money that I owed the widow, and it was paid.

Q. Have you any knowledge or information as to where this sum of money went after it was paid to Mr. Pendleton?—A. No, sir; I know I paid the money and got the notes.

Q. You have no information as to what investment she made with any person?—A. I have not, sir.

Q. Mr. Pendleton was acting as the mutual friend in this business?—A. Yes, sir.

Q. Did you ever hear from him what investment was made?—A. Not a word, sir.

Q. Did you ever hear from her?—A. I did not, sir.

Q. That was all of her estate, so far as you know?—A. Yes, sir.

Q. If she had had anything more you would have known it, I presume?—A. Well, no; not necessarily, sir.

Q. You were a long time the business partner of her husband?—A. I brought him up from boyhood; he wore roundabouts when I first took him into my service; he was not quite so old as has been reported.

Q. Do you know Mr. Caleb P. Marsh?—A. Very well, sir.

Q. Did you never hear of him in connection with any of those transactions?—A. I did not, sir.

Q. Never at any time?—A. No, sir.

Q. Neither from Mrs. Bower nor Mr. Pendleton?—A. No, sir. To what transactions do you allude?

Q. In relation to this money.—A. O, no, sir; except in a complimentary way. Mr. Marsh might have said that he was much pleased to see that things were coming out nicely for the widow. I have known him very well now for twenty-odd years.

Q. How did he come to speak in that way—to take that interest?—A. Because he was an old friend of Mrs. Bower.

Q. Where did he have this talk with you?—A. It was simply casual conversation at the Burnet House.

Q. Was Mr. Marsh living in Cincinnati at that time?—A. He was.

Q. When did he leave there for New York?—A. That I have forgotten; I am not positive whether he was then living in Cincinnati or not. He was at the Burnet House; his wife, also; they made that their home for some time.

By the CHAIRMAN:

Q. As I understand it, these twelve or thirteen notes were to pay off the sum that had been put into your firm from the life-insurance policy?—A. Yes, sir.

Q. Then you owed about thirteen thousand dollars more, in round numbers?—A. Yes, sir.

Q. Then as fast as these notes, mentioned in that receipt, were paid by the drawer, the proceeds were used to pay these other notes falling due on the life insurance debt?—A. Yes, sir.

Q. But there was more than that; there was a surplus; therefore, that surplus still went to Mrs. Bower, over and above what was sufficient to pay these notes, and then, after that, you paid her the balance in cash?—A. That is correct.

By Mr. DANFORD:

Q. What bank did you do this business through?—A. I think I did business altogether, at that time, through the German Savings Institution in Cincinnati. It might have been paid by check, and sometimes, perhaps, the money itself; I cannot recall it. Only I know the fact that I paid the notes.

Q. You paid by check?—A. Or its equivalent. A great deal by check; and as I kept my account in those days with the German Savings Institution, I suppose it was on that that the checks were drawn. In fact, I kept two accounts, one with the First National Bank of Cincinnati, and with the German Savings Institution. It might have been on that bank; I cannot remember.

Q. all the payments made through banks would be through one or the other?—A. Yes, sir.

By the CHAIRMAN:

Q. Through this entire transaction you looked upon Mr. Pendleton not only as the friend of Mrs. Bower, but as her attorney?—A. Certainly, sir.

Q. He acted as such?—A. Yes, sir.

Q. Had he any other transaction whatever with you with reference to her affairs, save this one to close out the interest of Mrs. Bower?—A. No, sir.

By Mr. ROBBINS:

Q. Did Mr. Marsh have anything at all to do with this transaction between you and Mrs. Bower or any other?—A. No, sir.

WASHINGTON, *March* 24, 1876.

Mrs. C. P. MARSH sworn and examined.

By Mr. DANFORD:

Question. You are the wife of Mr. Caleb P. Marsh, of New York?—Answer. Yes, sir.

Q. How long have you lived in New York City?—A. Most of the time since 1865.

Q. Where did you reside prior to that time?—A. In Cincinnati.

Q. How long have you known Mrs. Belknap?—A. I went to the Burnet House to live in 1860, and I think she was there a year or so after I went there. I am not sure; I cannot remember.

Q. How long did you remain in the same house with her?—A. We were boarding at the hotel for four years. I don't remember how long she was there, probably half the time.

Q. After you left Cincinnati and went to New York to live, were you back to Cincinnati frequently?—A. That is my home. I always go home twice a year.

Q. How long do you make your visits?—A. Sometimes two weeks, sometimes four.

Q. Did you meet Mrs. Belknap?—A. She has not always been there when I have been there.

Q. When she was there did you meet her?—A. Always.

Q. You met her in New York?—A. I did.

Q. She visited your home there?—A. Yes, sir; she was my guest very often.

Q. Was she your guest about the year 1871?—A. I think she was.

Q. Was she at that time a widow?—A. O, yes; she had been a widow for several years.

Q. About what time in 1871 was she at your home in New York?—A. I think we went to housekeeping on the 1st of June; I think she was there—I cannot remember exactly—I think in August—in July or August; that is my impression.

Q. Were there any other parties from Cincinnati visiting you at the same time?—A. Yes, sir; my sister and her two children.

Q. No others from Cincinnati?—A. No, sir.

Q. Do you know whether any other parties from Cincinnati were visiting in New York at that time in 1871?—A. It is the season of the year that almost all the Cincinnatians are there; you could hardly tell who was not there.

Q. Do you know whether Mr. Pendleton was in New York in 1871 at that time?—A. I don't remember.

Q. Did you go to Europe in company with Mrs. Bower, the present Mrs. Belknap, at any time?—A. I did.

Q. What year was that?—A. Three years ago last June.

Q. That would be in 1872. Was she in New York for some time before she sailed for Europe?—A. I don't think she was there "some time;" she was there; we went West together and returned together.

Q. How far west?—A. To Cincinnati.

Q. How long did you remain in Cincinnati?—A. I don't remember; probably two weeks.

Q. When you returned to New York did any one return with you from Cincinnati?—A. Yes, sir; my niece.

Q. How long was Mrs. Bower in New York prior to your sailing for Europe, if you know?—A. I don't remember at all; we sailed in June. I don't remember how long she was there.

Q. Where was she stopping?—A. At my house, sir.

Q. Did Mr. Pendleton go with you on that trip?—A. He did, sir.

Q. Do you know how long he was in New York before you sailed on that trip?—A. I do not.

Q. Did you see him before the time of sailing?—A. I think once.

Q. You knew he was on the list of passengers?—A. I did.

Q. Do you remember whether about that time, and just prior to your sailing for Europe, there was any other friend of yours from Cincinnati in New York?—A. I do not.

Q. I will mention the present Mrs. General Hazen. Perhaps she was not at that time married.—A. I don't remember her being there.

Q. When you went from New York to Cincinnati, who went with you besides Mrs. Bower?—A. The present Mrs. Henry Clews, (she was not then married,) Mrs. Bower, and myself.

Q. Who made up the party that went to Europe in 1872?—A. I don't know that you can consider it a party. Mrs. Bower and myself went abroad. Mr. Pendleton went as far as Paris with us.

Q. How long did you and Mrs. Bower remain together in Europe?—A. All the time we were abroad, excepting three weeks she was in Germany with Mr. and Mrs. Pendleton.

Q. Where did you remain during that time?—A. I was down at Hamburg.

Q. Did she join you?—A. She did.

Q. At what point?—A. At Hamburg.

Q. Did you return to this country together?—A. No, sir; she did not. She went with the intention of not returning.

Q. You came without her?—A. I did.

Q. What time did you return?—A. I sailed from Liverpool the 2d of November of the same year.

Q. During the trip to Europe, or previous to that time, did you know or hear anything of the claim known as the Kentucky Central Railroad claim?—A. No, sir; I did not.

Q. Did you ever have any conversation with Mrs. Bower in relation to that claim, or any interest she had in it at that time?—A. When I was in Europe?

Q. While you were in Europe.—A. No, sir.

Q. Or prior to your sailing for Europe?—A. No, sir.

Q. Did you know anything about her means or her estate?—A. Some; yes.

Q. Did you know whose hands her means, whatever they were, were in?—A. Yes, sir; I knew that part was in Mr. Pendleton's hands, and she was having a law-suit with Ezra Leonard, of Cincinnati, for means that were in his possession at that time.

Q. That you understood to be in suit at that time?—A. Yes, sir.

Q. Do you know where she had any other means?—A. No, sir.

Q. Did you ever have any conversation with Mrs. Bower at any time in relation to any interest she had in this Kentucky Central Railroad claim?—A. I have had.

Q. Where?—A. At the Arlington Hotel.

Q. At what time?—A. Two or three weeks ago, when I was in Washington.

Q. How did that conversation come about? State the entire matter.—A. I don't know as I could state it, because it was very exciting, and certainly not pleasant. I simply asked her the question if she had ever received any means, which she most emphatically denied; said she never had. I told her that I heard she got $70,000, and she said, "The claim was for only $100,000, and how could I get $70,000?" That is the entire amount of the conversation on this subject.

Q. Repeat that again, just as you put the question to her.—A. I asked her if she had received $70,000 from the Kentucky Central—from the Bowler estate, I said. She said she never had; it was utterly false; that the whole claim was for $100,000, and how could she receive $70,000 of it? That was the entire conversation.

Q. There was nothing further said?—A. No, sir; nothing.

Q. That was a few weeks ago, at the Arlington Hotel. You never had any other conversation with her in relation to this claim at any time?—A. Never.

Q. How did you come to mention that matter to her at that time?—A. I really could not tell you even that. I saw her under a great state of excitement and distress, and I felt very badly for her myself, and I could not tell how it originated at all. It led from one thing to another in the conversation. The beginning of it I do not think I could tell at all.

Q. You were excited at the time, were you?—A. I was; she was a friend of mine, and I felt very much distressed for her.

Q. Can you state to the committee how you came to make the suggestion?—A. I simply mentioned it to her as an idle rumor, among dozens of others, that I heard of. I never thought of the truth or falsehood of it at all, because I had always talked to her as I would to my own sister.

Q How long had you known of the existence of this rumor?—A. Well, I heard of it some time since—over a year ago.

Q. Had you ever mentioned it to her before that time?—A. I never had seen her to speak to her since I left her in Europe, four years ago.

Q. You have never seen her since?—A. No, sir; not to speak with her.

Q. Until this occasion on which you mentioned this rumor to her?—A. Yes, sir.

Q. Have you seen her since that?—A. No, sir.

Q. How long did that interview last?—A. She was in my room twice that afternoon; probably, altogether, she was there an hour. I do not know how long that interview lasted.

Q. Did you report that interview to any person?—A. I did.

Q. Did you talk with General Kiddoo?—A. I did.

Q. You reported that interview as it took place?—A. Just as I have said to you.

Q. Do you know anything of Mr. Pendleton paying any money to Mrs. Bower?—A. I do not, sir.

Q. In connection with the Kentucky Central Railroad claim?—A. No, sir; or any other claim.

Q. Or making her any presents in connection with that claim?—A. No, sir; never.

By Mr. ROBBINS:

Q. In regard to the Fort Sill tradership and the agreement made between your husband and Mr. Evans, and the payment of money by your husband to the Secretary of War, do you know anything about how the original understanding was?—A. The original understanding was among the ladies.

Q. Do you know anything about how the Secretary of War himself first knew it?—A. I do not, sir.

Q. Did you ever hear the Secretary of War himself say anything about it?—A. Never.

Q. Well, to return to this other matter that you have been questioned about. When Mrs. Belknap said to you a few weeks ago that she did not receive $70,000, did you understand that she intended to deny receiving any at all, or that she just denied that specific sum?—A. I think she meant, I understood her, to deny that she had ever received anything. I think she meant just exactly as she said, that she did not receive anything; that she meant to convey that impression to my mind; that was the impression conveyed.

Q. She only spoke of the $70,000 because you had mentioned that sum?—A. Yes, sir.

Q. You understood her to make a square denial of getting any?—A. I did.

Q. That was the drift of what she said, and what she intended to convey?—A. It was.

Q. Did she say anything to you throwing any light upon this transaction about the Fort Sill tradership?—A. She never did.

By the CHAIRMAN:

Q. When you were here some three weeks ago I saw you but once, I believe?—A. Yes, sir.

Q. Be kind enough to tell the committee when that was, and where.—A. It was at the breakfast-table in the Arlington Hotel. I saw you about three or five minutes. My husband met you and presented me to you.

Q. Nothing connected with this matter transpired there at all, did there?—A. No, sir.

Q. It was not mentioned?—A. No, sir.

After the examination of her husband (Mr. C. P. Marsh) as to his reasons for going to Canada, Mrs. Marsh was recalled and asked:

Q. Was any influence brought to bear to induce you to leave when you did?—A. I saw in the morning paper that my husband jumped off the train and came very near being killed, and I made up my mind that I would go to him, which I did next morning at 6 o'clock.

Q. That was the only reason? There was no inducement held out to you by anybody to go away?—A. No, sir; I did not need anything greater than his fall.

WASHINGTON, *April* 5, 1876.

JOSEPH PERIAM sworn and examined.

By the CHAIRMAN:

Question. You are the book-keeper of the National Park Bank of New York?—Answer. I am the general book-keeper of the National Park Bank.

Q. Is this paper which you present the account of E. H. Pendleton, of Cincinnati, with that bank from June 29, 1871, to April 10, 1872?—A. Yes, sir; and it shows the balance remaining in the bank at the present time.

[The account referred to was put in evidence and marked "A," and is appended.]

Q. This paper which I show you is a letter from the Commercial Bank of Cincinnati, of which E. H. Pendleton is the president, dated June 16, 1871, is it not?—A. That is from the cashier of that bank, H. Colville, in regard to Mr. Pendleton's opening an account with our bank.

Q. Please read the portion of that letter which I indicate.—A. [Reading] "Our president, Mr. E. H. Pendleton, is handling considerable amounts of individual money, and is anxious to open a New York account individually with you, if you can afford to allow him the same interest offered to him by some New York banks, namely, 4 per cent. on his daily balances. Please advise him if you can keep his account, and on what terms. Very respectfully, H. Colville, cashier."

Q. What reply was made to that?—A. The cashier wrote, saying that he would allow him 4 per cent., and on the 27th of June, Mr. E. H. Pendleton remitted us a check for $27,677.38. I have here the letter transmitting that check.

By Mr. DANFORD:

Q. Have you any means of yourself, or is there any means in the bank, of telling to whom these drafts for $10,000 each, making $20,000, and one for $15,000, in October, 1871, were made payable, or to whom they were paid?—A. None whatever.

Q. Where will we be able to find the vouchers?—A. An account was rendered November 1, 1871, to Mr. E. H. Pendleton, and the drafts returned to him.

Q. Then they will be found with him?—A. He received the drafts with the account.

Q. Passing from those, have you any means of telling to whose order any of the money that has been paid out on that account has been paid out?—A. None, with the exception of one draft of $3,000, which I have with me. All the other drafts have been returned to Mr. Pendleton.

Q. What is the date of that draft that you have with you?—A. April 8, 1873. That is the last draft drawn.

Q. All the others have been returned to E. H. Pendleton, president of that Cincinnati bank?—A. Yes, sir; but he kept the account with us individually, and not as president.

EXHIBIT A.

DR. *E. H. Pendleton, Cincinnati, O., in account with the National Park Bank, N. Y.,* CR.

[Please examine and report on this account as soon as convenient.]

1871.				1871.		
Oct. 20	No. 1 ..... $10,000 00			June 29	Check National Park Bank.	$27,677 38
	No. 2 ..... 10,000 00	$20,000 00		July 10	Check National Park Bank.	25,000 00
28	X c	15,000 00		Aug. 22	Check National Park Bank.	40,196 66
	Balance.....	57,874 04				
		92,874 04				92,874 04
Dec. 2	No. 4.....	9,825 00		Nov. 1	Balance.....	57,874 04
7	X	5,126 69		20	Interest.....	697 13
16	X	9,825 00		Dec. 5	Short credit of interest in November	268 75
22	X	10,000 00		21	Interest.....	191 03
	Balance.....	24,254 26				
		59,030 95				59,030 95
1872.				1872.		
Jan. 9	No. 5.....	10,000 00		Jan. 2	Balance.....	24,254 26
Feb. 15	X	7,500 00		22	Interest.....	125 43
15	Pro. fees on G. S. and P. Co.	1 38		26	Check National Park Bank	10,000 00
28	X c	15,000 00		Feb. 15	Gaylord S. and P. Co., due 14	10,000 00
	Balance.....	11,878 31				
		34,377 69				34,377 69
April 9	X c	11,800 00		March 1	Balance.....	11,878 31
May 3	No. 9.....c	17,500 00		April 12	Check National Park Bank.	15,000 00
	Balance.....	47,578 31		15	Check National Park Bank.	20,000 00
				16	Check National Park Bank.	15,000 00
				27	Check National Park Bank.	15,000 00
		76,878 31				76,878 31
Sept. 24	X 9-21	30,000 00		June 1	Balance.....	47,578 31
Nov. 4	X	500 00		July 22	Interest.....	608 10
Dec. 6	X	15,000 00		1873.		
	Balance.....	3,288 91		Jan. 20	Interest.....	602 50
		48,788 91				48,788 91
April 10	X c	3,000 00		Feb. 7	Balance.....	3,288 91
	Balance.....	288 91				
		3,288 91				3,288 91
				May 1	Balance.....	288 91

The above is a correct statement of the account of E. H. Pendleton, Cincinnati, Ohio, as shown by the books of this bank.

J. J. BURR.

WASHINGTON, *April* 13, 1876.

JOHN W. STEVENSON, Senator from Kentucky, again appeared before the committee and made the following statement:

From what I have seen in the papers, I think that the character of the organization of the Kentucky Central Railroad has been misunderstood. Mr. George H. Pendleton was only the administrator of the estate of Mr. Bowler in Ohio. Mr. Baldwin was the sole administrator of the estate in Kentucky, and the only person who administered upon the entire interest of the Bowler estate in the Kentucky Central Railroad. From January, 1863, when I came in, until May, 1875, the organization was composed of seven persons; five held entire separate interests, and the two Messrs. Gedge held a joint interest. The organization was governed by a board of control, each member of which board had to be an owner of stock in the road. The board of control was a perpetual organization, not elected annually nor changed unless some one died. It consisted of six members. The death of a member did not vacate his interest, it did not dissolve the corporation, nor did it inure to a partition of the estate, but it continued as a perpetual partnership.

The CHAIRMAN. Was the Kentucky Central Railroad a corporation in any technical sense?

Mr. STEVENSON. No, sir.

The CHAIRMAN. Its organization was a mere partnership?

Mr. STEVENSON. Yes; it was a pure partnership under articles of association which provided for a board of control and for a president and vice-president, a general council, a treasurer, a secretary, and a general manager. And those offices were all filled by members of this organization. The first vacancy was created by the death of Mr. Bowler, on the 4th of July, 1864, when Mr. Eliot Pendleton came in, Mr. George Pendleton not being in the organization at all at that time. Mr. Pendleton was elected by the board, not by stock. No man could elect himself, no stockholder could elect himself; each man had but one vote; if a man had $1,000,000 of stock he had but one vote. When Mr. Bowler died Mr. Eliot Pendleton was elected, he owning in his own right some stock.

The CHAIRMAN. I fear you are again mystifying the public by speaking of it as stock. It was not stock; it was so much interest.

Mr. STEVENSON. No; it was not stock; it represented what was called stock, but it was just an interest in the road. There never was such a thing as voting-stock in the organization.

The CHAIRMAN. It was a partnership with separate interests and diverse interests. You were not equal partners?

Mr. STEVENSON. No, sir; not at all. Mr. Eliot Pendleton held a comparatively small interest, which he afterward sold, and went out.

The CHAIRMAN. Then, as I understand it, Mr. George Pendleton, when he came in after 1869, did not come in representing Mr. Bowler's interest at all.

Mr. STEVENSON. Not at all. He owned a small interest in the road by purchase, and he came in because he held that interest. He never managed the Bowler interest any more than he did mine. The Bowler interest was managed by the administrator of the estate in Kentucky, Mr. Baldwin, who had the sole and exclusive management of it.

The CHAIRMAN. Mr. George Pendleton, then, held no relation whatever to the interest of the Bowler estate in the road, because he did not represent as administrator that portion of the Bowler estate which was in Kentucky?

Mr. STEVENSON. No relation whatever. In 1869 Mr. Keith died somewhat suddenly, and Mr. George Pendleton came in. Mr. Keith had been president from the beginning until his death, and when he died Mr. Pendleton came in and was elected president in his place. I repeat, there is no connection whatever between Mr. Pendleton and the Bowler interest, nor could any man have elected himself; there was no such thing as a vote by stock, nor was there any stock whatever. In every aspect, each member of the board of control had one vote, and only one.

The CHAIRMAN. It was provided that death should not create a breach of partnership, and you were not bound to fill a vacancy caused by death?

Mr. STEVENSON. No; except that we were to keep the number up to five. We had six, and after Mr. Bowler's death we did not fill the vacancy for a while, but then Mr. Eliot Pendleton was elected, and we had six again. Then Mr. Keith died, and that not only created a vacancy in the board, but also a vacancy in the presidency, which was filled by the election of George H. Pendleton, who was an owner in his own right of a certain interest in the road.

The CHAIRMAN. Do you recollect what amount of interest he did hold?

Mr. STEVENSON. I do not.

The CHAIRMAN. Was it $5,000?

Mr. STEVENSON. I don't recollect; it was probably more than $5,000, though it may not have been. He has been increasing his interest. Any one of us could sell out little or much of his interest. The Gedges have sold out a certain amount from time to time. I think Mr. Pendleton bought out the interest of a man named Stowers for $5,000.

The CHAIRMAN. Then, if he held an interest of $5,000 he held five two hundred and sixty-fifths?

Mr. STEVENSON. Yes.

The CHAIRMAN. The interests in the road ran as by thousands. You held in your own right 25,000 two hundred and sixty-fifths?

Mr. STEVENSON. Exactly so. You must understand that the company was under a mortgage-debt of $1,737,000. When $100,000 of that debt was paid off, then there was $100,000 interest to be divided in the proportions of the regular subscription, which gave each one an aliquot part of this debt so paid off and increased his interest to that extent.

The CHAIRMAN. Please explain how it happened that that road ceased to be a corporation and became a mere partnership.

Mr. STEVENSON. The company was originally incorporated to construct a road from Covington to Lexington. There was also a road to be constructed from Maysville to Lexington. Paris, the county-seat of Bourbon County, is the point of conjunction between the road from Maysville to Lexington and the road from Covington to Lexington. The Maysville company was incorporated and stock taken to construct that road from Maysville to Lexington, and a similar company was organized to construct the road from Covington to Lexington. Both companies were organized and went into active operation; the road from Covington to Lexington began work at Covington; the road from Maysville to Lexington began at Paris, so as to build the piece of road from Paris to Lexington while the other company was building its road from Covington to Paris. With great difficulty, and through great embarrassments, this Covington road struggled along by stock, and county subscriptions, and city subscriptions, and the sale of bonds, until it got to Cynthiana. The legislature authorized them to make several issues of bonds, and to mortgage the road, and they made three mortgages on it, the first for $400,000, the second $1,000,000, and the third for $600,000. In addition to that, the company was authorized to issue income-bonds which were not a lien upon the road. All the bonds of the mortgages of these three issues, with coupons attached, were recorded and were a relative lien upon the road according to their priority. For several years the interest was paid. The bonds became depreciated, and, finally, on the non-payment of the second and third mortgages, under the conditions of forfeiture, proceedings were commenced. Mr. James Winslow was the trustee in the second and third mortgages, and two other gentlemen, Mr. Fearing and somebody else in New York, were the trustees of the first. The company were not in default on the first, but they were on the third and the second, and proceedings were commenced in the Fayette circuit court for the foreclosure, and the holders of the first mortgage, which was not in default, were made parties to this decree of foreclosure, and after very elaborate argument, in which some of the most eminent counsel in the United States participated, in August, 1869, a decree was entered directing the sale of the road, and Mr. William A. Dudley, a lawyer of eminence, and himself a very distinguished railroad man, now dead, was the special master selected by Judge Goodloe to make the sale clear of all liens, the money to be appropriated even for the incomes, if there was any left. There were a great many interesting questions involved. The Maysville company also had broken down, and the road had been bought by a New York company. Then this Covington road never was finished to Lexington, but the company leased that part of the road from Paris to Lexington which had been completed by the Maysville and Lexington Road. When this sale took place there were a good many bidders. I was present at the sale myself. There were a great many people there from New York, Mr. Lanier and several prominent bankers, and there was quite an active bidding. The road had gone up, I think, to $2,000,000 before any bid at all was made by any person representing Mr. Bowler. I am quite sure he did not desire to buy the road, but he had about $2,500,000 worth of bonds of the road, chiefly seconds, thirds, and incomes, and he tried in various ways to get gentlemen from New York to buy the road, and he tried in various ways to make a combination, but finding that they would make none, and that other combinations had been made, he determined to buy, and the road was struck off to Mr. William H. Gedge, at $2,125,000. He was required to pay immediately $100,000 in money, to give personal security for the payment of the past-due coupons, amounting to $150,000 or $200,000, at six, twelve, and eighteen months, and then to pay a very large amount for the fulfillment of the covenant of sale, which was to pay the interest as it matured and to put by from $30,000 to $60,000 for repairs, besides a sinking-fund to meet the bonds when they become due. Mr. Gedge announced after the road had been struck off that he had bought it for Mr. Bowler, and Mr. Bowler paid the $100,000 and gave the required security. He fulfilled all the terms of the sale, and a special court was called to set aside the sale, which was held, I think, in November. Public notice was given that the special court would hear the report of the sale and receive exceptions to it. The court was held in November and exceptions were made. After hearing very elaborate argument, Judge Goodloe overruled all the exceptions, and the sale to Mr. Bowler was ratified, and he was put in possession and became the owner of the road. Then he tried, through the Cincinnati papers, to let the old company take the road off his hands, and they had a great deal of chiffy-chaffing about it through the public prints, but it ended in nothing, and he continued to run the road. He had several gentlemen connected with him, but there was no corporation or company regularly formed. Finally that manner of running the road was

abandoned, and, on the 1st of January, 1863, this organization was made. I drew up the articles of copartnership, which were based upon the general outlines of the Adams Express Company organization, the original articles of which I had prepared. It took me several weeks to draw these articles, and when they were completed they were submitted and approved. Mr. Bowler stated the terms on which he would sell the road, and said he should be very glad to sell it all. I had been his counsel for some time, and he knew me very well. Mr. Keith was a Massachusetts man, of very high character, who had lived in Louisville for a great many years, one of the clearest-headed and noblest men I ever knew. We were associated with Mr. Bowler, and also Mr. Ernst, the president of the Northern Bank. Mr. Bowler himself did not live in Kentucky, and he desired to sell an interest in the road to gentlemen living in that State. For a long time during the war the road was in the hands of the confederates, and was the subject of casualty continually, as were also the Baltimore and Ohio and the Nashville roads; and at that time the road was regarded as of very little value. These transactions occurred in 1863, and the road continued along until 1875, under these articles which I have described, each man having a certain interest, and there being no stock and no voting by stock, and the board of control being perpetual.

The CHAIRMAN. In fact, then, Mr. Bowler's estate was never represented in the board of control after his death?

Mr. STEVENSON. Never. Mr. George Pendleton never represented it; he represented his own. Neither did Mr. George Bowler ever represent it. The interest in that road under the law of Kentucky is personal estate. The widow, with her children, gets absolutely one-third, and one-third of that entire interest belonged to Mrs. Bowler *per se*. Neither Mr. George H. Pendleton nor Mr. George Bowler represented it, nor could either one of them have drawn or controlled or received a cent on that Kentucky estate, because Mr. Baldwin had given a large bond in the Kentucky courts, and was the person who exclusively controlled the administration of the Bowler estate interest in the Kentucky Central Railroad, and of all the personal estate in Kentucky.

WASHINGTON, *April* 18, 1876.

ELIOT H. PENDLETON sworn and examined.

By Mr. DANFORD:

Question. You are the president of the Commercial Bank in Cincinnati?—Answer. I am.

Q. Were you in 1871?—A. I was.

Q. Do you remember the circumstance of your opening an account, either an individual account or for your bank, with the Park Bank of New York about June, 1871?—A. I opened an individual account there.

Q. Do you remember about the date?—A. I think it was in June.

Q. I have a statement here from that bank, which makes it about the 29th of June, 1871.—A. Some time about that date.

Q. Do you remember about the amount of your deposits there during that month?—A. My recollection is that I remitted two check there, one of $27,000 and something, and another of $25,000—something over $50,000 altogether; I don't recollect definitely.

Q. I will read the statement that the bank has furnished us, and see if you recognize it as correct. They state your deposits to be—

June 29, 1871	$27,667
July 10, 1871	25,000
August 22, 1871	40,000

A. I think that is correct. That is my recollection.

Q. Now, on the other side of the account there seem to be two checks, or drafts, perhaps, for $10,000 each, numbered 1 and 2, on the 20th of October of the same year, followed by one of $15,000 on the 28th of October of the same year, aggregating $35,000. Then there seems to have been made a statement showing a balance at the end of October of $57,874. Have you the means of stating to the committee to whom these sums of money were paid?—A. Yes, sir; I can state to the committee.

Q. Please do so.—A. [Producing a package of checks.] I have with me the checks drawn upon that account. Check number 1, $10,000, drawn October 17, 1871, is payable to the order of George H. Pendleton; it is indorsed by George H. Pendleton and made payable to the Commercial Bank of Cincinnati. The next check was for $10,000, issued to the cashier of the Commercial Bank of Cincinnati, Mr. Colville. The check was for myself, and went to my individual credit, as the check of Mr. George H. Pendleton did. The $15,000 check was drawn to the order of H. Colville, cashier of the Commercial Bank. They are my own checks upon my private account.

Q. The first one, number 1, is indorsed by George H. Pendleton.—A. Yes, sir; to the bank; and went to his private account. The next one, Number 4, is to H. Colville, cashier,

$9,825; it is indorsed, "Pay the National Park Bank, H. Colville, cashier." The next one is $5,126.69, December 4, payable to James Sherlock, and indorsed by him to the Commercial Bank of Cincinnati. Number 6 is $9,825, dated December 13.

Q. Number 3 and number 5 are for the same amounts precisely.—A. Yes, sir; that was for the purchase of a commercial bill. This check for $9,825 was made payable to Charles B. Foote, secretary, and is indorsed by him. There is another, of $10,000, payable to H. Colville, cashier. Those, I believe, comprise all of the transactions of 1871.

Q. You have not the transactions of any later date?—A. No, sir. I believe that is all that the subpœna requested me to bring. I have also the Park Bank accounts, sent as they returned these checks to me. [Produces it.]

Q. Do you remember about what time your brother returned from Europe in the fall of 1871?—A. I do not.

Q. He returned prior to October, I presume?—A. He must have been here to have indorsed that check. My impression is that it was in September.

Q. Do you remember whether there was any other sum of money drawn out of the Park Bank by the check of your brother, Mr. George H. Pendleton?—A. Not that I know of, sir.

Q. Through you, or through your bank?—A. No, sir; I don't know of any check that I have given him except this; that is the only check that I recollect to have given him upon that bank, and that went to his individual credit, to pay an overdraft, and was checked out in the usual way. I am very well satisfied that that is the only check on that bank in which he appears.

Q. That is the first check drawn on the 17th of October and charged here the 20th?—A. Yes, sir. I took a similar amount at the same time for my own private purposes. There are two, one payable to me and the other to my brother at the same time.

By the CHAIRMAN:

Q. You say that on October 17, 1871, there is one check here to George H. Pendleton, for $10,000, and one to yourself for $10,000. What was the reason of your drawing the same amount as was drawn for George H. Pendleton on that day?—A. We had funds together, which I handled for our joint interest, and we drew out $10,000 apiece at that time.

Q. To keep the account even?—A. Yes, sir; for that purpose; each of us wanting money and drawing just an even amount.

Q. You say that Mr. Pendleton's was drawn for the purpose of closing up overdrafts on your bank?—A. There was an overdraft.

Q. That had occurred while he was in Europe?—A. I think very likely, partly. It was by small checks, not by any one large check. My recollection is that it was by an accumulation of checks.

Q. Had you, during his stay abroad that year, attended to his bank-account?—A. Yes, sir. We always paid his drafts.

Q. Were they drawn on your bank or on some house, and did you settle with that house for them?—A. They were drawn usually on some house in New York, which sent them out and we paid them and charged them up to his account, and when he came he settled for them.

Q. I think that he testified that in June, 1871, he deposited one of these drafts amounting to $50,000, in your bank, to his credit?—A. Yes, sir.

Q. You say that you and your brother had a fund together upon which you, on this 17th of October, checked equally $10,000 apiece; now, was his portion, of whatever that fund was, made up out of money which he deposited with you in June before?—A. Yes, sir; part of his interest was that money that he deposited.

Q. Was there at any time any check drawn by George H. Pendleton on your bank, or through you on any other bank, which, to your knowledge, or in any way in your opinion, was drawn for the purpose of paying anybody whatever for services rendered in securing the settlement of the Kentucky Central Railroad claim?—A. No, sir; I have no knowledge of any check for any one or any money being used in that way at all, and never heard it hinted at until this investigation.

Q. There was nothing ever done in your bank, or through you, that raised any such presumption in your mind?—A. It never was raised in my mind or in anybody's in the bank, so far as I know, that any money was used in any way to obtain the claim. I am glad you have asked me just such questions. I am here to answer every question in this case that you desire to ask—anything that is in my power—on this subject.

Q. After the payment of these checks during 1871 there was still a balance on the 1st of January, 1872, of some $24,254 remaining in that Park Bank; did that balance belong to you or to you in common with your brother?—A. Jointly.

Q. You had equal interests in it?—A. Yes, sir.

Q. By drafts and checks, down to this time, that has been reduced to $289.91, which seems to be the balance in that bank remaining of your original deposit, with the accretions of interest thereon?—A. Yes, sir; that agrees with my books.

Q. Were all these drafts drawn subsequently to December, 1871, drawn by you?—A. Yes, sir; every check on that account was drawn by me. Nobody had a right to check on it but myself.

Q. Was there ever drawn by you any check which, in your opinion, could have been used in any way for the purpose of paying anybody in connection with the Central Railroad case?—A. There never was.

Q. Have you it in your power to state to the committee, with any degree of accuracy, what was done with the balance of this fund remaining in the bank after December, 1871?—A. That account was opened for the purpose of convenience in buying commercial paper and making investments, and, from time to time, I have made investments which I wanted to keep; so, gradually, the account went down to where it did, as we had finally invested or paid the money out in that way. It was a mere business account.

Q. Then this was a business account and used for the purpose of buying commercial paper and making other investments for yourself, jointly with your brother?—A. That is just what it was for.

By Mr. DANFORD:

Q. You were your brother's banker, I presume?—A. Yes, sir.

Q. Do you know why it was that he collected that $30,000 draft through the First National Bank of Cincinnati rather than through your bank?—A. I do not know, sir.

Q. You never knew of any reason why he did that?—A. No, sir.

Q. Do you know of any other large transaction that he did about that time, through any other bank than your own?—A. I do not, sir.

Q. Do you know of any other large money transaction that your brother has done within the last five years through any other bank in Cincinnati than your own, except this one?—A. I don't know of any. He might have done them, but I do not know of any.

Q. You attended mainly to his money, did you not?—A. Yes, sir.

Q. I think he stated that he placed that $50,000 in your bank, or with you perhaps.—A. Yes; he placed it with me individually.

Q. With you rather than with the bank?—A. With me.

Q. And this account was opened not with your bank, but with you?—A. Yes, sir; with me.

Q. I understood you to say to the chairman that you and your brother were equally interested in this deposit?—A. Yes; I put money with his and operated it together. It was a joint account of money; sometimes one might have had more in, and sometimes another.

Q. You don't mean it to be understood that you had an equal amount?—A. Not at all times. I know that at times he had more than I had; at other times I had more than he had; but it was a joint account running in that way, with a debit and credit to each other.

Q. He was in Europe part of 1871?—A. Yes, sir.

Q. And part of the years through which this account runs?—A. Yes, sir.

Q. And you managed his money during his absence?—A. Yes, sir.

Q. But you know of no reason why he should have made the deposit of this $30,000 draft in the First National Bank of Cincinnati, rather than in your bank? You don't know what use he made of that?—A. I do not, sir.

By the CHAIRMAN:

Q. In addition to this fund which he deposited with you individually, had your brother a personal account in your bank?—A. Yes, sir; one of these checks went to his personal account.

Q. The $30,000 draft in June, 1871, was deposited in the First National Bank, and by it collected through the Third National Bank of New York, I believe. Do you know whether your brother was in the habit of keeping an account in that First National Bank as well as in your own?—A. I think he was not.

Q. Have you any recollection that there passed through your bank, in a business way, any check or draft of your brother, George H. Pendleton, drawn upon this fund which he deposited in the First National Bank?—A. I don't recollect any such check.

Q. Do you remember when he went to Europe that year, the manner in which he obtained the funds which were necessary for him for the trip—did he get them from you?—A. I think not; I don't recollect positively, but I think not. I don't think he took any amount of money, or any letter of credit from me.

Q. Have you any idea of the amount of money which you paid for him during that year while he was in Europe?—A. I have not; my impression is, not more than the usual amount that he has been in the habit of drawing for his wife and family. I could not tell now whether it was even that much.

Q. Who is the president of the First National Bank of Cincinnati?—A. L. B. Harrison. He was president at that time.

Q. Who was the cashier?—A. Theodore Stanwood was the cashier.

Q. The $30,000 draft was collected through the First National Bank, and the question was asked your brother, "If there was another draft of $30,000 collected through the First National Bank of Cincinnati, to whom did the money go?" He answered, "To me. It was collected in money." "Q. What disposition did you make of that money when it was collected; have you any recollection?—A. Yes, sir; I have a general recollection of it. I do not know that I could give you the exact sense, but I have a very distinct recollection in

a general way of what I did with it. Would you like to know? Q. You may state it if you please.—A. Certainly. In the first place, I paid some drafts that were in the Commercial Bank, which I had received from my family who were traveling in Europe." That was in the latter end of June, 1871. He states that he paid some drafts in your bank out of that money. Have you any recollection of that having been done?—A. I have not. It may have been done, though.

Q. Would your books show that?—A. That is doubtful; they might show it or they might not. I could not answer now whether that would be the case or not.

Q. Then he says, "I paid up little debts that I had of various amounts. I put in my pocket as much as I thought was necessary to make a trip to Europe, which I left to do on the very day the settlement was made, and the balance, whatever it was, was deposited in the Commercial Bank." Have you any knowledge of that at present?—A. No, I have not.

Q. It may have been done without your knowledge?—A. Of course, it may have been done. I would not know every deposit he would make to his individual account.

Q. If there was a deposit made about that time it would appear in his private account with your bank?—A. Yes, sir.

Q. And he might have paid drafts that were drawn by his family in Europe without your having knowledge or recollection of it at this time?—A. O, yes; it would not follow that I would know anything about it. The cashier would pay it without my knowing anything about it.

The WITNESS. Mr. Danford asked me a question that I might not have quite apprehended; that is, with reference to any other drafts that my brother might have got upon the Park Bank from our bank. If that was the general question, I would answer that he might have got a good many without knowing anything about it. But this account he could not draw upon without my knowledge, and I want it distinctly understood that my reply referred to this account, which I alone could draw upon.

Mr. DANFORD. I referred to this account.

Q. You said, I believe, that your brother had an account in your bank that he checked upon, and made other drafts upon if he desired?—A. Yes, sir.

Q. But that was a matter entirely outside of this account?—A. Yes, sir; entirely so. There is one point upon which I desire to make a statement, and that is that my brother is not and never has been guardian of the Bowler heirs.

By the CHAIRMAN:

Q. And he is not the administrator of the Bowler estate in Kentucky, is he?—A. No, sir; E. C. Baldwin is administrator in Kentucky.

Q. And your sister, Mrs. Bowler, is guardian of the children, of their persons and estates, and, as I understood it, she is the co-executrix of the Bowler estate with him in the State of Ohio?—A. No, sir; she is not.

Q. Then he is an administrator in the State of Ohio?—A. Yes, sir; in connection with myself.

Q. When your brother, Mr. Pendleton, settled this claim of the Kentucky Central Railroad against the Government, and when he paid over the amounts stated by him, did the estate of Mr. Bowler receive it?—A. Yes, sir; they received their proportion of it.

Q. Were you, as one of the administrators of that estate, satisfied with that settlement at the time?—A. I was.

Q. Are you now?—A. Perfectly.

Q. Were those whom you represented satisfied with it then?—A. Entirely satisfied.

Q. Are they to-day?—A. They are to-day. They do not think they can repay him in any way for what he has done for them. One of the heirs, Mr. George Bowler, is over thirty years of age.

Q. Have you ever heard any persons owning an interest in the Kentucky Central Railroad complain of this settlement made by Mr. Pendleton, or of the compensation received therefor by him?—A. I never have.

Q. Have you ever conversed with any of them about it?—A. I have, and I think they are satisfied.

Q. You never have heard of their making complaint?—A. Not at all.

Q. Was this claim ever a matter of consultation between you and your brother, as administrators?—A. No, sir. I was for four years in Europe, and only returned in December, 1870. From 1866 to December, 1870, I was in Europe, and on coming back I was elected president of the bank immediately, and my duties were there and not in the railroad, and I did not give it much time or consideration.

Q. You were not one of the directors of the road?—A. Not at that time.

Q. You became so subsequently?—A. Yes, sir. The Bowler estate was not represented in the road for some time after Mr. Bowler's death by any one.

Q. Your brother Mr. George H. Pendleton did not go in there as the representative of the Bowler estate; he was elected on an interest that he owned in his own right?—A. Yes, sir; he was elected in that way by the others—not by the Bowler interest.

Q. Do you recollect what was the amount of his interest in that?—A. I do not.

Q. This partnership has become a corporation since 1874, has it not?—A. Yes, sir.

Q. In 1874 articles of incorporation were obtained from the State of Kentucky under their general law?—A. Yes, sir.

Q. Now it is a corporation?—A. It is.

Q. Prior to that it was a partnership?—A. Yes; and prior to that it was a corporation.

Q. We have had those different stages of its history explained to us here, but for a time it was a partnership?—A. Yes; when Mr. Bowler bought the road it was made a partnership.

WASHINGTON, *May* 16, 1876.

WILLIAM MCKEE DUNN sworn and examined.

By the CHAIRMAN:

Question. You were the Assistant Judge-Advocate-General of the Army in 1871?—Answer. Yes, sir.

Q. You are now the Judge-Advocate-General?—A. Yes, sir.

Q. You made a report upon the claim which the Kentucky Central Railroad had against the Government for transportation during the rebellion?—A. Yes, sir.

Q. Please state the kind of examination you made of this claim and what you did with respect to it.—A. I made of that claim a more careful examination than I ever made of any other claim that was presented to me, for these reasons: in the first place it was a very large claim, the largest amount that I was ever called upon to give a decision in regard to; and in the next place it was a claim that had long been in suspense; and in the third place, because it was a claim that had been rejected by the Quartermaster-General, and was said to have been rejected by the Secretary of War. Probably I can explain the case a little better by referring to this paper. It is hardly necessary to incumber the records with it, but I will show you the paper and you will see how what are called military rates came to be established. This little printed paper contains the published provisions of the national railroad convention held in Washington February 20, 1862, on the invitation of the Secretary, by a circular which which here appears, That circular was addressed to railroad companies throughout the northern part of the country, inviting them to send representatives here to confer with the Secretary in regard to fixing rates for military transportation. I think it was to avoid that conflict which was constantly occurring between different roads trying to get contracts for transportation. Here is the list of delegates, who were among the first railroad-men in the country; but there were none from Kentucky. After consultation with the Quartermaster-General, who was sent to them for that purpose by the Secretary of War, they agreed upon a certain classification of freights and rates of transportation, which are here set forth. They adopted resolutions recommending the adoption of those rates of fare for the different classifications; and one of the resolutions was this:

"*Resolved*, that it is the opinion of this convention that the Secretary of War should make such compensation as will be equitable to those roads whose expenses are enhanced by reason of being in or near the seat of war."

In pursuance of the recommendation of this convention of railroad-delegates, the Quartermaster-General adopted their schedule and their classification and tariff-rates, and printed them in a circular, which figures as a general order of the Quartermaster-General's Department, and gives the rates which are frequently called "military rates." Those rates were universally adopted, I believe, on all the northern roads. The bills were made out in that way and passed. But they were not so in the case of the Baltimore and Ohio. The very first settlement that was made with the Baltimore and Ohio after that circular was sent out, and on the recommendation of the Quartermaster-General or the Secretary of War, gave them rates above the military rates, in pursuance of this resolution which I have read. Afterward the increased rates were given to the Louisville and Nashville road. Mr. Guthrie, who was afterward Senator from that State, came here and represented that the established military rates were not remunerative for the transportation of freights. The rate for transporting soldiers was two cents a mile, and that was acquiesced in generally by the Louisville and Nashville, and by the Kentucky Central, but it was not generally by the Baltimore and Ohio. They got higher rates for most of their transportation, even of soldiers. The Quartermaster-General also gave higher rates than the military rates for transportation, to the Saint Louis and Iron Mountain Railroad and the North Missouri Railroad, both in Missouri; for the reason, I suppose, that they were in the insurrectionary region and were liable to injury, and were injured by the raids of the enemy and otherwise. I knew nothing of these facts in regard to that order when this case came to me. It was all new to me. I had not had previously anything to do with such cases, having but recently been placed in charge of the claims division of the War Department. This claim came to me in the ordinary course. I was not selected to take charge of it, but it came to me because I had charge of just such claims. I remember the Secretary sending for me to come into the office, and my there meeting Mr. Pendleton. The Secretary remarked that here was a claim that gave him a good deal of trouble; that he (Mr. Pendleton) was urging it on the one hand and the Quartermaster-

General had reported against it on the other, and he wished I would take it and examine it. He did not give me all the papers, but only such papers as he had there, and he said Mr. Pendleton would explain his view to me. I subsequently obtained from the Quartermaster-General's Department all the other papers in the case. Mr. Pendleton went with me to my room, and in the course of a conversation of ten or fifteen minutes gave me his views of the case; and that was about all the conversation I ever had with him on the subject. I met him once, I recollect, in the hotel some months afterward, when he asked me when I would report, or something of that kind, and I told him, just as soon as I could. I took my time at it; I would not be hurried. I do not know that there was any undue attempt to hurry me; indeed, I am sure there was not. In the examination that I made I found these facts, of which I have told you, the allowance of higher rates to other roads similarly situated, and I could see no reason in justice why this road should not be treated in the same way. I had no difficulty whatever in coming to the conclusion that the road had been wronged, and that justice required that it should be paid the rates it asked for. It did not ask full rates.

Mr. BLACKBURN. Those rates asked for were 90 per cent. of the schedule-rates, I believe.

The WITNESS. Yes, sir; it did not ask for full rates. It asked only 90 per cent. of its ordinary tariff. I know of no authority that the Government had to say what compensation a railroad should receive for its services; it is entitled to just compensation for service rendered to the Government as much as for services to an individual.

By the CHAIRMAN:

Q. Was the compensation fixed by your report any greater than, or as great as, that allowed the Baltimore and Ohio, and the Louisville and Nashville, and other railroads similarly situated with the Kentucky Central?—A. No, sir, it was not; nor was it so great as the rates allowed the Baltimore and Ohio. As to the others, the comparative statement will show, according to my understanding. And in that connection I want to invite your attention to a comparative statement which was prepared for me, at my request, by one of the clerks in the Quartermaster-General's Office, one of the best-informed men in regard to railroad matters in that office. I called upon him and got all the information I could from him, and after several interviews I asked him to make out for me a comparative statement showing the tariff-rates of the Kentucky Central, the Louisville and Nashville Railroad, and the Baltimore and Ohio, and also the military rates during the war, the present regular rates, and the rates asked for. Now, if any person will examine that table he will be satisfied of one of two things, either that the Kentucky Central Railroad had not been paid what was justly due to it, or that the Baltimore and Ohio and the Louisville and Nashville roads had been paid a great deal more than was due to them. It strikingly exhibits the whole case. You can take any of the lines in this table and run it along and you will find what was paid the Baltimore and Ohio, and the Louisville and Nashville, what rates the Kentucky Central Railroad regularly charged its customers, the rates asked, and the military rates allowed, and what was paid the Baltimore and Ohio for like service, and I think it demonstates the justice of this claim.

Q. You are satisfied that it was a just claim?—A. I was clearly satisfied, or I should not have reported in favor of it. If it had been a case of a few hundred dollars it would not have given me any concern, and I would have examined it in a few days, but it was so large that it gave me much anxiety.

Q. You were occupied in making that examination from the fall of 1870 until the spring of 1871?—A. The papers themselves will show. It was from some time in November of one year until, I think, some time in May of the next. Of course, I do not mean that I was studying this case all the time; I had a great deal of other business, but this matter was kept in mind; I was constantly moving it a little, and getting further information.

Q. Was any attempt ever made in any way to influence your judgment in the case improperly?—A. Not in the slightest.

Q. Did Mr. Pendleton, during this time, file with you a written argument with reference to the matter?—A. He did. The Secretary told me that when I received a certain report from the Quartermaster-General, I should forward it to Mr. Pendleton, to see what he had to say, which was very proper. I had a copy made out and sent to him, and he sent an argument in reply: but in no way did Mr. Pendleton ever try to influence me. Indeed, looking back, so far as I can judge now, he seems to me to have been exceedingly delicate about the matter. I had but little previous acquaintance with him; I believe I had served with him one term in Congress, perhaps; but our acquaintance was very limited.

Q. Did the Secretary ever attempt, in any way, to influence your judgment in the matter?—A. He never did. He would ask me sometimes when I would be ready to report. I recollect his saying once that Mr. Pendleton wanted to get off to Europe, and wanted to know when I would be ready to report. Sometimes I was delayed by want of a copyist.

Q. It was upon this report of yours that the Secretary made the final order which caused the claim to be paid?—A. Well, he approved it, as appears by the paper itself, but that would not secure its payment. It had to go to the accounting-officers of the Treasury, and if they approved it, it could be paid, but not otherwise.

Q. Then this claim came to you as all other claims of a similar nature came to you, and it was treated by you as you would have treated any other claim, save possibly with more

consideration by reason of its magnitude; and the conclusions you arrived at were uninfluenced by any other consideration than the facts in the case?—A. Yes, sir; it came to me in the ordinary course of things, and I gave it careful examination. I believed it to be a just claim, and for that reason, and that reason alone, I recommended its passage.

Q. And you know of no reason now to change your judgment with reference to it?—A. I do not.

Q. And you believe that to have withheld payment would have been an act of injustice to this road, in view of what was paid to other roads similarly situated?—A. So I thought, and so I believe.

By Mr. BLACKBURN:

Q. Have you now, General Dunn, or have you ever had, any information, or any reason to lead you to believe, that any portion of the money paid upon this claim was ever appropriated to any corrupt use or purpose by the parties receiving it?—A. I have no information of the kind, and no reason to believe anything of the kind. I would like to submit this brief as part of my testimony; and, with the permission of the committee, I will read it now in the presence of General Meigs.

The witness read as follows:

1. The Kentucky Central Railroad Company was entitled, under the Constitution, to just compensation for services rendered the Government, and what was just compensation was not a matter to be determined arbitrarily by the Quartermaster-General or any one else.

2. The military rates, so called, imposed upon said company against its protest, were not just compensation for the services rendered.

3. The rates of compensation asked for and finally allowed, were no more than just compensation for the services.

4. The payments made to the company by the Quartermaster's Department, having been received under protest that they were not all the company was entitled to receive, in no manner concluded the company against demanding further payment, and the Quartermaster-General erred in holding the company concluded by the acceptance of such partial payment, and in representing to the Secretary of War that the services were paid for and settled.

5. The Quartermaster-General recommended that the rates asked for by the company—90 per cent. of its regular tariff—be paid for services *after* August 1, 1864, which recommendation was approved. The reasons given for that recommendation apply more forcibly for the time such rates were refused than for the time they were allowed.

6. April 15, 1864, the recommendation of the Quartermaster-General that this claim be rejected was approved in this form: "By order of the Secretary of War. C. A. Dana, Assistant Secretary of War."

In a few days thereafter, on the application of Mr. Magraw, then the attorney in the case, the Secretary of War, under his own hand, ordered the Quartermaster-General to call on Colonel Swords, the assistant quartermaster-general on duty in Cincinnati, for report on the case as then presented. Colonel Swords made such a report, showing fully that the payments for transportation made to the railroad company had been received under protest, and upon the assurance of the quartermasters making the payments that the company, by receiving such payments, would not be debarred from asserting its claim to 90 per cent. on its regular tariff rates. Subsequently Mr. Stanton verbally, as stated by the Solicitor of the War Department, Hon. William Whiting, and also under his own hand, as appears by the record, referred the report of Colonel Swords, through the Quartermaster-General's Department, to Solicitor Whiting for report. All these references took place after—the last one nearly seven months after—the time it is stated the claim was rejected by the War Department, and certainly negative the idea that Secretary Stanton considered the claim rejected. The reference of this report of Colonel Swords is the last official act of Secretary Stanton of record in regard to this claim.

7. The National Railroad Convention held in Washington, February 20, 1862, on whose recommendation the so-called "military rates" were adopted, passed the following resolution:

"*Resolved*, That it is the opinion of this convention that the Secretary of War should make such compensation as will be equitable to those roads whose expenses are enhanced by reason of their being in or near the seat of war."

In pursuance of this resolution, the Quartermaster-General, under authority of the Secretary of War, allowed to the Baltimore and Ohio, the Louisville and Nashville, the North Missouri, and the Saint Louis and Iron Mountain Railroad Companies, more than the military rates for the transportation of Army supplies. The Kentucky Central was entitled to be placed in the same category as those roads, the same reasons that justified the payment of higher than the military rates to those roads obtaining with equal force in the case of the Kentucky Central. Inasmuch as this matter has occupied so much attention, I would be glad to have my report published in full.

By Mr. DANFORD:

Q. This claim of the Kentucky Central Railroad had been for some months, if not years,

among the claims that had been passed or rejected in the office, had it not?—A. That is as you may consider it. I know the Quartermaster-General considered it had been rejected, and so reported. When I came to examine the case (as I stated probably before you came in) I found that after the report of the Quartermaster-General rejecting the case had been approved, that is, signed by Mr. Dana, the then Assistant Secretary of War, there was another investigation ordered. Now, if that was final action on the case it is remarkable that there had been further investigation ordered. It was immediately ordered, and further reports were called for, and Mr. Stanton seems to have taken no action upon it afterward, except to refer it to Mr. Whiting, who was then the Solicitor of the War Department, for a report. Mr. Whiting made that report, which I file here; and after that I could find no further traces of the case.

Q. It is a fact, however, that it had been rejected by the Quartermaster-General, and that the record of its rejection had been approved by Mr. Stanton?—A. No, sir; not that there is any official record of; except that you might so infer from the fact that Mr. Dana, who was the Assistant Secretary, had signed it. That is *prima-facie* evidence, but it is not conclusive; and the very fact that he ordered further investigation made me think it was not so.

Q. Well, the fact is that the Quartermaster-General's action was approved by Mr. Dana, by order of the Secretary of War?—A. Yes, sir.

Q. After that there was some further order by Secretary Stanton?—A. Yes, sir.

Q. The case had lain quiet from 1864 until 1870, or 1871?—A. Yes, sir.

Q. When your attention was called to it by the late Secretary of War?—A. Yes, sir.

Q. In the presence of Mr. Pendleton?—A. Yes, sir.

Q. Asking you to make an investigation of it?—A. Yes, sir.

Q. Had you any information or knowledge at the time you were making that investigation of the interest that Mr. Pendleton had in that case, by way of fee?—A. Not the slightest. I knew no person connected with the road at all except Senater Stevenson. I knew that he was connected with some legal proceedings, but whether he was a stockholder or not, I did not know; he had been the attorney originally. I knew the history of that road very well, from the fact that many years ago my wife owned some of the bonds; they were sold some twenty years ago, and she has never had any interest in it since, nor have I had; but for that and other reasons I knew the history of the road pretty well.

The witness filed as part of his testimony the following papers:

"*Claim of Kentucky Central Railroad Company for increase of compensation.*

"Col. Thomas Swords, assistant quartermaster-general at Cincinnati, Ohio, reports, under date of June 29, 1864, to Quartermaster-General M. C. Meigs, the facts in the case of the claim of the Kentucky Central Railroad Company for increase of compensation.

"Referred verbally to the Solicitor by direction of the Secretary of War.

"NOVEMBER 9, 1864.

"*Opinion.*

"The question in the case of the Kentucky Central Railroad Company referred to is, whether extra compensation for the transportation of freight and troops over that road shall be allowed by the Quartermaster-General.

"The rates to be paid are in this, as in all cases, a matter within the sound discretion of the Quartermaster-General, or other officer having charge thereof. It is purely a matter of contract, to be regulated by the equities of each particular case.

"There is no rule of law or of this Department that will prevent the payment of such rates as the Quartermaster-General shall see fit to pay, subject to the approval of the Secretary of War.

"WILLIAM WHITING,
"*Solicitor of the War Department.*

"NOVEMBER 21, 1864.

"Papers returned to the Quartermaster-General November 21, 1864."

The foregoing is a transcript from Opinions of Solicitor Whiting. (See vol. —, No. 933.)

REVIEW.

The statement of the Kentucky Central Railroad Company, as to the amount of services rendered, being uncontroverted, the two important questions in regard to this claim are:

1st. Was the company justly entitled to the compensation claimed for the services rendered?

2d. Has the previous action of this Department on this claim been such as to preclude the present Secretary of War from allowing the claim, should he be of opinion that it is just?

On answering the first question it is proper to remark that the circular issued by the Quartermaster-General, May 1, 1862, purporting "to establish the rates for military transportation," was of no obligation upon the railroad companies that did not consent thereto. The Government had no more right to demand the services of a railroad company on its own arbitrary terms than it had to demand that such companies should sell to the Government their cars, locomotives, or other property at such prices as the officers of the Government might choose to fix.

The Kentucky Central Railroad Company never did consent to be governed by the terms of the aforesaid circular. At first the company refused to receive any pay at the rates fixed thereby, but afterward, under the pressure of necessity, accepted pay at said rates, under protest in writing, and never yielded its right to claim just compensation for the services rendered. Transportation companies ordinarily themselves fix the rates of compensation for their services, and those who accept the services are bound by the rates. This is the implied contract between the parties. Competition between the different lines of transportation usually affords sufficient protection to the public.

After the commencement of the war, the Government requiring an immense amount of transportation to be performed, found no difficulty in making arrangements "in accordance with the recommendation of the convention of railroad managers assembled in the city of Washington by invitation of the Secretary of War" for a reduction of charges on Government transportation over roads not subjected to increased expenses on account of the war. That is, the Government got its wholesale business done on those roads at wholesale rates; this was a good arrangement for the lines of transportation not within the theater of active hostilities, and it is notorious that many of such railroad companies that were well-nigh bankrupt at the commencement of the war, became prosperous and rich during the war.

The convention of railroad managers above referred to also adopted a resolution to the effect that it was their opinion that the Secretary of War "should make such compensation as would be equitable to those roads whose expenses would be enhanced by reason of being in or near the seat of war." The Kentucky Central Railroad Company was not represented in said convention, and is not bound by any of its proceedings, but it may with propriety refer to this resolution as indicating the judgment of men of knowledge and experience in regard to the matter. Indeed, the correctness of the view of the matter presented in this resolution is too plain to require either proof or comment. The plain truth is that the Kentucky Central Railroad Company was entitled to just compensation for the services rendered, and has never either waived or surrendered that right.

What amount would afford just compensation for those services? Ordinarily this would be a question easily answered. It would be easily answered as to services rendered to-day, because the rates for Government transportation on that road to-day would be the same as for transportation for individuals, and would be determined by the regular tariff of the company. But if the Government were about to throw an immense amount of transportation into the region of country ordinarily supplied by that road it would properly ask, and would, no doubt, get better terms—lower rates—on account of the large amount of business. This would be a matter of special contract, easily arranged, no doubt, to the satisfaction of both parties. But, nevertheless, it would be a matter to be arranged by mutual agreement. The Government could not impose what rates it might please upon the company.

But if we were again engaged in a civil war, and the line of this road were, to-day, within the theater of hostile movements, liable to be raided, and, indeed, had been frequently and greatly damaged by the enemy, and particularly if the fact that the road was employed in Government transportation made its destruction an object of special importance and interest to our enemies; and if in consequence of the existence of war the expenses of transportation were greatly increased; and, moreover, if the great amount of Government transportation seriously interrupted the ordinary business of the road, would not these facts be proper and important ones in determining what would be just compensation for services rendered, or to be rendered, to the Government under such circumstances? If the Government had proposed a special agreement, would not the foregoing facts have had weight, and controlling weight, in settling the terms of the contract? They certainly would; and now that under those circumstances the services were rendered, we cannot ignore them in determining the question of compensation. How can it in justice be said, after considering the facts of the case, that the Kentucky Central Railroad Company was entitled to no greater rates of transportation than the Little Miami Railroad Company, the road of the latter company never having suffered in its business by the war, but having greatly profited thereby? The business of the Quartermaster's Department during the war raised the Indianapolis and Jeffersonville Railroad Company from the perils of bankruptcy, and enriched it, at the rates specified in the Quartermaster-General's circular. The Louisville and Nashville Railroad Company was benefited, if not to the same extent, yet to a very great extent, by the same class of business, but paid for at very different and higher rates. It is not supposed that the Baltimore and Ohio Railroad Company suffered financially during

the war, but it would probably have been seriously embarrassed had the Government dealt with it as it did with the Kentucky Central. It appears that at the time the Kentucky Central was subjected to Government rates, the Louisville and Nashville and the Baltimore and Ohio were being substantially paid their full tariff-rates on freights. The Kentucky Central Railroad Company has not asked full rates, but only ninety (90) per cent. of its regular private tariff. The Quartermaster-General seems himself to have finally become convinced that this rate of compensation was just, as appears by his indorsement made under date of July 29, 1864, (see page —— :)

"The Louisville and Nashville has been more subject to attacks of the rebels than the Kentucky Central, which has had a singular immunity. As lately, however, the incursions of Morgan and others have interfered with this road, even burning its bridges, and as the expense of running and managing it is increased, it is respectfully recommended that from and after the first of August, 1874, the rates herein specified as asked for, viz, 90 per cent. of what is stated to be its regular private tariff, be allowed this road for Government service."

Had the Quartermaster-General recommended this increase of rates some two years sooner, and his recommendation been adopted, this claim would not now be pending. But the greater part of the services of this company to the Government had been rendered before the allowance of the rates claimed. Subsequently to the taking effect of that allowance, August 1, 1864, in consequence of the nearly total abandonment of Kentucky by the organized troops of the enemy, the Kentucky Central had a comparatively small amount of Government transportation. So it happened that when the Government business was the greatest was the very time the least, if any, profit could be made on it, in consequence of the increased expenses growing out of the presence or proximity of the enemy; and when the enemy had been driven away and the rates were increased, the business was greatly diminished, and consequently the profits did not amount to much. The history of this case shows that if ever this road was entitled to the rates claimed, it was rather for the time its claim was refused than for the time it was allowed. In this connection reference is made to the "items" taken from a "Chronological History of the Great Rebellion" (published in the appendix to Johnson's New Illustrated Atlas,) which is filed herewith, and from which it can readily be seen when the "difficulties, delays, and increased expense of service" to the Kentucky Central Railroad were the greatest. The several localities named in this "chronological history" are either on the line of said road or near enough thereto to be within the region of its business. No mention is made in this "history" of any military operations in the vicinity of this road after June 13, 1864.

It is no doubt correctly stated by the Quartermaster-General, in his communication to the Secretary of War of the 21st of January last, (p ,) that "it has never by any act of the War Department been admitted that the United States is, or should be, through that Department, liable to claims on account of damages done to any railroad by the enemy."

However the claim of the Kentucky Central may have been presented by others, it is now presented, not as a claim for damages for property destroyed by the enemy, but as a claim for just compensation for expenses and services in transportation for the Government, and is placed upon the same grounds that the Quartermaster-General placed the claim for "increased allowance" which was granted to the Baltimore and Ohio and to the Louisville and Nashville roads, viz:

"The increased allowance to the Baltimore and Ohio and to the Louisville and Nashville roads was made in conformity with the resolution of the convention of the railroad managers assembled in this city in March, 1862, as follows:

"*Resolved*, That it is the opinion of this convention that the Secretary of War should make such compensation as will be equitable to those roads whose expenses are enhanced by reason of being in or near the seat of war." (See Q. M. G.'s letter, p. .)

See also, on pages , and , letter from the Quartermaster-General, of date of November 3, 1862, attention being called to the following extracts :

"I have the honor to state that on the 12th of October, 1861, the Secretary of War directed that in settlement of accounts of the Baltimore and Ohio Railroad Company for freight, the usual rates of the road then existing should be allowed.

"On the 4th of April, 1862, you directed that the accounts of that company for service, both passenger and freight, prior to April 1, 1862, upon the main stem and Parkersburgh branch should be settled at the regular tariff-rates of the company in force at the time the service was rendered.

"On the 11th of September, 1862, the president of the company applied for a continuance to that date of the last arrangement, basing his application on the irregular character of the service, the danger and interruption from the movements of the rebel army, and the destruction of their bridges by violence and flood.

"On that day I wrote to you recommending that their accounts to that date should be settled upon the same basis as had been authorized to the 1st of April which recommendation was approved by you September 21, 1862.

"The president of the company now asks that, in consequence of the recent interruption of their business and destruction of property by the rebels, the same arrangement may be continued until such time as their road shall be re-opened to the Ohio.

"I think, in view of all the circumstances, it will be just and reasonable to continue to settle their accounts for service upon the basis of their published tariffs for freight and passenger business, excepting passengers on the Washington branch," &c. * * * *

Attention is also called to the letter of the Quartermaster-General to the Secretary of War, March 19, 1863, in regard to the Louisville and Nashville road, from which the following extract is made.

"I have the honor to return the letter of the Hon. James Guthrie, president of the Louisville and Nashville Railroad Company, setting forth the injury done to the property of the company by the rebels, and asking that they be allowed 'their local rates for past and future service for the Government on freights.'

"Mr. Guthrie states that the damage done to them is as great as that done to the Baltimore and Ohio Railroad, and that the cost of fuel is greater. This letter has been referred to me for report.

"I have seen Mr. Guthrie, and learn from him that the Government rate for passenger-traffic, two cents per mile, is satisfactory to the company, but that the Government rates for freight do not pay expenses. Also, that certain bridges have been built, and certain trestle-works erected at the expense of the Government, for all of which the company proposes, in the settlement of their account, to give the Government credit. I am also informed that the tariff which they ask for is that which was in operation before the outbreak of the rebellion.

"I am of opinion that the case of the Louisville and Nashville Railroad Company and its branches—the Lebanon branch and the Memphis branch—are as justly entitled to relief as any other railroad company, and therefore recommend that in settlement of their accounts for service to the Government they be allowed," &c. * * * *

From the foregoing extracts it appears that the Quartermaster-General, in the cases of the two roads above named, very properly regarded the "interruption of their business and destruction of property by rebels" as proper matters for consideration, in estimating what rates should be allowed those companies for Government transportation. The Kentucky Central also asks that the "interruption of its business and the destruction of its property by rebels," in connection with the increase of expenses incurred thereby, may have due consideration in the adjustment of its claim now presented.

A comparison of the rates allowed to the Kentucky Central with those allowed to the Baltimore and Ohio and to the Louisville and Nashville, may be instructive.

The freight-accounts of the Baltimore and Ohio Railroad, Washington branch, were settled at its tariff-rates of 1861, except for through business south and west of the Ohio River, which passed over the main stem after January 6, 1863, which was settled for at the tariff of January, 1863.

The accounts for passenger-service were settled at two and a half cents per man per mile, except for a short period, and except for through business as above, which were settled at the military rates.

On the main stem and Parkersburgh branch, the accounts were settled at the tariff-rates in force at time of service. The last published tariff governing Government service, was that of January, 1863, except for passengers, which was settled as on Washington branch.

The Louisville and Nashville road and its branches were allowed military rates on passengers, and on freight the rates of their tariff, as established in the year 1860, with certain unimportant conditions.

The Kentucky Central was only allowed military rates on passengers and freights. It did not complain of these rates on passengers, being the same that was allowed the Louisville and Nashville, although one-half per cent. per mile per man less than was allowed the Baltimore and Ohio. Nor did it ask its ordinary tariff-rates on freight. It offered to take and asked to be allowed its freight-bills at a discount of ten per cent. on its regular rates. This is the claim now under consideration.

The following comparative statements either show that the rates allowed the Baltimore and Ohio and the Louisville and Nashville Railroad companies were greatly too much or that the rates allowed the Kentucky Central were much too little:

Comparative statement of the tariff-rates of the Kentucky Central Railroad with the Louisville and Nashville Railroad and the Baltimore and Ohio Railroad, and also with the military rates in force during the war.

LOUISVILLE AND NASHVILLE RAILROAD.

Number of miles.	First class, rate per 100 pounds.	Second class, rate per 100 pounds.	Third class, rate per 100 pounds.	Grain, rate per 100 pounds.	Horses, mules, and hay, rate per car-load.
	Cents.	*Cents.*	*Cents.*	*Cents.*	
13	11	10	9	8	$9 00
29	18	16	14	10	12 00
43	25	21	18	14	15 00
55	28	24	21	16	17 00
66	32	27	23	17½	20 00
80	38	33	27	19	22 00
96	45	37	30	21	26 00
112	50	40	31	22½	29 50
Average	30.87	26	21.62	16	18 81

An average of the four classes gives 26.23 cents.
It is believed that the great bulk of Government freight was shipped at the lower class rates.

KENTUCKY CENTRAL, PUBLIC TARIFF.

Number of miles.	First class, rate per 100 pounds.	Second class, rate per 100 pounds.	Third class, rate per 100 pounds.	Grain, rate per 100 pounds.	Horses, mules, and hay, rate per car-load.
	Cents.	*Cents.*	*Cents.*	*Cents.*	
13	11	9	7	6	$7 50
29	91	19	17	12	12 50
43	27	25	21	17	15 00
55	29	27	23	19	17 00
66	30	28	25	20	18 00
80	33	30	28	21	18 00
96	35	33	30	22	22 00
112	41	38	35	25	26 00
Average	28.37	26.12	23.25	17.75	17 00

An average of the four classes gives 23.87 cents, showing that the rates offered the public by this company average 0.25 cent per 100 pounds higher than the Louisville and Nashville Railroad.

The words "public tariff," as used in this table, mean the regular business tariff of the company. In some of the correspondence copied into the report the words "private tariff" are used to express the same meaning.

KENTUCKY CENTRAL RATES ASKED FOR.

Number of miles.	First class, rate per 100 pounds.	Second class, rate per 100 pounds.	Third class, rate per 100 pounds.	Grain, rate per 100 pounds.	Horses, mules, and hay, rate per car-load.
	Cents.	*Cents.*	*Cents.*	*Cents.*	
13	9.9	8.1	6.3	5.4	$6 75
29	18.9	17.1	15.3	10.8	11 25
43	24.3	22.5	18.9	15.3	13 50
55	26.1	24.3	20.7	17.1	15 30
66	27.0	25.2	22.5	18.0	16 20
80	29.7	27.0	25.2	18.9	16 20
96	31.5	29.7	27.0	19.8	19 80
112	36.9	34.2	31.5	22.5	23 40
Average	25.53	23.51	20.92	15.97	15 30

An average of the four classes gives 21.48, showing that the rates asked of the Government by this company are 2.14 cents lower than was paid the Louisville and Nashville Railroad.

MILITARY RATES.

Number of miles.	First class, rate per 100 pounds.	Second class, rate per 100 pounds.	Third class, rate per 100 pounds.	Grain, rate per 100 pounds.	Horses, mules, and hay, rate per car-load.
	Cents.	*Cents.*	*Cents.*	*Cents.*	
13	3	3	3	3	$5 40
29	7	7	6	6	12 60
43	11	10	9	9	18 00
55	12½	11½	10⅝	10	20 25
66	12½	11½	10⅝	10	20 25
80	12½	11½	10⅝	10	20 25
96	14	13	11	10	23 40
112	17	15	13	10	27 00
Average	11.2	10.22	9.23	8.5	18 39

An average of the four classes gives 9.78.

BALTIMORE AND OHIO RAILROAD, TARIFF OF 1863.

[From July 6, 1863, to March 1, 1865(7). On main line grain and hay, when not shipped by car-load, went as fourth-class freight.

This statement has been prepared from the tariff of 1863, Baltimore and Ohio Railroad. The classification of grain and hay is not the same as on the Louisville and Nashville and Kentucky Central.

It is the opinion that an average of all Government freight would make it equal to third-class freight.]

Number of miles.	Per 100 pounds.				Per car-load.		
	First-class.	Second-class.	Third-class.	Fourth-class.	Grain.	Hay.	Horses and mules.
	Cents.	*Cents.*	*Cents.*	*Cents.*			
13	5	5	5	5	$8 00	8 00	16 00
29	12	12	12	12	19 20	19 20	21 30
43	17	17	17	13	20 80	20 80	23 10
55	23	23	21	19	30 40	30 40	26 65
66	26	26	23	20	32 00	32 00	28 40
80	32	32	28	24	38 40	38 40	31 00
96	39	39	34	30	48 00	48 00	40 85
112	45	43	37	32	51 20	51 20	40 85
Average	24.87	24.62	22.12	19.37	31.00	31.00	28.52

An average of the four classes gives 22.74 cents.

REMARKS.

Comparison of averages of the four classes:

Kentucky Central, public tariff	23.87 cents.
Kentucky Central, rates asked for	21.48 cents.
Military rates	9.78 cents.
Louisville and Nashville	23.62 cents.
Baltimore and Ohio	22.74 cents.

Comparison of the third-class rates:

Kentucky Central, public tariff	23.25 cents.
Kentucky Central, rates asked for	20.92 cents.
Military rates	9.23 cents.
Louisville and Nashville	21.62 cents.
Baltimore and Ohio	22.12 cents.

The foregoing comparative statement shows the average military rates to be less than half of what is claimed by the Kentucky Central, and less than half what has been allowed to the two roads the tariffs of which are compared with that of the Kentucky Central. But while these notable contrasts are presented, it will be observed on an examination of the tables that on horses, mules, and hay the averages of the rates asked for by the Kentucky Central and the military rates approximate, being respectively per car-load as $15.30 is to $18.39. This appears to be the only class of freight on which the military rates are higher than the regular tariff of the company. As a considerable amount of the transportation on the Kentucky Central was, doubtless, of this class, that and the ten per cent. discount on its rates furnish the probable explanation of the fact that while the average of the four classes of freight would indicate that the Kentucky Central had not received more than forty-one per cent. of what it is entitled to on a fair settlement according to the allowances made to the other roads, it admits a receipt of about sixty-one per cent. of its claim.

The claim may be stated as follows:

For transportation of Government freight from May 1, 1862, to August 1, 1864, at ninety per cent. of the regular tariff of the company	$384,930 92
Amount received on account of said services	236,377 10
Claimed to be due	48,553 82

Without further review of the evidence in this case so fully presented in various papers, copies of which are hereinbefore furnished, this part of the report is concluded with a statement of the opinion that the foregoing claim is deemed to be reasonable and just.

The next question to be considered in the review of this case is:

Has the previous action of this Department on this claim been such as to preclude the resent Secretary of War from allowing the claim, should he be of opinion that it is just?

That raises the question as to how far the decision of one officer of an Executive Department of the Government is binding on his successor or successors in office. On this question it may be sufficient to cite two opinions reported in the "Opinions of Attorneys General." The first is that of Attorney-General Black, in a letter addressed to the Secretary of the Treasury, vol. IX. pp. 101, 102:

"It is very well settled that when a Secretary has officially decided or determined any matter or case, and goes out of office leaving the decision on record, his successor cannot lawfully overturn it, unless upon the production of such new evidence as would be sufficient in a court of chancery to sustain a bill of review, or to get a new trial in a court of law. This rule is so obviously necessary, in order to prevent intolerable disorder and confusion in the business of the Government, that I do not think it necessary to set forth the many reasons by which it might be defended." * * * * * * * * "Is there anything before you now in the shape of new evidence which will justify the opening of the case for another hearing? It must be remembered that a new trial is never granted, or a bill of review sustained, on the ground of new evidence, except where such evidence is new to the party as well as the court. If the party knew of the evidence, or might have known it with proper diligence, and did not produce it on the first trial, he is not to have another. He cannot make a mere experiment with a part of his evidence, and if it fails, try the case over again with better preparation."

The second opinion is that of Attorney-General Bates, in a letter addressed to the Secretary of the Interior, vol. X, pp. 62, 63:

"I know of no statute which prohibits the head of a Department from examining and allowing a claim which has been before rejected by his predecessor, even where no new evidence is adduced; and, without a statutory prohibition, I presume that he would have the power to do so. I do not think that the decision of the head of a Department upon a claim before him has, upon the rights of claimants, the final and irrevocable effect of the judgment of a court of justice. Before giving them such effect, it would be necessary to introduce the care and precision in commencing and conducting proceedings, strictness in the admission of evidence, fullness of argument, and facility of appeal to the tribunal of last resort, with which, in courts of justice, the law surrounds suitors. In the administration of the Executive Departments, as a general rule, these forms are neither appropriate nor possible, since the duties are ministerial rather than judicial."

"But while these decisions are not, therefore, of final effect, they are certainly entitled to great respect, and should not be lightly overthrown. The Supreme Court, in the case of the United States *vs.* The Bank of the Metropolis, (15 Pet., 400, 1,) have gone so far as to say that where the rights of a third party had intervened, upon the decision of the Postmaster-General allowing a credit, the succeeding Postmaster-General had no power to reverse the decision of his predecessor, but resort could only be had to the judicial tribunals of the country to correct the illegal allowance; and in 5 Opinions, 187, Mr. Attorney-General Johnson treated the practice of the Treasury Department, in cases analogous to the one before him, as conclusive upon the head of the Department. While I cannot accord to the decisions or even a practice of a Department an effect so binding, I concur fully in the propriety of giving to them full weight and authority. Legal certainty is always desirable, and it can only be attained by respecting carefully-considered precedents; and it is quite impossible to establish any departmental system of practice, if the opinions of each Secretary are to furnish, for the time, the only rule of action. The convenience and interests of the Government, and the rights of claimants, require uniformity and certainty; and the well-considered decision of the head of a Department ought only to be reversed upon clear evidence of mistake or wrong."

These two opinions may be regarded as presenting the extremely rigid and the liberal views as to the propriety of the head of an Executive Department reviewing the action of and reversing the decision of his predecessor. The latter opinion is believed to be the fairer guide, at least in regard to business transactions, under the pressure of war. Amid the great anxieties, perplexities, and responsibilities of the war of the rebellion, at a time when the events of a day might not only decide the value of our money, but the possession of our capital, if not the existence of our Government, would not seem to be a time particularly favorable to the calm consideration of questions of compensation for services. Indeed, about the time of his last action in this case, the danger of the capture of this capital was so serious as to make it necessary for the Quartermaster-General to call on his clerks and employés to volunteer in its defense.

Hon. Mr. Pendleton, in his argument, copied hereinbefore, takes the ground that there really was no final decision made in this case. Whether he be correct or not in that view, it is considered that, deeming the action of Secretary Stanton as his final decision, it may properly be set aside. A mistake as to material facts will justify the reversal of that decision.

The indorsement of the Quartermaster-General, February 10, 1864, (page ,) "that he could not recommend payment of over $70,000 for this service completed, paid for, and settled," was calculated to mislead the Secretary of War. How and when was this service "paid for and settled?"

An account cannot properly be said to be "paid and settled" when the debtor has only

paid a part thereof, and which part payment has not only not been accepted by the creditor as a settlement, but has been received by him under written protest against it being regarded as a settlement.

The indorsement of the Quartermaster-General on the "comparative statement," (p. ,) was also calculated to mislead the Secretary of War. It is as follows: "The Louisville and Nashville has been more subject to attacks of the rebels than the Kentucky Central, which has had a singular immunity," &c. How singular was that "singular immunity" appears in the evidence of the case. It may be doubted whether the Louisville and Nashville or the Baltimore and Ohio roads suffered more from "the attacks of the rebels," in proportion to the Government business done by them respectively, than did the Kentucky Central.

The foregoing indorsements made by the officer whose particular province it was to inform the Secretary of War in regard to such matters, might well be accepted by him as establishing to be true the statements therein made. It is respectfully suggested that the Quartermaster-General was, himself, laboring under a mistake in regard to these matters. If these be indeed mistakes, they are vital ones, and open wide the way to a re-examination of this claim on its merits.

Was what is called the decision of the Secretary of War, that is, the refusal to allow the Kentucky Central the compensation claimed for Government transportation prior to August 1, 1864, "wrong," and is the evidence that such is the fact clear? The answer to this question has been given, or at least attempted, in the first part of this report, and it is believed that if any such decision was given, it may be set aside on the ground that the evidence shows it to be clearly wrong. With the statement that it is believed said decision was founded on mistake, and was clearly wrong, this report might close, but it is deemed to be unjust to the memory of Secretary Stanton to close it without further remark. It is not believed that the record shows he ever decided the question now submitted to his successor.

The first decision of the Quartermaster-General, February 10, 1864, (p. ,) was not approved by the Secretary of War, but was sent back to the Quartermaster-General for further report. That further report, March 15, 1864, (p. ,) contains the following statement.

"Having carefully read the papers in the case, I have the honor to report that I cannot recommend the payment to this road, for service done and paid for, of an additional sum of many thousand dollars."

Who would recommend the payment of many thousand dollars "for service done and paid for?" The Kentucky Central was not asking a gratuity. It was asking pay for service done and *not* paid for. The Quartermaster-General in this report assumed the very question in dispute. This report was returned by the Secretary of War to the Quartermaster-General, April 4, 1864, (p. ,) for answers to various inquiries propounded.

In his answer to these interrogatories, April 7, 1864, the Quartermaster-General says, among other things, (p. :)

"I have the honor to return herewith my report of the 15th ultimo, relative to the application of the Kentucky Central Railroad Company for additional allowance on freight heretofore transported on Government account, and paid for at Government rates, which was returned to me on the 4th instant, for report on several questions as indorsed."

* * * * * * * * * *

(And on p. :) "I respectfully recommend that it be decided that accounts already paid shall not be re-opened in order to grant increased allowance."

* * * * * * * * *

On this report is the following indorsement, (p. :)

"The conclusions of the Quartermaster-General with regard to the Kentucky Central Railroad are approved.

"By order of the Secretary of War:

"C. A. DANA,
"*Assistant Secretary of War.*

"WAR DEPARTMENT, *April* 15, 1864."

Five days after this action, the attorney of the Kentucky Central, H. S. Magraw, esq., inclosed to the Secretary of War, a "supplementary statement," made by Mr. Ransom, the secretary of the company, asking, "as a simple matter of justice, that a careful examination of all the papers, together with the proofs, may be had before a final decision is rendered in this case," (p. .) This letter, with inclosures, was returned to the Quartermaster-General, bearing the following indorsement under the hand of the Secretary of War:

"Referred to the Quartermaster-General, with instructions to call for the report and facts within applied for.

"EDWIN M. STANTON,
"*Secretary of War.*"

The next indorsement appears to be the following:

"Referred to the Quartermaster-General to report whether the additional rates of com

pensation asked for by the Kentucky Central should or should not be applied to future services of the road.

"By order of the Secretary of War.

"C. A. DANA,
"*Assistant Secretary of War.*

"WAR DEPARTMENT *July* 14, 1864."

It is submitted that this indorsement is not in accordance with the preceding indorsement made by the Secretary under his own hand. This indorsement limits the reference to the question of additional allowance to the future service of the road. The Kentucky Central never so limited its demands, and the paper submitted by Mr. Magraw did not discuss the case at all with reference to future service.

July 27, 1864, J. J. Dana, captain and assistant quartermaster, submitted to the Quartermaster-General a "brief of the application of A. H. Ransom, general agent Kentucky Central Railroad Company," in which the captain uses the following language:

"I understand that the question of re-opening past accounts and allowing an additional compensation to the Kentucky Central Railroad Company, having been adversely reported upon by the Quartermaster-General, now awaits the decision of the War Department, advice of the action of the Secretary not having been received here. The question now submitted by the Secretary is whether the additional rates of compensation asked for by the Kentucky Central Railroad Company should or should not be applied to future service of the road."

Two days thereafter the Quartermaster-General returned the papers to the Secretary of War, with his indorsement, heretofore referred to, recommending the additional allowance asked for, to be applied to the future earnings of the road. On this report is the following indorsement:

"The recommendation of the Quartermaster-General is approved.

"By order of the Secretary of War.

"C. A. DANA,
"*Assistant Secretary of War.*

"WAR DEPARTMENT, *August* 3, 1864."

The next indorsement of the War Department, which appears to have been made about the 7th of November, 1864, is on the envelope, marked "Kentucky Central Railroad. Report of Colonel Swords;" and in this "Referred to Quartermaster-General to send Colonel Swords's report to solicitor of War Department. E. M. Stanton, Secretary of War."

Thus it seems that wherever the Secretary of War makes an indorsement in his own handwriting it indicates that he considers that the claim is still undetermined.

The letter of the Solicitor of the War Department in answer to this reference is to the effect that the Department had not taken final action on this claim. He says:

"The rates to be paid are in this, as in all cases, a matter within the sound discretion of the Quartermaster-General, or other officer having charge thereof. It is purely a matter of contract to be regulated by the equities of each particular case.

"There is no rule of law, or of this Department, that will prevent the payment of such rates as the Quartermaster-General shall see fit to pay, subject to the approval of the Secretary of War."

This review of the facts on this point leads to the conclusion that Secretary Stanton went out of office without leaving on record a decision on the claim now presented, and it is therefore held that the previous action of this Department on this claim has not been such as now to prevent its allowance should the Secretary be of opinion that it is just.

An explanation of the long interval that elapsed before this claim was again called up for consideration is offered in the letter of Hon. George H. Pendleton.

In regard to the suggestion that the claimant should be referred to Congress or the Court of Claims for relief, it is respectfully submitted that the settlement of this claim properly belongs to the administration of this Department. If the Secretary believes it to be an unjust claim he will reject it. But should he be of opinion that it is a just one, it is not seen how he can properly refer to another branch of the Government the settlement of questions arising in the transaction of the ordinary business of his Department, or why he should subject the claimant to further delay and expense in the prosecution of a claim recognized to be just. It is scarcely less a wrong to delay than to refuse justice.

The conclusions having been reached that this claim is just, and that there is in the previous action of this Department no bar to its present allowance, it is respectfully recommended that the foregoing claim of the Kentucky Central Railroad Company for one hundred and forty-eight thousand five hundred and fifty-three dollars and eighty-two cents, ($148,553.82,) balance claimed to be due for services rendered as above stated, and not fully paid for, be allowed, to be charged to the "Appropriation for transportation of the Army prior to July 1, 1870," and it is further recommended that the claim be referred to the Quartermaster-General to be sent by him to the Third Auditor of the Treasury for settlement and payment.

W. M. DUNN,
Assistant Judge-Advocate-General.

WAR DEPARTMENT, *May* 27, 1871.

This report has been examined by me and has received full and personal consideration. I have no doubt as to the justice of the claim and the propriety of its allowance. The recommendation of the report is approved.

WM. W. BELKNAP,
Secretary of War.

MAY 29, 1871.

Now, there is no record that I can find showing that those papers were ever returned to the Secretary for his action. They may have been or may not have been.

I would like to say just here that I don't know whether the Quartermaster-General knew at the time he rejected this claim, that the payments had been received under protest, because that fact did not appear upon the vouchers, as I understand it. Mr. Bowler at that time, I believe, owned the road, or claimed to own it, and it seems from the testimony that he or his clerk wanted to indorse the protest on the face of the voucher, but from the reports made to General Swords it appears that the quartermaster at Cincinnati told him he could not do that; that he had his orders from the Quartermaster-General to pay him such a rate, and he might make out his bills accordingly. Now these bills coming to the Quartermaster-General's Office with nothing in the way of protest might make him think that it was all square and that the payments had been received in full, without protest.

By the CHAIRMAN:

Q. Mr. Danford in his question stated that this claim was given you by the Secretary of War to examine. Did he give it to you in any unusual way?—A. No, sir; it was the usual thing for him to do. The only thing about it that was unusual was, that he called me into his office about it. Ordinarily he sent the papers to me, but he called me in in this case saying, "Here is a claim that I am bothered about"—I think that was his remark, and that the Quartermaster-General was opposed to its payment. It was my business to examine it anyhow. If it had gone to the clerk, he would have sent it to my room without any direction at all.

By Mr. DANFORD:

Q. But unless the claim had been referred to you in this way you would not have examined it?—A. No, sir; I had nothing to do with it unless it was referred. I never institute action upon any question.

By the CHAIRMAN:

Q. And your action upon this was in the usual line of your duty?—A. Yes, sir.

No. 3.

TESTIMONY

RELATING TO THE

CHARGES AGAINST GENERAL O. E. BABCOCK.

No. 3.

TESTIMONY RELATING TO THE CHARGES AGAINST GENERAL O. E. BABCOCK.

WASHINGTON, *March* 31, 1876.

C. S. BELL, being sworn and examined, testified as follows:

I reside in Jackson, Miss. In June, 1872, I think, I came to Washington to apply for a post-tradership in Texas, Fort Davis, or any other post I could get. I had recommendations from many officers of the Army, including one from General Reynolds, under whom I had served in 1869 and 1870, in the secret service, in hunting down some of the murderers of the bureau and Army officers. When I came to Washington I saw the Secretary of War and told him that I wished to secure a post-tradership. I had in my hands a number of recommendations from different officers for services rendered during the war and afterward. He seemed considerably offended at my calling on him on that business, and said if he had known that that was the only object of my visit, he should not have seen me. I told him it would not take me but a very brief time to get out of his office. I went out and had got to the further end of the building, when a young man came out somewhat in a hurry. I assumed that he belonged to the Department, from the fact that he had no hat on. He said that the Secretary desired to see me, and I went back. When I went in, the Secretary told me that he had been greatly annoyed by various applicants for these posts. I do not remember exactly what shape the conversation took, but I know he asked what the post was worth. I told him I did not know. He said, "Is it worth $2,000 a year?" I supposed he was merely asking me as a matter of opinion as to the value of such posts there, and I told him I supposed it was worth that. Said he, "Can you pay $2,000 a year?" Said I, "I will pay nothing for it." There was very little more said, and I went away.

By the CHAIRMAN:

Question. In that conversation did you distinctly understand him to ask you to pay him $2,000 for it?—Answer. Well, owing to the nature of the conversation that occurred before I went out, I rather thought he was trying to trap me, to get me into some sort of an offer, perhaps. I did not choose to go any further with it, and I let the matter drop. I had no direct recommendations for Fort Davis, nor did I make any application in writing. I had never met the Secretary previously, and I thought the conversation was rather strange.

Q. He asked you if it was worth $2,000 cash to him, was that it?—A. O, no, sir. He asked me, after the previous conversation, "Is the place worth $2,000 a year?" I told him I thought it was. Says he, "Will you pay $2,000 a year?" in those terms. I said I would not pay anything. There was very little conversation occurred. I went out. I have had other matters there since, or another matter. I did not think, from the nature of the service I had rendered, that I ought to pay anything for a thing of that kind, if that was what he meant; but at the time I considered it an attempt to entrap me, on account of the sharp words that had passed between us. There were some sharp words.

Q. What was the cause of those sharp words?—A. From the way that he received me. He received me very brusquely when I told him what the object of my calling on him was. He said if he had known that was the object of my calling on him, he would not have seen me.

Q. What did you reply?—A. I told him it would not take me long to get out. That was about the substance of it. I said some other words that I do not remember now, rather sharp words. I was a little angered. I had very strong letters, I considered. However, I will mention that, some three weeks before this became known, I left here (on the 12th of February) going West, in company with a gentleman named James H. Day, of Texas, and I suppose that is the way this matter came before this committee. I had no intention of mentioning the matter publicly, but I mentioned it then as a mere episode that had occurred to me in my trip to Washington. I did not know that the War Department was undergoing any investigation at the time, especially the Secretary.

Q. You say that after you had left the building and got to the door, a bare-headed person came out and requested you to return?—A. He said that the Secretary would see me again. The Secretary spoke then in a sort of apologetic tone, and referred to the number of applicants that were annoying him.

Q. Do you know Colonel Goodfellow?—A. Yes.

Q. Do you know Mr. Crosby?—A. I have met him three or four times perhaps, in connection with business matters.

Q. Do you know anything with regard to those gentlemen?—A. I do not. Major Good-

fellow was judge-advocate general at the time I was with General Reynolds, and he had cognizance of a good deal of my work.

Q. Have you informed any one that Secretary Belknap used his chief clerk, Mr. Crosby, and Colonel Goodfellow, an Army officer on duty in the War Department, as agents and go-betweens in such affairs?—A. No, sir; not to my knowledge. I have no knowledge of anything of the kind.

Q. You have never stated so to Mr. Day or to any one else?—A. No, sir.

Q. You have no recollection of it at all?—A. No, sir; I perhaps mentioned in that conversation with Mr. Day that I knew Goodfellow and Crosby, and that I had a claim there in reference to a case where I had apprehended two murderers of an officer of the Fourth Cavalry. That, however, had nothing to do with this matter.

Q. Have you been a good deal in Texas?—A. I left there five years ago. I left there in July, 1870, but I have been back there repeatedly on Government work.

Q. Have you ever heard any of the post-traders out there talk about what they paid for their posts?—A. O, yes; I have heard of it. It is common talk in San Antonio and Austin.

Q. Have you ever talked with any of the post-traders themselves upon the subject?—A. No, sir; what I heard was from Army men. I was connected intimately at Army headquarters.

Q. Were you out there when General Reynolds removed his headquarters from Austin to San Antonio?—A. No, sir: I was there while the movement was agitated.

Q. Do you know anything about a public meeting being held in San Antonio with reference to that matter?—A. I heard of it. I don't know it.

Q. Do you know of money being subscribed to get General Reynolds to remove his headquarters?—A. I do not.

Q. Do you know what induced him to remove his headquarters to San Antonio?—A. Not of my own knowledge.

Q. What was the general report?—A. Well, the general report was that San Antonio was the center of all the transportation lines, and that it would be better for all parties to have the headquarters removed there. That was the talk. Well, it was talked, too, that there was money in it. Adams and Wicks there had nearly all the transportation contracts.

Q. Are you acquainted with Adams and Wicks?—A. I have met them, but I can't say that I am acquainted with them. There was some talk about over-measurement of transportation routes. There are all sorts of rumors.

Q. When were you in Texas last?—A. Last May.

Q. Was it then that you heard these reports?—A. I heard them in 1870.

Q. Were you there when General McCook was there?—A. He was on the Rio Grande. I believe he was at Brownsville when I was out there.

Q. Did you ever make any other application to the Secretary of War than the one you have spoken of here?—A. No, sir; one was enough for me.

Q. Did you ever call upon any person here at Washington to assist you in getting an appointment?—A. No, sir; I never do anything of that kind. If I am not quite sure myself——

Q. Are you acquainted with General Hedrick, of Iowa?—A. No, sir.

Q. Do you know General Rice of this city?—A. No, sir.

Q. What business are you engaged in now?—A. I am on detective work; not at present for the Government.

Q. You were a detective and scout for years in Texas?—A. Yes, sir; I have also been acting as special agent of the Internal Revenue Department.

Q. Who appointed you?—A. Mr. Chandler.

Q. Have you rendered any recent service in that Department?—A. Not since the 16th of February of this year.

Q. Are you personally acquainted with Mr. Chandler?—A. I am.

Q. Did he appoint you of his own motion, and if not, at whose solicitation?—A. The President of the United States.

Q. Are you acquainted with him personally?—A. Yes, sir.

Q. How long have you known him?—A. I have served him at intervals since 1862.

Q. Had you his recommendation when you went to the Secretary of War?—A. I had.

Q. Had you General Reynolds's?—A. I did not ask any but the President's. The recommendation was of such a character that I did not think I needed any other.

Q. Have you got that recommendation of the President with you?—A. I have not.

Q. Can you send it?—A. I do not think I can reach it at present.

Q. What time was it dated?—A. The latter part of December, 1875.

Q. I thought you said you had it with you when you went to the Secretary of War to apply to be appointed post-trader?—A. I had papers from the President then, but they did not pertain to that matter; they were general.

Q. Then this recommendation you now speak of was a recommendation to the Secretary of the Interior to appoint you as a detective?—A. It did not specify that; it was a general recommendation to give me an appointment; it was on a card. I think it ran something like this: "Hon. Z. Chandler, Secretary of the Interior: I commend to you the bearer, Mr.

C. S. Bell, for an appointment; he has rendered valuable service during the war and since." I know it covered one full side of the card and a portion of the other. I handed it to the Secretary of the Interior. I went there a day or two afterward to get it and he could not find it, although he had a very careful search made.

Q. On that recommendation the Secretary of the Interior appointed you?—A. I suppose he did. I know that the President and Mr. Luckey both spoke to him personally about appointing me. I received the appointment January 5. I have it here.

Q. Please produce your commission.

The witness produced the paper, which was read as follows:

"DEPARTMENT OF THE INTERIOR,
"*Washington, January* 5, 1876.

"Charles S. Bell, of Missouri, having been examined and found qualified, is hereby appointed to a clerkship, class 1, in the Pension Office, to take effect when he shall have filed the oath of office and entered on duty."

The WITNESS. I will state here that there is no such office as special agent of the Interior Department. They are appointed as clerks and detailed to that duty.

Q. Did you file your oath?—A. Yes, sir; on the 7th of January.

Q. And entered on your duty?—A. Yes, sir.

Q. What was your salary?—A. Twelve hundred a year, and $3 per diem and traveling expenses.

Q. That amounts to about $2,100 a year?—A. About $2,195.

Q. What duties have you entered upon?—A. I had a large list of cases sent to me at Saint Louis, subsequently, but I have never investigated them.

Q. Who sent you that list?—A. They were sent by Mr. Gill.

By Mr. DANFORD:

Q. When you sent your card in to the Secretary of War, did you send any papers in with the card?—A. No, sir; I had the papers with me.

Q. When you went into his office, did you present your papers asking for an appointment?—A. I had them in my hand and told him the object of my mission, and offered him the papers.

Q. Did he look at them before you went out of the office?—A. No, sir.

Q. You parted with him in some anger?—A. Yes, sir.

Q. You were not feeling very kindly at the manner of your reception?—A. Most assuredly not.

Q. And he was not feeling very kindly toward you for calling upon that business?—A. He did not seem to be.

Q. And then your idea is that he called you back and asked you how much you would give if he gave you a post-sutlership?—A. I do not say that.

Q. Is that the impression you intend to convey to this committee, that he offered you one of these positions if you would pay a couple of thousand dollars?—A. No, sir; I have stated it as it occurred.

Q. What was your inference at the time?—A. Well, owing to the words that I had had with him, I thought it was an attempt to entrap me into some offer, and perhaps take some advantage.

Q. What were your feelings toward the Secretary of War when you parted with him?—A. I did not feel very pleasantly.

Q. Did you go out and tell what he had offered you?—A. I did not; I did not have time.

Q. Did you not have time until the downfall of the Secretary to report this thing?—A. I never reported it; I don't remember having mentioned it.

Q. You have been in the service of the Government almost constantly since that time?—A. A good deal of the time.

Q. Did you not conceive it to be your duty to tell the President or anybody else that the Secretary had made an infamous proposal?—A. No.

Q. Why didn't you?—A. Well, the Secretary of War weighed a little more than I did, and I thought I would not fight him. I have had experience since, then in another matter.

Q. Is that your experience, and is that the way you conduct yourself as an officer of this Government, to conceal or fail to report such matters as that?—A. I have had an opportunity of seeing how men considerably stronger than myself suffered in that way; some have been sent abroad and some have been shelved.

Q. You thought you would not be shelved?—A. I thought I would not have anything to do with it.

Q. Is that the reason you did not report to the President or anybody else?—A. Well, there might have been a multitude of reasons in my mind. I cannot say that it dwelt long in my mind, but it revived afterward in view of another matter. I suppose I met with the

common experience of other men here getting bluffed at the Departments; if a man does not consider that he is heavy enough to carry it through, he had best let it alone.

Q. That is what you did?—A. I did.

Q. You did not have any place when you "let it alone" that time?—A. No, sir; I did not receive one until the spring of 1874, I think.

Q. That was about two years after the Secretary had made that offer?—A. Yes, sir; I had a very good position under the State government of Mississippi, and I returned there and resumed it.

By the CHAIRMAN:

Q. Who was post-trader at Fort Davis at the time you made application for it?—A. I don't remember.

Q. How did you happen to fix on Fort Davis?—A. Well, General Ed. Hatch had command there for the time, and I served with him during the war, and knew him very well, and I thought I would like a position out there if I could get it.

Q. Do you know Simeon Chaney?—A. No, sir.

Q. He was the trader there from October 5, 1870, to November 5, 1874?—A. I do not know. It was in 1872 that I came here.

Q. Under that appointment in the Interior Department were you interested in the Babcock case in Saint Louis?—A. No, I was not.

Q. Were you sent out there to take any part in it?—A. No, sir; not under this appointment.

Q. Under any appointment?—A. No, sir.

Q. Were you never employed in any way in connection with that case?—A. Not by the Government.

Q. By whom, then—General Babcock?—A. [Hesitatingly.] No; I cannot say that I was.

Q. By his counsel?—A. No, sir.

Q. By anybody for him?—A. By some one acting for him—I suppose acting for him; they said they were; I was employed in November.

Q. What services were you to render under that employment?—A. [After a pause.] I would like a little time to reflect upon that matter, so as to put it in shape.

Q. I only want the truth. It is not very hard to tell that.—A. I do not know as that has anything to do with this case.

Q. We will determine that after we hear it. I only want to know who employed you.—A. In regard to those Saint Louis whisky matters?

Q. Yes. General Babcock is an officer of the Army, and I propose to inquire about him now.—A. Well, I was employed by Mr. Luckey, the private secretary of the President.

Q. What were you to do for Mr. Luckey?—A. To make it as brief as possible, I was to look into the hands of the district attorney there, Colonel Dyer, and see what evidence there was against General Babcock.

Q. You were sent by Mr. Luckey, then, to go out there and inquire what case there was against General Babcock?—A. I was there at the time.

Q. Did Mr. Luckey write to you?—A. No, sir; I met him there at the hotel.

Q. How were you to do it?—A. I was simply to visit the district attorney's office, as I had the run of the office there, and see what evidence there was.

Q. Did you go there and get hold of it?—A. I did.

Q. With the consent of the district attorney?—A. No, sir.

Q. You got it surreptitiously, then?—A. I did.

Q. At the suggestion of Colonel Luckey?—A. Yes.

Q. Did you furnish what you got to Colonel Luckey?—A. I did; that was in November, at the Lindell Hotel.

Q. Was there any other person connected with Colonel Luckey that you know of?—A. A gentleman named A. C. Bradley, of Washington, who said he was acting as one of the counsel for General Babcock.

Q. What information did you furnish Luckey?—A. I told him that the evidence against General Babcock at that time was weak. I did not give him copies of any papers.

Q. Had you read the evidence against Babcock that was in the district attorney's office?—A. O, no; I only knew from what I heard in the office, and what Colonel Dyer himself told me.

Q. Did Colonel Dyer know that you were the agent of Luckey?—A. No, sir; not at that time; subsequently he did.

Q. Did you look over the papers in that office?—A. Some of them.

Q. Did you read them all?—A. I read a good many of them.

Q. Where did you get the papers in the office?—A. On the table and in the drawers.

Q. Was that the secret service that Colonel Luckey told you to render him?—A. It was.

Q. He told you to go there and find——?—A. To go and find out all I could; I wish to state that at that time I believed, from the conversations I heard in the district attorney's office and among many influential men outside, that this attempt to implicate General Babcock was made for the purpose of injuring President Grant, whom I had served as a scout

during the war and for whom I had a strong regard; these men claimed to be strong friends of Bristow; I saw many telegrams that passed between Washington and the district attorney there and others, and it looked that way; I believed that until another matter came up there, and then I thought the parties out there were acting without authority, and perhaps were overanxious, and I believed it until I came to Washington; when I came here I found that I was on the wrong track, and I dropped the case, and I took measures afterward to cause information to reach the President that the idea was wrong.

Q. That Babcock was not guilty?—A. That he was guilty.

Q. You informed the President that Babcock was guilty?—A. I took measures to inform him that I believed he was guilty; I did it because the President himself told me that if General Babcock was guilty he wished to know it; he wished nothing concealed, and he wished him punished. I took the President at his word, and informed him of it, and I got my dismissal in three days afterward. I have got it here.

Q. Had you any conversation with General Babcock in regard to this matter?—A. Frequently; probably a dozen times after I arrived here in December.

Q. That was before the trial?—A. Yes.

Q. If at any time General Babcock admitted to you that he was guilty, please state it.—A. His admission was clear enough. If they wanted me to get evidence out of the office and destroy it, it was clear enough.

Q. Did he admit to you that he was guilty?—A. I told him what Bradley asked me to do in Saint Louis, and instead of dissenting he said that he did not wish me to get the evidence out of that office unless I could get the whole of it; that if I got part of it, it would be worse than none.

Q. What had Bradley asked you to do?—A. He had asked me to get the evidence out of the office and bring it to the Lindell Hotel.

Q. What was to be done with it there?—A. Destroy it.

Q. Was Colonel Luckey present when Bradley told you to do that?—A. I believe not. I believe this was in Bradley's room, No. 165, in the Lindell Hotel. The proposition was made after Luckey came East, in the latter part of November. I went down with Bradley and Luckey to the depot when Luckey went to take the train to go East, and he told me to consult with Bradley; that Bradley was there in the interest of General Babcock; that this whole move was not against Babcock, but against the President, and for me to consult with Bradley and to act with him.

Q. And Bradley told you to get that evidence out of the district attorney's office, and bring it to the Lindell Hotel to be destroyed?—A. He did.

Q. Did you attempt to get it?—A. No, sir; I did not.

Q. Why didn't you?—A. Well, I thought that was going rather too far in the matter.

Q. You had told him all you knew of it?—A. Yes.

Q. When you came back here you say you had a conversation with General Babcock?—A. Yes. I met him at No. 2100 Pennsylvania avenue; [the witness produced a memorandum of the number of the house, given him, he said, by Luckey;] in that conversation I related all I had seen and heard in Saint Louis, and I told him of this proposal of Bradley's; he said he did not want me to get it unless I got the whole of it; that part of it would be worse than none.

Q. If, in your conversation with General Babcock at that place and on that occasion, or at any other place or on any other occasion, General Babcock admitted to you that he was guilty I want you to state it.—A. The matter was talked over between us afterward, and he remarked that if I got it I should be well rewarded. I told him I didn't like to go into it. I also met his counsel, Mr. Storrs. I was at General Babcock's house six or seven times, 2024 G street.

Q. What occurred there when his counsel was present?—A. There was a great deal of talk. I gave them a written report of all that I had seen and heard at Saint Louis. I have not a copy of the report. General Babcock, I suppose, has the report.

Q. What were the main features of that report?—A. I had given them this report previous to this talk about getting the evidence, and up to that time I still thought that the matter was intended as a political move; when this matter came out I dropped it. I left here the 19th of January, and went to New York and did not return until about the 8th or 9th of February. I then took the President at his word, in what he had said in regard to General Babcock's guilt, that if he was guilty he wanted him punished, and I took measures to send him information. However, I have got too far along in the story. After I left Saint Louis I gave the thing up—after Mr. Bradley left Saint Louis, which was a night or two after Mr. Luckey left—and I went to Lexington, Ky. From there I wrote to Mr. Bradley and asked him to return my letter, and he did so, accompanied by the following:

"WASHINGTON, *December* 9, 1875.

"C. S. BELL, Esq.:

"Yours received to-day and herewith returned. I am authorized to request you to come on immediately, and to say that you will be cared for.

"Yours, truly,

"A. C. BRADLEY,
"635 *F Street, Washington.*"

It was intended that I should be appointed special agent in the Attorney-General's Office and sent to Saint Louis to continue my work, and here is the key of the cipher that was given to me to communicate with. [The witness here produced the original of the cipher, published in the New York Herald on February 10, and the key.]

Q. Do you understand this key?—A. Yes, sir.

Q. You say you came on to be appointed in the Attorney-General's Office?—A. Yes, sir; a special agent, and to be sent to Saint Louis.

Q. Were you appointed in the Attorney-General's Office?—A. I was not; but I was to be appointed, and I had a card from the President to Attorney-General Pierrepont similar to the one I had to Secretary Chandler.

Q. A card asking to have you appointed special agent?—A. It did not say so: it said, "This is the man of whom I spoke for that appointment," or something to that effect.

Q. You were not appointed?—A. I was not.

Q. Why were you not appointed?—A. That was about the 15th of December, and the Attorney-General delayed the appointment from day to day, and finally went off with the congressional excursion to Philadelphia, and when he came back it was delayed. I reported to the President two or three times that the appointment had not been made, and I finally found out that the Attorney-General was in consultation with the Treasury officials, and he said that he had ascertained that Mr. Dyer would not consent to my working in his office any longer. I asked the Attorney-General how he knew that. He told me that he had had a conversation with, as he expressed it, a high official that he met frequently. I asked him why he had disclosed my name to that official, and said to him that if I was out there, and the district attorney was inimical to my mission, I could find it out myself. He said that he had casually mentioned it; that this official had come to his house, and they had had this conversation. He said he had my instructions all written out to send me to Saint Louis, and he asked me if I wished to go there under the circumstances, and if I thought I could be of any use now that they know my mission. I said I didn't think I could. I reported that to the President, and it was decided that I could not be of any service under the circumstances if I was appointed in the Attorney-General's Office.

Q. Because Mr. Dyer understood the object of your going there?—A. Yes, sir; I suppose so.

Q. And the object of your going was to get hold of the testimony?—A. It was to see what was going on. I had no intention of taking the testimony. That cipher Luckey gave to me at the presidential mansion one night about the 20th of December.

Q. Is this cipher in Luckey's handwriting?—A. Most of it.

Q. Did you ever communicate with Luckey by means of this cipher?—A. I did not, because I was not appointed by the Attorney-General to be sent there.

Q. This cipher was to be used in case you went out under the appointment of the Attorney-General? You were to be then in Mr. Dyer's office in Saint Louis?—A. Yes, sir.

Q. And this was a cipher by means of which you were to communicate to Colonel Luckey the results; what you discovered in that office?—A. I had a full consultation with regard to it by direction of the President. The President said that if General Babcock was guilty he wanted him punished, but he did not want him persecuted if he was innocent.

Q. How did you communicate the information to the President that you believed that Babcock was guilty?—A. I went three times and tried to have an interview with him and failed, and then I put the thing in a shape that I could get it to him; I got it to him through a newspaper; I put it in that way because I did not care to trust anything in writing in the hands of any one there to go to the President. I had made up my mind that the case was in such a shape that I could do nothing further in it, and I dropped it.

Q. What newspaper did you make that publication in?—A. In the New York Herald.

Q. This [cipher published in the New York Herald] is a *fac simile* of the cipher which Major Luckey gave to you?—A. Yes, sir; you can read the statement at the bottom of it and you will see there what I state about it.

Q. You sent this paper to the President of the United States?—A. I did; I marked a copy and sent it to the President, and I have reason to believe that it reached him.

Q. Did he know that it came from you?—A. I do not know how he could have avoided knowing it, from what had occurred.

Q. Did he know that you had this cipher?—A. I do not think he did.

Q. In your conversations with Babcock in regard to this matter, did you say to him that you had proof of his guilt?—A. No, sir; I told him what evidence was there; other evidence came in just before I left there, and I told him what the evidence was, so far as I knew; he repeatedly said to me that there were papers and telegrams of his which, if the prosecution got hold of, it would be almost impossible for him to explain; that was toward the close of our consultations. I saw him frequently for a period of perhaps three weeks.

Q. Who paid you for the services that you rendered out there?—A. I received very little pay, indeed.

Q. What did you get?—A. I do not know the amount I got without looking over my memoranda.

Q. Did it amount to $100?—A. More than that.

Q. One thousand dollars?—A. O, no.

Q. About how much?—A. Perhaps $200.

Q. Who paid it to you?—A. It was paid to me by Bradley and Babcock.

Q. How did they pay it to you—in cash?—A. Yes.

Q. How much did Bradley pay you of the amount?—A. Sixty dollars.

Q. And Babcock paid you $140?—A. No; he did not pay me as much as that; I said about $200. Perhaps General Babcock paid me $100 in all. I will state that when I went away from Saint Louis I had given up the case, but when I received this communication from Mr. Bradley I gave up a position that was paying me about $200 a month to come on here, and then, after a delay of about five weeks, I received this appointment in the Interior Department.

Q. That you hold now?—A. No, sir; I do not. Three days after I communicated this information to the President I received my *congé*.

Q. But I understand that you now hold an appointment?—A. I do not. On the 16th of February I was notified that my services were no longer required. I will state that I took measures to inform the President of my knowledge of this matter, and after that I lost my commission. I have my letter of dismissal here.

Q. Were you to be employed in the district attorney's office at Saint Louis by Bradley, Luckey, and Babcock, for any other purpose than to attempt to prevent the conviction of Babcock?—A. That was what they understood, but the President did not understand it that way at all; at least I believe he did not. He said to me that he wished me to see what was going on, and if there was any attempt made to introduce forged or false testimony, or any prejudice against the defendant, that he wished to know it, and I was to make my reports to the Attorney-General, and that, if General Babcock was guilty, he wanted him punished. That is what the President said from the start.

Q. Did you tell the Attorney-General that, in your opinion, Babcock was guilty?—A. I had not arrived at that point at that time.

Q. Did you at any time tell him that?—A. No, I did not.

Q. Did you ever tell it to Luckey?—A. I did not.

Q. Did you ever tell Bradley so?—A. It was not necessary. They fully understood the case.

Q. Do you mean that they knew he was guilty?—A. I do not say that. They, however, thought there were many documents in existence that it would be very difficult for him to explain, as they stated to me.

Q. Did you ever take any documents out of the district attorney's office in Saint Louis?—A. I did on one occasion—reports, notes, and memoranda in regard to the Avery matter—but they were chiefly matters that had been published before. I have explained that all to the district attorney, to his full satisfaction. I believe I took one telegram away from there; a telegram from Bluford Wilson; but that has all been explained to District Attorney Dyer; he understands the whole matter, and was perfectly satisfied with the explanation.

Q. He was entirely satisfied with your conduct in trying to get his papers away from him?—A. Well, there is an understanding there, and that I do not know that it is necessary to explain to the committee.

Q. I do not care about it if it would be detrimental to the public service. With whom else did you have any negotiations here in Washington with reference to the Babcock matter save Luckey, Bradley, the Attorney-General, and the President?—A. His counsel, Mr. Storrs; none other that I remember.

Q. No one else took any interest in it here save those people?—A. No one that I remember of. I will state, as I have stated before, that as long as I believed General Babcock was innocent and that an attempt was being made to pull him down for political purposes, I was his friend, but as soon as I found that I was on the wrong track——

Q. By that you mean as soon as you found that he was really guilty?—A. Yes, sir; then I stopped and informed the President, as I have stated to the committee.

Q. As soon as you discovered that he was guilty you quit the case?—A. Well, I have worked with the district attorney since. I was the first man that obtained the telegrams in regard to Hogue's case in Ohio. I discovered them and obtained them, and obtained them as early as September, and that was what commended me to the favorable consideration of Colonel Dyer; and had it not been for the action of the district attorney, Hogue would have been under bond to-day instead of being in Canada free. He thought it would affect the Ohio election.

Q. Did you never have any interviews with a lawyer named Cook about this matter?—A. No, I do not know him.

Q. Or with a man named Benjamin?—A. I do not know him.

Q. Do you know a clerk of General Babcock?—A. I do not know his name; I know one by sight, rather a deaf man, with spectacles. I never had any consultation with him about it. I never mentioned our business in that office at all; the Attorney-General seemed to be averse to this arrangement from the fact that he delayed my appointment from day to day.

Q. That is, he was averse to your going out there to play the spy on Colonel Dyer?—A. Yes; he seemed to be. I went directly from the White House to the Attorney-General with that card from the President, and I stated to him exactly what the President told me, that if there was any innocent party to be persecuted he wished to know it, and that if Babcock

was guilty he wanted him punished. The Attorney General probably had information that I knew nothing of at that time, but I was not appointed; this delay was made, and the Attorney-General told me himself that he had been called upon at his residence a day or two after his return from New York, and stated that he had written out my instructions to guide my action in Saint Louis. The Attorney-General said, "I intended to commission you to-day, but an official came to my house last night, I will say a very high official, whom I meet upon special occasions." I understood him to mean the Secretary of the Treasury, and I pointed out of the window where we were sitting, toward the Treasury Department and said, "If you have said anything in that quarter there no use in my going." The Attorney-General said, "It is not the Secretary, but it is a high official, and," said he, "under the circumstances, it is no use for you to go out there." I said, "No; but you ought to have let me find that out for myself."

Q. You knew, then, that the head of the Treasury Department would not have approved of your going out there to play the spy on District Attorney Dyer?—A. Most assuredly.

Q. You say you got this card of recommendation from the President to the Attorney-General?—A. I did.

Q. When you got that card from the President was it understood between you and him that the purpose of it was to get you an appointment? You were to go to Saint Louis, and through the district attorney's office, and to ascertain whether there was any evidence that would show Babcock's guilt. Was that the object of the President in sending you there?—A. The object, as I understood it, was to ascertain whether there was any reasonable ground for believing General Babcock guilty, and that, if that was so, the President wished to know it, and if he was innocent and an attempt was being made to make political capital out of it, or, in other words, to persecute an innocent man, the President wished to know it; but he trusted in my judgment and I was not report to him but to the Attorney-General.

Q. According to your judgment, the object of the President in sending you there was a proper one, to ascertain whether General Babcock was guilty, but under cover of that appointment the Attorney-General and Bradley, Luckey, and Babcock were going to use you for the purpose of destroying evidence?—A. No; not the Attorney-General.

Q. But the others—Bradley, Babcock, and Luckey—wished you to go there and destroy the evidence?—A. Yes; they wished me to do that. I will say here, however, that I had no intention of going that far, because I thought my first duty was to the President, and, if I found evidence of Babcock's guilt, my intention was, as I proved by my subsequent action, to inform the President of it, as he had requested.

Q. And as soon as you did inform him you were turned out of the position you had received under the Interior Department?—A. Yes; I do not say, though, that the President had any hand in canceling my commission. I only state the fact as it exists.

The witness produced the letters of dismissal, which were read as follows:

"DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
"*Washington, D. C., February* 15, 1876.

"SIR: You are hereby directed to return at once to this office all official papers in your possession.

"Very respectfully,

"CHARLES R. GILL.

"CHARLES S. BELL,
"*No.* 1027 *Chuteau Avenue, Saint Louis.*"

"DEPARTMENT OF THE INTERIOR,
"OFFICE OF THE SECRETARY,
"*Washington, D. C., February* 16, 1876.

"SIR: Your services as clerk of class 1 in the Pension-Office will be dispensed with from and after this date.

"Respectfully,

"Z. CHANDLER,
"*Secretary.*"

The CHAIRMAN. The article headed "The tell-tale cipher" was published in the New York Herald on the 10th of February, 1876.

The WITNESS. I will state that on my arrival at Saint Louis on the night of the 14th of February, I had a consultation with District Attorney Dyer at his house, at which there were present Mr. Day, whom I believe I knew in this city, and Mr. Eaton, assistant counsel; I explained all this matter to Colonel Dyer as fully as I have explained it to the committee, and he understood what I was doing; he knew a great deal of what was going on which it is not necessary to state to the committee.

Q. You were employed on both sides, then?—A. No; not at all.

Q. I thought you said that Colonel Dyer knew what you were doing?—A. He knew what I was doing; there was an understanding, and when Roger M. Sherman came out from Mr. Bliss's office in New York, he got the books and papers in Hogue's case, and it is

susceptible of proof that they were turned over to General Babcock's counsel; and he furthermore attempted to carry out, in the district attorney's office, the mission on which I was to have been sent, but I having informed Colonel Dyer of that mission, Mr. Sherman's efforts did not succeed.

Q. Mr. Dyer having discovered that you were on that errand, you having disclosed it to him, he was careful about other people coming around his office?—A. Yes.

Q. What other persons were employed by Babcock, Bradley, and Luckey in this same service?—A. I do not know of any other. I wish the committee to draw the distinction, if they will, that as long as I believed Babcock innocent I was willing to help him, but as soon as I believed him guilty——

Q. You threw up the sponge?—A. Yes.

Q. Have they paid you any more since you threw up the sponge?—A. No, sir; I have never met them since. I have understood that they desired to see me several times.

Q. Did you ever have any communication at all with the Secretary of the Treasury about this matter?—A. No, sir. I had some with Bluford Wilson before I went to Saint Louis.

Q. Were you careful to conceal your movements from Secretary Bristow?—A. At the time of the inception of the plan and until it arrived at the point I have stated I was.

Q. Did you ever see any other telegrams that passed between Babcock and the members of the whisky ring, save those that were given in evidence against him?—A. I have never read the evidence fully, but I think there were other telegrams that I saw that were not introduced in the case. I saw them in Colonel Dyer's office. I think there were other telegrams, from the fact that before Bradley left Saint Louis it was desired that I should be particular to get hold of any telegrams signed "B. Finch" or "Bullfinch." I never saw them, but after I got here General Babcock told me that when he came to think of it he thought there never had been any with that signature sent to that quarter.

Q. What was the signature that he used in that quarter?—A. "Bab," and sometimes "Sylph." I never saw any other signature than "Sylph" and "Bab."

Q. Why were they not given in evidence?—A. I cannot say; from what I heard in Saint Louis I think an attempt was made to introduce them, but they were fought out by the defense. That is the general impression there, and I think I saw something in regard to it in the papers.

Q. Was it this cipher that you published in the New York Herald February 10, which enabled Mr. Dyer to decipher the dispatches?—A. I do not know that; they did not give the key to the cipher in that article, but it was declared two days afterward in a paragraph; it is a double cipher; the words are misspelled and placed in a certain order, and it would be very difficult to decipher them without a key.

Q. You understood it, however?—A. O, yes; it is explained in the original cipher itself.

Q. Was any other member of the President's household implicated, save General Babcock?—A. General Babcock and Colonel Luckey: I don't think Colonel Luckey had anything to do with the whisky matter; I never saw the slightest evidence of it.

Q. Then, as I understand it, you, Babcock, Bradley, and Luckey were the parties to the scheme?—A. Yes, sir.

Q. And the only parties?—A. The only parties; I don't consider his counsel as parties.

Q. You never heard that Mr. Cook, his counsel, was there?—A. I never heard of his being connected with the case at all.

Q. Did you never see any other person in the President's house, with reference to this matter, save General Babcock and Mr. Luckey?—A. I don't think I ever spoke to General Babcock about it in the mansion; I generally met him at his residence, or at his rooms on Pennsylvania avenue; I went there openly.

Q. Do you know anything about the publication of the Attorney-General's instructions to the district attorneys?—A. Nothing, whatever; I had nothing to do with the Attorney-General's Office after about the first of the year.

Q. You never saw the written instructions that the Attorney-General had prepared for you, when you were to go to Saint Louis?—A. I did not; I know nothing about them, only what he stated to me, that he had prepared them; that was at his residence on Vermont avenue; I met him there once or twice.

Q. How did you happen to be at Saint Louis when Mr. Luckey came out there?—A. I lived there temporarily.

Q. Did you go to see Mr. Luckey, or did he come to see you?—A. I went to see Avery, and Luckey was there; I knew him previously.

Q. How did these negotiations commence between you and Luckey?—A. On account of my negotiations and interviews with Avery; Avery had been a good friend of mine in the Department, and at that time I believed him to be innocent, and I always believed so until he made a statement to me at the Lindell Hotel just before he was convicted.

Q. How soon after Mr. Luckey got into Saint Louis on that occasion did you commence your negotiations with him?—A. I do not know how long he had been there. I suppose it was from the 16th to the 20th of November that he invited me to his room.

Q. Was there any bargain between you and Luckey as to what you were to receive in case you got that evidence?—A. No, sir; I made no bargain with him whatever.

Q. Did he ever make you any promise as to what they would pay?—A. He did not. Be-

fore he left Saint Louis he said that of course I would be very liberally paid. I told him I did not care for that.

Q. Did Babcock make you any promise in regard to it?—A. Not there; he did here; he said I would be liberally paid if I got the evidence off. It was not so much that I was working in his interest as that I regarded the whole matter as a political move at that time, and I desired to serve my old commander if I could. I have very little acquaintance with General Babcock, and I had no special interest or sympathy with him.

Q. If innocent, you wanted to get him off for the sake of General Grant?—A. Yes, sir. I have had fifteen years' experience in this service, and if I think an innocent man is being persecuted I always make it a rule to do all I can to help him; if I think he is guilty I drop the case at that moment.

Q. Do you think that if General Babcock had been an innocent man he would have wanted you to take those papers and destroy them?—A. Well, I have reflected on that matter a great deal. He stated to me that his letters were capable of a double construction, and I thought that a man in familiar correspondence might write letters that could be misconstrued. I knew that a very innocent expression in conversation is sometimes misconstrued to mean something very different from what is intended, but there seemed to be a great deal of this— too many of these misconstructions.

Q. Did he ever tell you any particular thing that he wanted to get?—A. After I spoke to him about the dispatches signed "Bullfinch" or "B. Finch" he said he did not think he had ever sent anything with that signature to that quarter, but he wanted all there was, everything.

Q. You were to take these bodily from the district attorney's office?—A. That was the understanding.

Q. And they were to be destroyed?—A. Yes; but I never agreed to it.

Q. But that is what they wanted you to do?—A. Yes, sir. The evidence taken out of the district attorney's office in the Avery case was carried back, and the thing fully explained; and I succeeded in getting some lines from Avery that aided considerably in subsequent trials.

By Mr. BLACKBURN:

Q. Do you know who Bradley is?—A. I believe he is a brother-in-law of Mr. A. R. Shepherd here. He was sent out there just to be on the watch, as he explained to me; he was acting as one of the counsel, I suppose.

Q. Have you detailed fully the interviews that occurred between you and Luckey in Saint Louis relative to your employment for the purpose which you have indicated?—A. I think I have. He stated to me that General Babcock was innocent; that it was simply a blow at the "old man," and I felt so myself at the time.

Q. Whom did he mean by the "old man," and whom did you mean?—A. The President.

Q. Mr. Luckey said that General Babcock was innocent, and yet they wanted your services to get certain papers out of the district attorney's office?—A That is what Bradley proposed. Luckey told me to consult with him. He told me to get out all the evidence there was.

Q. Did Luckey tell you the same thing?—A. Not at that time.

Q. Did he not at some time tell you that they wanted to make away with certain proofs?—A. I don't think it came up exactly in that shape, but think that it was intimated.

Q. Did Luckey tell you in these conversations anything about Secretary Bristow or his connection with the prosecution?—A. There was a great deal of conversation in that regard. I suppose that the bulk of the conversation tended that way at that time. Mr. Bristow's agency was more intimated in the bulk of the conversation than expressed; it was put in this way: "This is simply a blow at the old man," the President.

Q. A blow from whom?—A. That was understood—from Bristow, because Bristow's friends were very zealous there.

Q. The question between Mr. Luckey and yourself was——A. [Interrupting.] I understood it as a Bristow movement in the start.

Q. That Secretary Bristow was persecuting the President through General Babcock?—A. That the whole matter was in the interest of General Bristow.

Q. Did you learn from conversation with General Babcock that that was his view of the matter?—A. O, most assuredly.

Q. Did he tell you that?—A. Yes, sir; that was talked over several times.

Q. Then, it is true that all the friends of General Babcock that you were in consultation with advanced that view—that it was a war waged by Secretary Bristow through General Babcock on General Grant?—A. That was it; and that was the reason I went into it at the start.

Q. Was Mr. Bradley an active man?—A. No; he is a very quiet man.

Q. Was he very active as a friend of General Babcock's in the matter of his defense?—A. Yes, sir. He told me that he came out there in Babcock's interest; that Babcock sent him.

Q. Do you know who sent Mr. Bradley there?—A. He told me that General Babcock sent him.

Q. Did Mr. Shepherd have anything to do with it?—A. I never heard his name mentioned in the case. It was by accident I knew that Bradley was related to Mr. Shepherd; he told me on another occasion.

Q. Did you ever have any conversation with the President about this matter other than what you have detailed?—A. I had three or four interviews with the President. Up to the time I had my last interview I was firmly of the belief that Babcock was innocent. When I proved to my satisfaction that he was guilty, from what he desired me to do, and remarks that were made, and talk with the counsel and himself and myself, I attempted three times to send to the President, or see him, and failed.

Q. In any of the interviews that you had with the President did you ever learn from him, as you did from Babcock and Luckey, that he held the same views of this prosecution that they did?—A. The President was very reticent; he said very little; he only went on the ground that if Babcock was innocent he did not wish to see him persecuted; he seemed to make a personal matter in regard to General Babcock, but did not seem to have any bias whatever in regard to himself.

Q. Was there ever anything that transpired between you and the President to show that he shared the same opinion that those other gentlemen expressed to you in reference to Mr. Bristow?—A. No, sir.

By Mr. ROBBINS:

Q. Do you know of any special documentary testimony that they wanted to suppress?—A. They told me to get all there was, and to be particular, if there was any signed "B. Finch," or "Bullfinch," to get those. Babcock told me, on my arrival, that he did not think he had ever sent any signed in that way in that quarter. Mr. Bradley first told me about that signature; but even although Mr. Bradley had said this much I was not willing to consider that he was empowered to act to the extent that he said he was, without my seeing his principal, General Babcock. The first thing I mentioned to him when I arrived in Washington was about this matter, and he remarked that he did not think he had sent any "Bullfinch" dispatches in that quarter; and as to getting evidence he did not want it got without the whole of it was got; that to get a part would be worse than to let it alone.

Q. Did you get any at that time?—A. I never did.

Q. What efforts did you make to get it?—A. None whatever.

Q. The remark of General Babcock that he did not think he had sent any telegrams signed "Bullfinch" to that quarter led you to infer that he had sent such telegrams to some quarter?—A. Yes, most assuredly it was understood.

Q. It was understood to mean that. It was only a question of locality where it had gone?—A. Yes. As I stated before, this Mr. Sherman, at Saint Louis, from what I learned there, seemed to have followed in the track that it was designed I should follow, but I had seen the district attorney a day or two before Sherman arrived, and explained what was intended to be done, and he expressed the most perfect satisfaction with what I had done from the start.

Q. There was a systematical contrivance on the part of the indicted man to suppress the testimony against him?—A. Yes, sir.

Q. Did he suppress a portion of it?—A. Yes, as I understood; I don't know of my own knowledge. I only read portions of the reports.

Q. You supposed, from the knowledge you derived from him and his friends as to the tracks he wished covered and the evidence he wished suppressed, that he was unquestionably guilty, if all the facts were known?—A. That is the way I understood it. I don't think he had any delicacy in regard to my thinking so. There seemed to be a dual feeling in the matter. The President had one line of feeling and they another. The President, if he was guilty, wished him punished, but if he was innocent, he did not wish him persecuted; but they wished the testimony taken out of the way, and I do not think the President knew anything about it.

Q. You do not think the President had anything to do with this attempt to cover up the truth?—A. Not at all.

Q. You never heard from any source or quarter that he was a party to the attempt to cover up the truth?—A. I never heard it at all, sir.

By Mr. DANFORD:

Q. When was General Babcock tried?—A. In February.

Q. What time?—A. I cannot give all the dates.

Q. About the 10th?—A. I think he was on trial at that time, if I am not mistaken.

Q. Were you called as a witness?—A. I was not called as a witness.

Q. Why?—A. I went there and laid these matters before Colonel Dyer, and he would have called me if a certain contingency had arisen; that contingency did not arise.

Q. Did you tell him all that you have told this committee?—A. I did.

Q. Did you tell him of Babcock's desire that you should suppress this testimony?—A. I did.

Q. And he did not call you?—A. He did not call me.

Q. What did you think of that contingency?—A. I thought the contingency would, in all probability, arise, and I remained at my house.

Q. What did you think of Mr. Dyer not calling you after you developed all those things?—A. I thought it was all right, because it was believed that they would put a certain man on the stand, and I was to be called in after his testimony was given.

Q. He did not call you then, in chief?—A. No, sir.

Q. Did he offer to call you in rebuttal?—A. He would have called me in rebuttal if this man had come up This man did not come up. Two men did not come up.

Q. Who were they?—A. Well, Mr. Luckey was one. He said there was another one; I do not think he mentioned the name. He said there was two witnesses, and said that Mr. Luckey was one.

Q. He did not see fit to put you on in chief, and he lost his opportunity to put you on in rebuttal?—A. Yes, sir.

Q. In answer to a question of Mr. Robbins, you used an expression that I want to know whether you understand. Do you understand that there was any testimony *suppressed* upon the trial of that case?—A. I do.

Q. Who suppressed it?—A. Well, the ruling of the judges threw it out.

Q That is what you call the suppression of testimony? When the court rules that testimony is improper, you call that suppressing it?—A. Well, I am not a lawyer. Perhaps I used the term unadvisedly. It was ruled out before it came in.

Q. All you mean by the suppression of testimony is that certain telegrams were offered in evidence there, and that the court ruled that they were not admissible?—A. That is it.

Q. You do not believe Colonel Dyer suppressed any testimony?—A. Not Colonel Dyer—no, sir.

Q. You believe that he brought out his full case upon the trial so far as he knew it?—A. So far as he was permitted to do so.

Q. By the court?—A. Yes, sir.

Q. Nobody objecting but the court so far as you know?—A. So far as I know.

Q. Then you came to the conclusion that Babcock was guilty?—A. Yes, sir.

Q. The jury, however, who heard the testimony came to a different conclusion?—A. Yes, sir.

Q. What had you in addition to what was brought out upon the trial of that case, save and except your conversations with Babcock?—A. The conversations with Babcock and Luckey, and Mr. Bradley, and what they desired me to do.

Q. But Colonel Dyer was in possession of those facts?—A. It is not an unusual thing for a case to fail for want of witnesses coming up.

Q. Not at all, sir; it is a very usual thing for witnesses to fail to come up to what they had professed to know previously. Mr. Dyer, however, was in possess'on, before he went into the trial, of the facts you have stated to the committee?—A. No; pending the trial.

Q. Was he cognizant of these facts before he had rested his case in chief?—A. Yes, sir.

Q. After this article in the Herald was published, you were dismissed from your position in the Interior Department by Secretary Chandler?—A. Yes, sir.

Q. I have not had time to read that article in the Herald; does it show that you were to be engaged by Babcock in acting as a spy upon the district attorney's office?—A. It states that exactly.

Q. Don't you think, then, that Secretary Chandler did exactly right in dismissing you?—A. I do not know anything about that. He is entitled to his opinion.

Q. Don't you think that when he learned that you were willing to take the employment of a spy upon the district attorney he would have done less than his duty if he had not dismissed you?—A. Now, you have asked me a plain question. Mr. Chandler knew exactly what I was employed for.

Q. Did he know as much as Babcock and Luckey?—A. He asked me what I went to New York for. Said I, "I went there on matters connected with Babcock's case." Said he, "Did General Babcock know you went there?" Said I, "He did, because I wrote him a letter before I left."

Q. Was that all the conversation you had with him?—A. That is all.

Q. Do you pretend, then, to say that Secretary Chandler knew that Babcock sent you out there to play the spy and steal testimony?—A. He knew how I was employed.

Q. Did Mr. Chandler know that you were engaged in that employment from Babcock, Luckey, and Bradley to go there and act as a spy upon the district attorney, and surreptitiously take testimony from his office?—A. I do not know that he knew the details, because I asked him if it was necessary for me to enter into details, and he said it was not.

Q. Secretary Chandler?—A. Yes, sir; I will say this, that when I was in Saint Louis, Luckey said to me, "If you go through with this thing and look it up I will get you a big appointment in Washington." Now we know old Zack, and when I came here I did not want to go into the Interior Department, because I did not believe it would give me the facilities I wanted.

Q. You wanted to get at Dyer?—A. Yes, sir; I did. I said I would rather go into the Attorney-General's Office, but afterward, owing to the failure of my appointment there, there were some words had, that it would have been better if I had gone to Mr. Chandler's Department first, and I know that Luckey spoke to Mr. Chandler. I was to be ordered to Saint Louis to look after these matters connected with the Babcock trial, but when the Attorney-General broke the thing down there was no use in going there, and I did not go.

Q. Do you state to this committee that you had an appointment from Secretary Chandler n his Department, and that he had knowledge that you were going to Saint Louis to

look into and through Mr. Dyer's office by virtue of that appointment?—A. I do not say that. I never have said that.

Q. You do not desire to be so understood?—A. I did not say that. I was appointed from the White House, and that it was understood that I was to be sent to Saint Louis in Babcock's interest.

Q. Did Mr. Chandler know that?—A. Why, I mentioned Babcock's name to him a half-dozen times, and I asked him if I should enter into details, and he said it was not necessary.

Q. But did he know that he was appointing you in his Department to look through the district attorney's office?—A. It seems to me it would be a good idea to ask that question of him. I don't know whether he did or not.

Q. I ask you, as you are the other party to the transaction.—A. Well, I have stated all that I know. As to his information, you can ask that of him.

Q. And you think that he knew that you received this appointment to go to Saint Louis and look through the office of the district attorney?—A. I have stated all I know about it. I am not responsible for his opinion.

Q. You got that appointment from him about what time?—A. About the 15th of January, but I did not go then; I went to New York.

Q. You were in the Pension Bureau?—A. I will state here that I was appointed for over five weeks, and never received any pension-cases to work upon. The cases were given to me when I left here on the 12th of February, and I was appointed about the 15th of January.

Q. When you left here you were given cases?—A. Yes, sir; but before I got to work at the cases I was removed.

Q. You had never done any work on those cases?—A. Yes, sir; I had made up two or three cases, but I had not gone at it regularly.

Q. Had you ever been in the Interior Department in that kind of employment before?—A. No, sir.

Q. How many conversations did you have with Secretary Chandler about this appointment?—A. I saw him two or three times before I was appointed. There were some delays there as there were in the Attorney-General's Office. He said he was going to re-organize his bureau, and he would then give me an appointment, but it was not desirable that there should be delay, and I spoke of it at the White House, and my appointment was accelerated.

Q. By the card from the President?—A. I took the card there in the first instance.

Q. You have not found that card?—A. No, sir.

Q. Did you ever find the card which you took to the Attorney-General?—A. No, sir.

Q. Did you ever inquire for it?—A. No, sir.

Q. You have stated fully, I believe, that in your judgment the President was acting in good faith in this matter, and desirous that there should be a fair trial?—A. Yes, sir; I think so, fully. I believe he was deceived.

Q. And from all the conversations you had, and all your correspondence with the President, you believe he was acting in good faith?—A. Yes, sir; I do. I do not know anything in regard to my removal. I do not know whether it came from the White House or not. I think that very probably it came from another quarter.

Q. Don't you think it very probable that it came from Secretary Chandler himself?—A. I could theorize upon some facts in my possession, but it is not necessary.

Q. You say that this article states that you were going to Saint Louis, in the employ of Babcock, to look through the district attorney's office?—A. I believe that is the statement, in substance.

Q. Assuming that to be the statement, I suppose the Secretary would have dismissed you on that ground?—A. Probably, if nothing had been said about it, it might have been a different matter—if it had not been published.

Q. The pay that you were receiving for a portion of this time came from the private purse of Babcock and these other parties?—A. Yes, sir; Babcock, Luckey, and Bradley. I received no pay from the Government at that time.

Q. What was the last employment from the Government before you got this appointment from the Secretary of the Interior?—A. I was in the Post-Office Department. I was there from February, 1875, to November 6 of that year.

Q. And you had no appointment from the 6th of November, 1875, until January, 1876?—A. No, sir.

Q. And it was in that interval that you worked in this matter?—A. What I did get I got from Babcock and Luckey, and I expended two dollars for one that I received.

Q. What you did for them was in the interval when you were out of Government employ?—A. Yes, sir.

Q. Did you receive anything from Babcock or Luckey after you were in the Department of the Interior?—A. No, sir.

Q. You drew your pay for the month and a few days that you were in the Government employment there?—A. Yes.

Q. You were asked about the rate of pay that you drew; was that the usual rate? Yes, sir; $1,200 per annum, and, when assigned to special duty, $3 per day for subsistence.

Q. If not on special duty, how is it?—A. Well, they are considered on duty; it is a very difficult matter to decide whether a man is or is not on duty, because very frequently he will do some work each day—write a few lines, or something.

Q. In answer to the question of the chairman you spoke of Mr. Dyer understanding, to some extent, what you were doing out there; what was the full meaning of that remark of yours?—A. Well, sir, as there are other trials to come up, I would prefer to say nothing about that. It is not material to the issue here.

Q. Did he know what you were doing in reference to the Babcock case?—A. He knew that I was going back and forth between them, because I was in his office, and he understood I had rendered him considerable service and given him evidence in some cases.

Q. Did he understand that you were at work in Babcock's interest?—A. I do not know that he understood it in the light in which it really existed.

Q. He did not understand it in the light that Babcock and Luckey understood it?—A. No, sir; of course not.

Q. He understood, however, that you were in Babcock's interest. You think he understood that fully?—A. No; you haven't got the matter in the shape it was in, exactly. There were several cases in hand at that time.

Q. I want you to state whether District Attorney Dyer knew that you were in Babcock's interest.—A. No; he did not, of course.

By the CHAIRMAN:

Q. You have said that after you received your appointment on the 5th of January, from the Interior Department, you went for General Babcock to New York?—A. Yes; there was a matter that he desired me to look into.

Q. What was that matter?—A. I would prefer not to answer that question; it is not material to this. It is a personal matter, not material here.

Q. Did it relate to his connection with the whisky ring?—A. No, sir.

Q. Did you go to attend to it while you were in the employ of the Government?—A. Yes, sir.

Q. You were on "special duty" then?—A. It might have led to something else.

Q. And you did no other duty during that month and ten days than to go to New York for General Babcock?—A. No; I remained here in the city ten or twelve days.

Q. But did you render any other service during this forty days that you held office?—A. That is all I did.

Q. Did you ever show to Babcock this cipher which you got from Luckey?—A. I don't think I ever did. I mentioned it to him.

Q. Did you talk to him about it?—A. O, yes. That was given to me before his arrival from the West.

Q. Did you talk to him about this cipher?—A. Yes.

Q. Did he understand the cipher?—A. No; I do not suppose he could read a message sent in that; the cipher is never made twice alike.

Q. Did he ever explain to you why he signed himself Sylph?—A. No, sir.

Q. Did you ever have any conversation with him regarding the words used in this cipher published?—A. No, sir; I do not think that was mentioned. I merely mentioned that Luckey had given me a key.

Q. Have you ever had any discussion with General Babcock, or Mr. Luckey, or Mr. Bradley, with reference to your pay for services rendered them, since then?—A. Not a word.

Q. You have never demanded of them any other compensation than that which you have received from them?—A. No, sir; not since I ceased connection with the case; not since the 19th.

Q. I merely wish to ask you one question with reference to your visit to New York; had it any relation with General Babcock's connection with the Government in any way?—A. No, sir.

Q. A purely private matter with General Babcock?—A. Yes, sir.

Q. No relation to his character or standing as an officer?—A. It came more from Luckey than Babcock—to ascertain some information of a private character.

Q. If it does not relate to him as an officer of the Government I do not want it. Have you ever narrated this statement of facts to any one save the district attorney and to ourselves?—A. No, sir.

Q. This is your first full statement?—A. I have mentioned some particular points of it, perhaps, to a confidant of mine, but never have given a full statement.

Q. Have you ever seen the President since you gave up your connection with this thing?—A. No, sir; I have never seen him since early in January.

Q. You saw him after you received your appointment from the Interior Department, didn't you?—A. I believe I did once.

Q. Did he know that you had the appointment?—A. I think I mentioned it to him. I think I made some remark in regard to the pay. It was understood if I went into the Attorney-General's Office the salary would be commensurate with the services required. I am free to say the per diem was not.

Q. What salary were you to receive after you got into the Attorney-General's Office?—A.

I supposed the salary would be eight or ten dollars a day. There is no limit to it there. You are paid according to the services rendered. I have known a man to be paid as high as $20 a day.

Q. You say you carried a card from the President of the United States to the Secretary of the Interior, commending you to his consideration as one in whom he had trust. Was that an ordinary card, printed?—A. There was nothing printed on it at all. It was a blank, about two and a half by four inches, written in pencil, and signed "U. S. Grant."

Q. Was it written by a private secretary?—A. Written by himself—both cards were.

Q. You say you never made search for the one that was in the Attorney-General's Office?—A. No, sir.

Q. You did make search for the one you carried to the Secretary of the Interior?—A. Yes, sir.

Q. How soon after you had delivered it to the Secretary of the Interior did you go to search for it?—A. I think it was the day following.

Q. What made you go the day following?—A. Well, the office is visited by quite a number of persons, and in the absence of the Secretary, after office-hours, I thought it might fall into improper hands. I intended to retain it, but forgot.

Q. When you went back, a day or two afterward, was the Secretary of the Interior there—Mr. Chandler?—A. Yes, sir; and he tried to find it in his pockets, but he could not find it, and he called his law-clerk in the office, and he examined all the cards on the table. Then they called the messengers, and sent to the appointment-office and to the Assistant Secretary's, and over to the Pension-Office; but he could not find it.

Q. You had no other recommendation for that appointment than the card from the President of the United States?—A. That is all I ever took there. They asked me afterward. The appointing clerk told me it would be a good idea to file other papers. I told him about this, and, said he, "Just take a card and write the substance of the President's recommendation." I did, and I don't know but it may be there now.

Q. Then you say that Luckey and Babcock had had conversation with Secretary Chandler in regard to your appointment?—A. I do not think Babcock had. Luckey and the President spoke to him in person about it.

Q. How do you know that?—A. Luckey told me so at the White House, and the President told me he would speak to Mr. Chandler.

Q. Did he say that he had explained to him why he wanted you appointed?—A. He said that he wanted me appointed and ordered to Saint Louis.

Q. Did he tell the Secretary why he wanted you ordered to Saint Louis?—A. That is a matter that I do not know. He told me that it would be all understood. I have mentioned Luckey's and Babcock's names to Mr. Chandler several times.

Q. In what connection did you mention them?—A. I asked him if he knew how I was appointed, and he said, "Yes." When I came back from New York, my account was suspended for the time being, or rather it required approval. I spoke to the Secretary about that, and he asked me if General Babcock knew that I had gone to New York, and I told him he did. He said that was sufficient, and then I went back to the clerk's office of the Pension Bureau, and got my account up, and I thought I would make sure of it, and I went to see Mr. Cowan and got a card, and it went right through.

Q. You were allowed your pay then?—A. Yes, sir.

Q. And the only ground for getting your pay was what you told Secretary Chandler?—A. They wanted to know where I had been.

Q. Did you tell them you had been on private business for Babcock?—A. I told him I had been at New York on business for General Babcock, and asked him if I should go into details, and he said it was not necessary.

Q. Do you know of any other clerks in the Interior Department being employed for Babcock at that time?—A. No, sir.

Q. Do you know of any in the Department of Justice?—A. No, sir.

Q. Were you appointed in that office for any other purpose than to help to work up the Babcock matter?—A. Well, I supposed I would remain in the office indefinitely, and go at pension work.

Q. That was what was promised you; that appointment was a part of the consideration that you were to receive for destroying those papers?—A. I supposed they would give me that whether the papers were destroyed or not.

Q. But they took it right away from you when you did not destroy the papers?—A. No; I suppose they took it away from me because of this publication.

Q. What induced you to publish this?—A. I desired tha the President should know it. I could not get it to him in any other way, and did not care to trust it to any one to pass it to him.

Q. You say you attempted to get into the White House several times; did you ever send your card in?—A. I did.

Q. Whose hands had it to go through?—A. I believe it went through Luck y s hands once or twice, and through Mr. Jones's.

Q. How do you know that it went through Luckey's hands? A. I handed it to Luckey

at one time in the antechamber, and he went to the President's room and came back and said that the President was engaged and would see me another day.

Q. What reason did you have to suppose that Luckey would destroy any letters you might write on the subject?—A. I did not have any reason at all, but I thought the precaution a matter of prudence.

Q. Did you think that was the most discreet way of informing the President?—A. I did not, but after finding myself thwarted, and the way I was treated, I took my own measures. I do not claim that it was discreet at all. I did it with the full belief that when it came out I would lose my place, and I didn't care anyhow.

Q. Did you tell Babcock and Luckey that you would publish this thing if they didn't do what you wanted?—A. I never made a threat to them in my life, nor to any man.

Q. Did they know you were going to publish this thing in the New York Herald?—A. No, sir; I suppose they were as much astonished as any one else.

Q. Did you tell any other person or persons that you intended to make this publication?—A. I may have done so; I don't remember.

Q. Did you consult with any one about it?—A. I don't remember; I might have done so.

Q. If you did, try to remember who it was.—A. I cannot remember that I ever did.

Q. You are not certain that you did not?—A. I am not certain that I did not.

Q. Did you take the article and hand it for publication yourself?—A. I did not write the article.

Q. Who wrote the article?—A. I do not know.

Q. To whom did you give the cipher on which the article is based?—A. I gave it to one of the officials of the New York Herald.

Q. Did you give it to them in New York?—A. Yes, sir; it was probably nearly three weeks after I left here before I did it. I did it after long deliberation.

Q. You left here, you say, about the 10th?—A. I left on the 19th of January, and went to New York.

Q. How long did you remain there on the private business of General Babcock?—A. O, I did very little for him there—almost nothing. I had made up my mind to take this step, and I took steps to obtain employment in another quarter, so that when this thing exploded I would have something.

Q. When you went there on the 19th of January, did you, before you returned, placthis key in the hands of the people of the New York Herald?—A. I did.

Q. Therefore, when you came back to Washington to draw your pay, this was in the hands of an official of the New York Herald?—A. Yes, sir.

Q. It was published on the 10th of February?—A. Yes.

Q. Why was it published at that particular date?—A. I do not know.

Q. Why was it not published before, if you gave it right after you went there on the 9th of January?—A. I did not give it until some time in February.

Q. How many days before its publication did you give it?—A. Probably two or three days.

Q. Were you paid anything by the Herald for this key?—A. Not at that time.

Q. Have you been paid since?—A. I have.

Q. If so, how much?—A. Is that material? I made no charge for the matter, but I was in New York a few days ago, and I was paid $50 for it.

Q. You made no bargain for it at the time you gave it?—A. O, no; I said nothing about it. I told them if they could use it to do so. I did not intend to give it at first. I showed it to one of the editors of the Herald, and he was very anxious to get it. I told him I did not feel disposed to give it up then; but I had made up my mind to disclose this to the President, and I knew I could not stay in the service, and I concluded to let him have it.

Q. You returned here prior to the 15th of February, on which day you started for Saint Louis. Now how long were you in Washington prior to the publication; how many days?—A. I think I had been here a day or two.

Q. On one of those days that you were here prior to the appearance of the article did you go to the White House and try to see the President himself?—A. I did.

Q. And you could not get to see him?—A. No, sir; I could not get to see him.

Q. Was it your intention to tell him what you had done in New York?—A. Exactly. I saw Col. Fred. Grant and had a talk with him and desired to get to see the President. I told him I had a matter of importance that I desired to see the President about, and he went in and saw the President, and came out and said that he was engaged.

Q. You spoke of three times you went to give the President some information; was that prior to the 19th of January, when you went to New York?—A. Yes, it was, of course.

Q. It was prior to the 19th of January that you sent in your card through Mr. Luckey and could not get in?—A. Yes.

Q. Was the reason of your putting this in the hands of the Herald man for publication the fact that you could not get access to the President to give him this information?—A. That was it.

Q. Did you ever, when you were in New York or Washington, prior to the publication, in-

form Babcock or Luckey, or anybody for them or through them, that you intended publishing this thing?—A. No, sir.

Q. Have you ever received from anybody any sum or sums of money for the publication of this article other than as you have stated?—A. No, sir; and only received that a few days ago.

Q. Had you bargained to receive that much money?—A. No bargain whatever. He wanted it.

Q. How did you happen to go there and get $50?—A. Well, I had written some other articles for the Herald and there was something due me, and that was mentioned and they paid me in bulk.

Q. Then it was not $50 for that article alone?—A. There were other items besides, but that was stated at $50.

Q. Are you one of the staff of the New York Herald?—A. No, sir; I contribute for them occasionally.

By Mr. ROBBINS:

Q. You were originally employed to befriend Babcock, and get him out safe?—A. Yes, sir.

Q. But when you got to Saint Louis you played into the hands of the prosecutor of Babcock?—A. You have not been here, probably, through my examination.

Q. You can answer that easily?—A. I had dropped Babcock's case long before that.

Q. That is not the question. When you went to Saint Louis you played into the hands of Mr. Dyer, who was prosecuting Babcock?—A. I did not.

Q. I understood you to say a while ago that you communicated to him these transactions and what had been said by Mr. Babcock?—A. After I threw up Mr. Babcock's case, after becoming satisfied that he was guilty, I then deemed it my duty first to inform the President, whom from the start I had endeavored to serve. After the publication of this article I went to Saint Louis and interviewed the district attorney, and told him he facts. I did not arrive at the facts in General Babcock's case all at once.

Q. I did not ask you anything about that; I asked you if you did not go to Saint Louis and tell Mr. Dyer things the tendency of which was to make more effectual the prosecution of Babcock?—A. Yes, sir.

Q. Then you could have said so at the start?—A. Well, I did not want to put it in that shape, that I was playing into his hands.

Q. It seems, then, that you changed front in regard to General Babcock. At the time you first commenced with the case you were on one side, and when you finally got through with it you were on a different side?—A. Well, I prefer to divide that question.

Q. I prefer you should answer the question.—A. I say I did not.

Q. You were first befriending him, and afterwards not befriending him; is that so?—A. If you will divide the thing, you can then get an answer in two seconds.

Q. I want an undivided answer to an indivisible question. You first befriended Babcock, and afterwards did not befriend him. Yes or no to that?—A. I cannot answer that question. If you let me answer it in my way I can answer it.

Q. Answer it in your ownway.—A. I befriended him as long as I believed he was innocent, and when I found he was guilty I thought that my duty to the law required me to assist the prosecution, otherwise I would have been accessory after the fact.

Q. That is explaining the reason why. I asked you to state the fact, and I was going on afterwards to ask you the reason. Now you have confessed that you did occupy different positions on that case?—A. If you had given me that assurance I would have been perfectly willing.

Mr. ROBBINS. I will give you an assurance of treating you fairly.

The WITNESS. That is all I desire.

Q. I understand you to say that you were appointed in the Interior Department with the knowledge, on the part of the Secretary, that you were going to do that service in the Babcock case; that he must necessarily have been informed of the fact that you were going to befriend Babcock and help him out of that difficulty?—A. I cannot answer that directly, because I cannot state what the Secretary knew; I do not know that, but from the circumstances I think he, of course, must have known that there was a reason for my being sent to Saint Louis, and my appointment coming in the shape it did, and at the time I was appointed.

Q. Mr. Danford asked you a while ago if you were not turned out for that reason. I understood you to say you were *appointed* for that reason. Is that so?—A. I know, in my own mind, why I was appointed; I was appointed to go there in the interest of General Babcock.

Q. You were not turned out for doing that, but you were appointed for that very purpose for which Mr. Danford tried to get you to say you were turned out?—A. That is what I understood.

Q. What were you turned out for?—A. I suppose for disclosing the fact that I believed General Babcock was guilty: that is my belief; perhaps it was for the method I took.

Q. It was not, then, for helping Babcock out of the scrape and going there to assist him

that you were turned out, but because of your finding out that he was guilty and not befriending him any longer?—A. That is as I understand it.

Q. Did you say that you communicated to the district attorney the fact that Babcock had been trying to get you to suppress evidence?—A. Yes, sir.

Q. And that you communicated that fact to him before he closed the case on the examination-in-chief?—A. Yes, sir.

Q. Why did not Mr. Dyer put you on the stand to testify to that conduct on the part of the defendant?—A. That is outside of my knowledge. I can tell you my reason.

Q. Did he communicate any reason why he would not do it?—A. It was understood that in case Luckey and another witness were put on in Babcock's behalf, I was to be called in rebuttal, and it was believed Mr. Luckey was going on the stand.

Q. Did the President know anything about your being appointed under the Interior Department with the view of your helping Babcock?—A. The understanding was that he wished me appointed and sent to Saint Louis to observe events there, and if any innocent person was being persecuted he wished to know it, but did not wish any guilty person to escape punishment. That was the full understanding. You will bear in mind that there was an understanding outside of the President's. I do not suppose he knew anything about that understanding between Babcock and Luckey.

Q. I want a direct answer to the question whether the President used his influence to have you appointed in order that you might be sent to Saint Louis to aid in the Babcock case?—A. No, sir. I did not understand it in that way.

Q. He did not do it, you say?—A. I did not understand it in that way.

Q. What was his object in having you appointed?—A. He wished me to go there and report the facts as they existed.

Q. Why did he want you appointed in the Interior Department?—A. The understanding was that I was to be appointed and ordered to Saint Louis, and I was to report what occurred there. If Babcock was guilty, he wished to know that. If he was innocent, he wished to know that.

Q. Then you were appointed in the Interior Department at the President's instance, that you might go to Saint Louis as an observer to report in connection with the trials going on?—A. Yes.

Q. And the Babcock trial was the one that was going on?—A. That was the only one that was going on that I had any reference to.

Q. I understood you to say that you went to New York on private business for General Babcock while you were in Government employ and under Government pay. Is that so?—A. Some time previous to that it had been desired that I should go to New York, and I wrote him a note that I was going to leave that night that the matter might finally tend to this thing——

Q. It is mighty hard for you to answer a question as it is asked.—A. Well, upon my oath, this was a matter not connected with this case.

Q. I have never asked what the matter was. I have asked you if you did go there on private business. You went on Government pay. You can say whether you did or not without talking all around the country.—A. Yes, sir; I did.

Q. Tell what that business was.

The CHAIRMAN. I do not think the witness ought to be called upon to answer about a private matter which he swears has no relation to the subject-matter of inquiry.

Mr. ROBBINS. It seems to be private business transacted at the public expense.

(After some discussion Mr. Robbins withdrew the question.)

By Mr. DANFORD:

Q. You got fifty dollars for that bit of news you gave the Herald?—A. Yes.

Q. Don't you think that had as much to do with giving it out as your desire to inform General Grant of what you knew about Babcock had?—A. Why, I had no idea of getting anything at all for it at the time I gave it.

Q. You have only recently discovered that it was so valuable?—A. It was their own proposition to pay for it.

Q. You never charged them anything?—A. I never charged that.

Q. Do you never charge the Herald for anything?—A. If I write a general article, I do.

Q. Did you ever give out anything in your life that was of more importance to the Herald and to the country than that bit of news?—A. I don't know.

Q. And didn't you expect ever to get paid for it when you gave it out?—A. I do not think I did. I did not think about it. I left the paper in his hands and I telegraphed from Saint Louis for it.

Q. Is this not a fact that was notorious upon the trial of Babcock's case in Saint Louis, that both the prosecution and the defense were so suspicious of you that they would neither of them put you on the stand for fear you would betray them?—A. No, sir.

Q. Is not that just the position you occupied upon that trial, and is not that the reason that Mr. Dyer did not put you on the stand?—A. No, sir; he never said so to me.

Q. Was not that a matter notorious there, that Mr. Dyer was afraid to put you on the stand, and the defense also, for fear you would betray them?—A. Not at all, sir.

Q. And did you not occupy the same equivocal position there that you do here?—A. I do not know that I did at all. I know Mr. Dyer intended to put me on in rebuttal.

By Mr. BLACKBURN:

Q. You have spoken of parties to whom you showed certain papers that you got out of the district attorney's office at Saint Louis; did you get any papers from the Attorney-General's Office here?—A. No, sir.

Q. To whom did you show those papers?—A. To Avery.

Q. Did you not show them to anybody else?—A. No, sir.

Q. You did not show them to Babcock or Luckey, or Babcock's counsel?—A. No, sir; these were away only about half an hour; there was nothing in them amounting to anything.

Q. Were they papers in the Avery case?—A. They were reports of Jesse B. Woodward and some other parties in Saint Louis as early as 1873. Avery's name was not mentioned in them at all.

Q. Were they valuable in the defense of the Avery case?—A. No, sir.

Q. Only in this case?—A. Not in any case at all. They were a mere outline of the whole whisky ring.

Q. They were, then, valuable in all those cases?—A. They were reports that had been published, some of them in the Saint Louis papers.

Q. You got no papers from the district attorney's office except such as had been published previously?—A. I think most of them had been. They lay right upon the table.

Q. I understood you to say a while ago that Roger M. Sherman was sent to Saint Louis after you left the case, to follow up the same round of duty that you were expected to perform?—A. He seemed to have attempted the same line.

Q. I understood you to say that you had some proofs of that?—A. No; I have not.

Q. What evidence did you have of that fact?—A. I saw some things that were said in the court recorded in the daily papers, and Mr. Dyer spoke very strongly about it. I saw some documents published in the papers, and he (Sherman) had some words with Mr. Eaton, the assistant counsel.

Q. And those were the considerations that produced in your mind the conclusion that his duties there were the same that you were expected to perform?—A. Yes, sir; following out the same line.

The CHAIRMAN. After consultation the committee have concluded to require the witness to answer the question put by Mr. Robbins and withdrawn awhile ago.

By Mr. ROBBINS:

Q. What was your mission to New York?—A. Well, it was to ascertain the authorship of certain newspaper articles sent from Washington here.

Q. It was supposed, then, that they emanated from certain quarters, and they wanted to ascertain whether they did or not?—A. Yes, sir.

Q. And that quarter was the Treasury Department?—A. Yes, sir.

Q. Babcock was anxious to see whether he could trace this to Mr. Bristow or to Bristow's influence?—A. No, sir; I did not say that. There might have been other parties in the Treasury Department at that time.

Q. Well, to the officials of that Department?—A. Yes, sir.

Q. That was all?—A. That was all.

By the CHAIRMAN:

Q. What papers did those articles appear in?—A. They had appeared, I believe, particularly in the New York Sun.

By Mr. ROBBINS:

Q. You did not ascertain the authorship?—A. I did not take any steps to ascertain.

Q. You went there to ascertain?—A. I went, but I did not take any steps to ascertain.

By Mr. DANFORD:

Q. How did General Babcock expect you to find out; to go and look over the books to find the handwriting?—A. I do not know. He gave me no instructions.

Q. You undertook the mission?—A. I did.

Q. How did you expect to perform that mission?—A. Well, I do not know that I undertook it altogether.

Q. You had some connection with some New York papers yourself; that is, you had written some articles for them occasionally?—A. Yes, sir.

Q. And it was because of certain knowledge that you had of those papers and of their employés that you were sent?—A. I suppose so.

Q. And you expected to use that knowledge for the purpose of finding out their correspondents at Washington?—A. I did not expect to find that out.

Q. Then it was Babcock that you were fooling that time?—A. It may have been.

Q. You are generally "going back" on some one of your employers, are you not?—A. I did not say so.

WASHINGTON, *April* 1, 1876.

DAVID P. DYER, United States attorney for the eastern district of Missouri, sworn and examined.

By the CHAIRMAN:

Question Do you know one C. S. Bell, who testified here yesterday?—Answer. I have seen him.

Q. Please state generally what you know of him and his intercourse with you.—A. The first time that I ever met Mr. Bell was in my office at Saint Louis, in the latter part of the fall of 1875; I think during or about the time of the trial of William O. Avery. He came to the office, and, upon one occasion, exhibited to me an envelope with a note on the back of it purporting to be signed by William O. Avery. I understood it to have been addressed to Joseph M. Fitzroy. The exact words of the note I do not recall, but it was to the effect that he was to deliver to Bell any papers or telegrams that he might have in his possession; that Bell showed it to me, as I then understood, to assure me that he was seeking to get testimony for the Government in these cases. In the course of this conversation Bell said that he would probably go to Jefferson City to see Joyce, and, if possible, get from him the correspondence that had taken place between Joyce, Avery, and Babcock. I think that I wrote a pencil-note to the warden of the penitentiary, asking him to let Bell see Joyce in case he went there, not mentioning Bell's name in the note, but probably using the word "bearer." I do not think that Bell went to Jefferson City. If he did I have no knowledge of it. He left Saint Louis soon after that time. He telegraphed and wrote me once or twice, and, I think, desired some employment in the Government service to go somewhere—I do not recall where; at any rate I made no recommendation, nor did I answer either of the dispatches or letters, and he subsequently came to Saint Louis in January or February. During the trial of General Babcock, or about the time that he was to be tried, I met Bell at the house of Mr. Eaton, who was employed as special counsel on the cases at Saint Louis, and there I had a conversation with him, in which he told me that, during the Avery trial, or about that time, he had taken from my office a package of papers marked "Avery," and had taken them to the Lindell Hotel and there exhibited them to Avery and Avery's wife. I questioned him at the time as to the character of the papers that he said he had taken, with the view of testing the truth of his statement to me. He stated there were certain letters from a man named Woodward; that there was a pencil-memorandum of facts from Bluford Wilson, the Solicitor, as to the testimony that could be had in the Treasury Department, and a dispatch from the Secretary of the Treasury. The dispatch from the Secretary, as I understood, was to Bluford Wilson, asking him to bring me to the Secretary's room. These papers and dispatches I recollected having had in my possession, and when he described them with this particularity I was satisfied that he knew, from some source or other, that these papers were in my possession. In the course of that conversation he also asked me if I had any dispatches of these people in my possession signed "Bullfinch," or "B. Finch." I answered no, that I had not. He then told me that he had certain documents in his possession which would corroborate, to a great extent, statements made to me at that time. These papers, &c., he claimed to be in the city of New York, but said he had telegraphed or written for them to be sent by express to him in Saint Louis. He described to me the papers that he referred to as being in a cipher, for the purpose of sending dispatches, which he claimed to be partly in his own handwriting and partly in the handwriting of Mr. Luckey, and a fac-simile of which he claimed to have had published in the New York Herald a few days before then. He claimed that he had a letter from a man named A. C. Bradley, telling him to come to Washington and that he would be cared for here. The Babcock case was being tried, and in the course of this conversation he also told me about a proposition made to him by Mr. Luckey, and a conversation that he had with General Babcock in reference to getting evidence from my office. All of that conversation I am not able to give in detail, nor the exact words that he used, but the sum and substance of it was that a proposition had been made to extract from the office of the district attorney in Saint Louis the documentary testimony that had been gathered for the prosecution of that case.

Q. A proposition by Mr. Luckey and General Babcock?—A. By Mr. Luckey and General Babcock, as I gathered from him; these corroborating papers that he then claimed to have were not in his possession at that time, but they were subsequently placed in my hands, probably two or three or four days afterward; the papers were a cipher and a letter, purporting to be sent by Mr. Bradley; those papers I had in my possession until recently, and I delivered them to a gentleman in Saint Louis, whose name I cannot now recall, upon an order of Bell's, a letter written to me, and a letter written to the party to whom I delivered them; I took a copy of the letter of Bradley, and a memorandum of all the papers that I delivered to this man, and took a receipt for them; I have not seen the papers since; I would recognize them if I were to see them again.

[Mr. Bell here produced the letter from Bradley and the cipher testified to by him yesterday, which were shown to witness.]

Q. Is that the paper (the cipher you had in your possession?—A. Yes, sir.

Q. Is that the letter purporting to be from Bradley?—A. That is the letter that was in my possession.

Q. Had you any consultation with your associate counsel as to the propriety of calling Bell as a witness in the Babcock case?—A. I had; during the first part of the trial these papers were not in the possession of Bell, and my best recollection now is that after the Government had closed its case in chief, or about that time, these papers were placed in my hands. I discussed with Mr. Brodhead and Mr. Eaton the propriety of introducing Bell as a witness-in-chief; we regarded the statements made by him as very important, if true, and we discussed the matter fully. There were three reasons why we did not introduce him. First, at that time we did not have the papers that he said he had had in his possession to corroborate his statements; these papers now here are the papers I mean. The second reason was that from the statement made by Bell of his having taken the papers in the Avery case from my office, we were not quite sure whether we could trust him or not. The third reason, and the one that controlled our action, was the fact that Luckey, who was there and with whom the negotiations were had, as Bell alleged, we expected to be called for the defense, and we determined not to call Bell in chief in the trial, nor to exhibit these papers that have been exhibited here; but in the event that Luckey should be put on the stand as a witness, we determined to confront him with this cipher dispatch, which was alleged to be in his own handwriting, and with his knowledge of Bradley's connection with the matter, and then to call Bell in rebuttal; that was the plan of the prosecution in the case, and we all agreed that that was the safer and the better course to pursue. We determined to use Bell in rebuttal in case of Bradley's or Luckey's introduction as witnesses. That is the reason he was not called in chief; and as Luckey and Bradley were not called as witnesses by the defense, of course we could not call Bell in rebuttal; that was the reason we did not introduce him as a witness.

Q. Otherwise you would have done it?—A. Otherwise we should have done it.

Q. Have you read the account of Bell's testimony here?—A. I have glanced over it in the Washington papers.

Q. Did you see any statement made in that testimony which did not agree with your knowledge of facts as far as he has narrated them?—A. I think the statement in the papers yesterday afternoon, of the facts as given by Bell here, were substantially the same statement of facts given by him to me in Saint Louis. I notice that he stated here that the interview was at my house; that was not true; it was at the residence of Lucien Eaton, who was of counsel. As to the statement that he observed dispatches in my office that were not used in evidence in the Babcock trial, I don't think he saw any dispatches in my office that were not either used on the trial or offered in evidence.

The CHAIRMAN. That is what Bell testified here—that they were offered and ruled out.

The WITNESS. I was very cautious about the original dispatches after they came into my possession. They were put in a box. I was afraid of some such exploit as seemed to have been performed in the Avery case, and I was cautious enough to take that bundle of dispatches and deposit them in the safe-deposit vault, and take a receipt from the man that kept the vault.

Q. Did Bell at any time furnish you with any dispatches which were of value to you from Cincinnati or elsewhere?—A. He furnished me a lot of copies of dispatches which were subsequently introduced or referred to in the Babcock trial, known as the "Bixby dispatches." He sent them to me from Ohio, I believe. I received the dispatches, at any rate, with a note from Bell.

Q. You say he made inquiry of you as to whether you had any dispatches signed "Bullfinch," or "B. Finch?"—A. Yes, sir.

Q. Did he give you any reason why he did not think you had them?—A. Yes, sir; he said in a conversation with me that General Babcock had asked him whether I had in my possession any dispatches signed "Bullfinch" or "B. Finch," and I think he told me that he said no, he did not think that I had; to which Babcock replied that he did not recollect whether he had sent any dispatches signed "Bullfinch" or "B. Finch," or written letters signed that way—one way or the other. Bell, during the Avery trial, was in my office, as I subsequently learned, and I suppose was seeking information by examining papers in my desk; and a man whom I had in my employ, named Wiseman, happened to be there at the time, and he notified Bell that he could not examine any papers in the office while I was out; and Bell excused himself by saying that he was hunting for a match that was in the drawer to light a cigar with. So I understood when I came in.

Q. I understand you to state that the evidence in chief against General Babcock had been put in and the case closed before you received this letter purporting to be signed by Bradley, and this cipher?—A. That is my recollection.

Q. And it was for that reason that Bell was not introduced in chief?—A. Well, I would not say that. We discussed the question as to whether we would introduce him in chief; we might have introduced him if we had had the corroborative facts to use at the time, but we fully expected that Mr. Luckey would be introduced as a witness for the defense, and our theory was, of course, that Luckey knew about this transaction, as well as Babcock, and we did not want to prevent the defense from putting Luckey on the stand. Indeed, we

were rather desirous that he should be called, and we thought, upon the whole, that it was better that the testimony of Bell should be used in rebuttal altogether.

Q. Was Luckey subpœnaed as a witness in that case?—A. He was, I think. I subpœnaed him for the Government myself, and I think he was for the defense also. I don't recall exactly what I subpœnaed him for.

Q. Was Bradley subpœnaed too?—A. Not by the Government.

Q. Was he for the defense?—A. I so understood, but I have no means of information on that subject. A great many men appeared there as witnesses, and I do not know Bradley, and would not know him if I should see him now, and don't know, in point of fact, whether he was in Saint Louis or not. A great many men appeared as witnesses whose names were not left with the clerk to be subpœnaed, and of course I don't know who was subpœnaed.

Mr. Bell was present at the examination of Mr. Dyer, and by permission of the committee asked the following questions:

Mr. BELL. The question was asked here yesterday if it was not because of my general unreliability that I was not called on either side. I wish to ask Colonel Dyer if he did not have enough confidence in me to call me in rebuttal?

Mr. DYER. O, well, I have very clearly stated that that was the purpose. Of course, we appreciated this fact, as every lawyer must appreciate it, that when the witness gets upon the stand and says that at one time he has extracted papers from the district attorney's office and carried and shown them somewhere, he is not a man one would desire to fasten to all the time as a witness-in-chief; and it was for that reason that we desired papers to corroborate his statements.

Mr. BELL. You were satisfied to use me?

Mr. DYER. O, yes, we would have used you; no trouble about that. Mr. Bell stated these facts to me during the trial, and of course, as a cautious man, I wanted a little corroborative testimony.

Mr. BELL. Let me ask you whether, in work of that character, it is not necessary for a man to take extraordinary measures for the purpose of extracting information?

Mr. DYER. Well, I have never been in that business, and cannot say.

Mr. BELL. You are well enough informed to know that a man must do that.

Mr. DYER. I have never found it necessary, in the course of my practice, either as prosecutor or otherwise, to hire men to destroy the evidence of my opponents, and I don't think I would ever be engaged in such practice.

Mr. BELL. No testimony was destroyed.

Mr. DYER. Not at all; but I would not engage any one to do it. I have never found that necessary. I would rather lose a case than do it.

Mr. BELL. But there was no testimony destroyed, was there?

Mr. DYER. None destroyed that I know of.

WASHINGTON, D. C., *April* 5, 1876.

Z. CHANDLER, Secretary of the Interior, sworn and examined.

By the CHAIRMAN:

Question. [Exhibiting a paper to witness.] Is that your signature?—Answer. It appears to be.

The paper reads as follows:

"DEPARTMENT OF THE INTERIOR,
"*Washington, D. C., January* 5, 1876.

"Charles S. Bell, of Missouri, having been summoned and found qualified, is hereby appointed to a clerkship (Class 1) in the Pension-Office, to take effect when he shall have filed the oath of office and entered on duty.

"Z. CHANDLER."

Q. This is a certificate of the appointment of Charles S. Bell. On whose recommendation was Mr. Bell appointed?—A. Do you wish me to go over the whole ground?

Q. Yes; in your own way.—A. Mr. Bell's name was first mentioned to me, I think, in the Cabinet meeting. I had had trouble in the secret service and had discharged the chief, and I requested the President and members of the Cabinet to aid me in procuring a good chief of the secret service. A few days afterward the President mentioned the name of Mr. Bell, and remarked that he had been a spy for him, and he thought he was a bright fellow, and that he might make a good man on the force, but not for chief. I was under the impression that the President handed me a card, but I have not been able to find it, and I am now rather of the impression that he handed the card to the Attorney-General instead of to myself at that time; still, he may have handed it to me. The day or two after, perhaps the next day, Mr. Bell came into the Interior Department and sent in his card, and said he was the man the President had spoken to me about or had handed the card of—I cannot remember which. I looked him over, and said I should make changes, but was not prepared to make them then,

and that I would take his case into consideration. He called, I think, as often as once or twice, or may be three times a week for several weeks, and I think I saw him two or three times, probably not more than twice, may be not more than once, perhaps two or three times. After that he sent in his card urging the appointment. One day General Hurlbut was sitting at the table with me when the card of Mr. Bell came in. I threw it carelessly on the table and told the waiter to say I was engaged, and General Hurlbut said: "Bell, Bell—C. S. Bell? I know that fellow; he was a spy for me; he enlisted in the rebel army and was promoted to be a sergeant;" and, I think General Hurlbut said, served seven months in the rebel army while he was his paid spy. I said, "If he could keep his neck out of the halter as long as that in the rebel army, I think he would make a good detective, and I will try him for a month;" and on that day, or the next, I gave him his appointment on trial. That is the way he was appointed, and it was more upon what General Hurlbut said than upon any other information that I had obtained prior to that. I was not favorably impressed with his appearance.

Q. Did Bell ever at any time hand you a card from the President of the United States?—A. Yes, sir.

Q. Was search made for it subsequently?—A. Yes, sir; search was made for it. I was under the impression that the President had given me a card when he first spoke to me, but now I don't think he did.

Q. There was then a card from the President of the United States either given to you at the time he spoke to you or given to the Attorney-General?—A. One or the other; I am not sure which. I thought I had the card, and I searched for it, but I have not been able to find it.

Q. Therefore, it was first on the recommendation of the President, through that card, and then upon the indorsement given by General Hurlbut, that you made the appointment?—A. Yes, sir.

Q. Were you ever spoken to by any other person to have him appointed?—A. No; not to my recollection.

Q. Were you ever spoken to by General Babcock or Mr. Luckey?—A. Not to my recollection.

Q. Here is a paper dated—

"DEPARTMENT OF THE INTERIOR,
"OFFICE OF THE SECRETARY,
"*Washington, February* 16, 1876.

"SIR: Your services as clerk, Class 1, will be dispensed with from and after this date.
"Respectfully,
"Z. CHANDLER, *Secretary*.

"CHARLES S. BELL, Esq., Present."

Q. Is that your signature?—A. Yes, sir; it appears to be.

Q. What were the causes which induced the dismissal of Mr. Bell?—A. I went into the Cabinet meeting a little in advance of the others; the President had the name of Mr. Bell upon the table before him, and he asked me if Bell was in my employment? I said I believed he was. He said he believed him to be a scoundrel, and that I had better dismiss him, and I went directly from the Cabinet meeting and dismissed him at once.

Q. Did the President assign the reasons which induced him to believe him a scoundrel?—A. I think the President said that Bell had applied to him—not to him—had applied to some one, to certify that he had been employed in the Government service, he said either procuring testimony for or against Babcock, and it didn't make any difference which, and he believed him to be a scoundrel. That is my recollection of the conversation.

Q. Did the President, in that conversation, refer to any statements by Bell in print or otherwise?—A. No, sir.

Q. He merely said that Bell had asserted that he was in the Government employment with reference to the Babcock case?—A. Yes, sir.

Q. You don't remember whether he said for or against him, but he said it didn't make any difference which?—A. Yes, sir.

Q. And for that reason you discharged him?—A. Yes, sir; that is as I recollect the whole conversation with the President.

Q. Did you ever see the publication of the cipher in the New York Herald of February 10?—A. No, sir; I never did.

Q. Was it ever the subject of conversation between you and others?—A. No, sir; I never heard of the article until the testimony was given before this committee.

Q. The appointment of Bell was made on the 5th January, 1876; therefore he was in office forty-one days. Was he paid for those services?—A. I cannot answer that question. Mr. Le Barnes, the chief of the secret-service division, at the end of the month came to me and said that Mr. Bell had been on the rolls for a month, (if that was the time,) and wanted his accounts passed by Mr. Le Barnes for his expenses. I think they allowed traveling-expenses and a per diem for subsistence, and Mr. Bell wanted Mr. Le Barnes to allow his account. Mr. Le Barnes came to me and said he was not aware that Bell had performed any service for the Pension Bureau; that he had come in a day or two after his appoint-

ment and said he had some private matters that he wished to settle and that he would finish them up in a week or a few days and then come in and receive his orders; that he then went away and was gone a month, and had performed no service for the bureau, and that he, Le Barnes, had declined to audit his account without orders from me. I told him not to audit or to pay his account until he had brought proof that he had been in the service of the bureau.

Q. You don't know, then, whether he ever was paid for those services?—A. I have since ascertained that Bell went to Mr. Cowen and got him to certify on a card that he had been in the employment of the bureau, and that he was paid on the card of Mr. Cowen. He probably deceived Mr. Cowen into the belief that he had been engaged in the service of the bureau.

Q. Did you sign his account?—A. No, sir; I signed the voucher upon which he received his pay. The requisitions are all brought to me in bulk; I never read them. Had Mr. Le Barnes certified to the account it would have come to me in a voucher for the amount. They are brought in sometimes in a large file, and of course I never read them. They are initialed by the clerk who has charge of that, and I simply look at his initials. It takes me, perhaps, a couple of hours a day to sign them. Of course I cannot possibly read them. All I have is the initials of the clerks.

Q. Were the accounts of Bell taken to you separately, by a special messenger, and approved by you?—A. Not that I am aware of. Sometimes they bring in a single account, but very rarely. When they are brought, if they are in the regular shape of a voucher duly initialed, whether they come singly or not, I sign them. My impression is that these came with the mass.

Q. You don't recollect that this account of Bell's was brought to you separately?—A. No, sir; my attention was never called to it at all.

Q. Your attention was never called to it specially and distinctly?—A. No, sir; never.

Q. Is it possible that it may have been brought to you separately?—A. It is possible. They are sometimes brought separately.

Q. But your impression is that your signature was given in the way you describe—that this account was brought with the others?—A. Yes, sir. Still they sometimes come in singly, but generally in special cases. I cannot answer as to whether that was brought separately or not.

Q. Did Bell at any time, in any conversation with you regarding the service he had rendered, mention to you that he had been to New York on business for General Babcock?—A. My impression is that I had no conversation with Mr. Bell, and that Mr. Le Barnes told me that. I don't remember having any conversation with Bell; still it is possible that I had. Mr. Le Barnes told me that when he asked me if the account should be paid; I don't remember seeing Bell. Still it is possible that he may have come in at the time.

Q. And told you that he had been to New York on special business?—A. Yes, sir; but if he did I refused to recognize the service, and refused to order the account paid; but I don't think he came. I think my orders to Mr. Le Barnes were the only orders on the subject.

Q. You seem to recollect that Le Barnes told you that Bell had rendered satisfactory services for General Babcock in New York?—A. No, sir; he said that Bell claimed that he had.

Q. If he had rendered no other service than that, ought the account to have been paid at all?—A. No, sir.

Q. Is there any evidence to show that he did render any service other than that alluded to by Mr. Le Barnes?—A. There is no evidence that he rendered any service whatever, none except his word. My impression is that he did not.

Q. Is this paper which I show you a paper issuing from your Department?—A. That is signed by the Commissioner; I presume that it is regular.

Q. This paper reads:

"WASHINGTON, *February* 12, 1876.

"SIR: I hand you herewith the papers in the following cases, for investigation."

And then there is a large number of cases given.

The WITNESS. They are in the habit of giving such a list to the special agents when they go out.

Q. Here is a paper dated February 13, 1876, purporting to have been signed by Mr. Le Barnes, the chief of the division.—A. That is his signature.

Q. These were instructions accompanying that list of cases?—A. I presume so. I have never seen them.

Q. This [showing witness a paper] is an official paper; it is signed by the commissioner, and it is undoubtedly regular. It reads:

"WASHINGTON, *February* 15, 1876.

"SIR: You are hereby directed to return at once to this office all official papers in your possession.

"Very respectfully,

"CHARLES R. GILL.

"CHARLES S. BELL,
"1207 *Choteau Avenue, Saint Louis.*"

It appears, then, that before his dismissal certain business was placed in his hands, but that he never attended to it; it having been withdrawn from him by the order of the 15th February?—A. I am informed by Mr. Le Barnes that that was the only business ever placed in his hands at all.

Q. He was, however, paid for his service during the forty-one days that he was in office?—A. I don't know whether he was paid for the last few days or not.

Q. Would the voucher upon which he was paid show for what services he was paid?—A. No, sir. The accounts shows that; the voucher simply shows the amount, and states what it is for—"expenses."

Q. Would your accounting-office have been permitted to pay him for the service of merely going to New York for General Babcock? Ought he, in faithfulness to his trust under you, to have allowed him to have been paid?—A. No, sir; I would not have paid it.

Q. But Bell was paid?—A. Mr. Le Barnes passed the account upon the certificate of Mr. Cowen that Bell had been employed in the Government service. I presume Bell deceived Mr. Cowen. But, the account having been passed by Le Barnes, the accounting-officer would make out a voucher for it, and that voucher would be brought to me.

Q. When a person is appointed a clerk, as Bell was on the 5th of January, is it the habit of the Department to pay him in advance one month's salary?—A. I am told that in some cases that has been done. The clerk must pay his traveling expenses, and if he has not the means of his own, as most of them have not, in order to send them out at all they advance them a month's salary.

Q. Mr. Bell's allegation is—and I have no doubt it will be verified by the papers in the Department—that when he was appointed on the 5th of January, and took the oath of office on the 7th, he was paid one month's salary in advance?—A. I am inclined to think that in many cases they advance the month's salary, for the reason I have assigned—that most of the clerks have not money enough to travel to their destination.

Q. Here is a letter from R. Joseph, disbursing-clerk:

"WASHINGTON, *March* 15, 1876.

"SIR: I inclose herewith the original receipt for your salary as clerk, * * * $95.60; also a corrected receipt for services from February 1 to 16, inclusive, as a substitute therefor, as the one just received from you is defaced by your 'foot-note,' and will not do to forward to the Treasury with my accounts. Please sign and return as soon as possible, when the one on file at this office will be returned to you.

"Very respectfully,

"R. JOSEPH,
"*Disbursing-Clerk.*"

"CHARLES S. BELL, Esq.,
'1207 *Choteau Avenue, Saint Louis.*"

You say you have no recollection of any conversation with Bell regarding the service he rendered during the month of January, or up to the time he was discharged?—A. No, sir; unless, as I have said, he might have come in after Mr. Le Barnes; but I have no recollection of that, and I don't think he did.

Q. And from Mr. Le Barnes you heard that Bell said to some one that the services he had rendered were for General Babcock?—A. That he pretended so to Le Barnes, whom he wished to have pass his account for expenses.

Q. If he went to New York on business for General Babcock, or for any one else, and if he was allowed for that service, would his account have to show the time of his leaving here and the time of his return, and the items of his expenses?—A. I cannot answer that question. The chief of the secret-service division could answer it, but I cannot.

Q. Why is it that when he had no written instructions with reference to what he should do prior to the 13th February, which is the date of the letter from Mr. Le Barnes, he was allowed (if he was allowed) traveling and other expenses prior to that time?—A. That I cannot answer. My impression is that he was expected to start very soon with cases that were to be placed in his hands for investigation, and that probably that was the reason; but Mr. Le Barnes could answer that question better than I can.

Q. But if Bell had not any cases put into his hands prior to the 13th February, 1876, and if he had no instructions to pursue any cases anywhere prior to that date, should he, under the practice in your Department, have received any pay for his services?—A. I think not.

Q. Then, if he did receive payment for his services rendered prior to that time, and itemized in his account as being in New York and elsewhere, ought it not to be considered presumptive evidence that he had rendered some service there?—A. Yes, it would be *presumptive* evidence. I have in my pocket the card upon which he was paid. It is a card in pencil from General Cowen. It reads:

"Mr. Bell has been legitimately employed under orders, and is entitled to his expenses and per diem. Will Colonel Le Barnes please adjust the account?

"B. R. COWEN,
"*Assistant Secretary.*"

Q. You have stated very fully, I believe, that you know no way in which this man Bell was to be employed in the matter of the Babcock trial?—A. I had no intimation of the kind whatever.

Q. And you discharged him because——A. I believe him to be a scoundrel.

Q. On the assertion of the President?—A. Yes, sir.

Q. Do you know of any other persons being employed by any of the Departments here to assist General Babcock in his defense at Saint Louis?—A. No, sir; I do not.

Q. Do you know of any sums of money being subscribed by officials here for the purpose of conducting his defense?—A. No, sir.

Q. You never made any subscription for that purpose?—A. Yes, sir. After the acquittal of Mr. Babcock—not prior to his trial, but after his acquittal—I sent him a check myself.

Q. For what amount?—A. One thousand dollars.

By Mr. DANFORD:

Q. In the examination of Bell before this committee some days ago, this question was asked him, referring to your dismissal of him: "Don't you think that when he learned that you were willing to take the employment of a spy upon the district attorney, he would have done less than his duty if he had not dismissed you?" To which Bell replied: "Now you have asked me a plain question. Mr. Chandler knew exactly what I was employed for.' Q. Did he know as well as Babcock and Luckey?—A. He asked me what I went to New York for. Said I, 'I went there on matters connected with Babcock's case.' Said he, 'Did General Babcock know you went there?' Said I, 'He did, because I wrote him a letter before I left.'" I ask you whether that conversation, or any portion of it, ever took place between you and Bell at any time?—A. Never. It is wholly false.

Q. Bell was asked further, "Was that all the conversation you had with him?" and he answered, "That is all." He was further asked, "Do you pretend, then, to say that Secretary Chandler knew that Babcock sent you out there to play the spy and steal testimony?—A. He knew how I was employed. Q. Did Mr. Chandler know that you were engaged in that employment from Babcock, Luckey, and Bradley, to act as a spy upon the district attorney, and surreptitiously take testimony from his office?—A. I don't know that he knew the details, because I asked him if it was necessary for me to enter into details, and he said it was not." What do you say to that?—A. False; every word.

Q. Bell, in further answer, said: "I will say this: that when he was in Saint Louis, Luckey said to me, 'If you go through with this thing and look it up, I will get you a big appointment in Washington.' Now, we know old Zach., and when I came here I didn't want to go into the Interior Department, because I did not believe that would give me the facilities I wanted. Q. You wanted to get at Dyer?—A. Yes, I did. I said I would rather go into the Attorney-General's Office; but afterward, owing to the failure of my appointment, there were some words had, that it would have been better if I had gone to Chandler's Department first, and I know that Luckey spoke to Chandler, that I was to be ordered to Saint Louis to look after these matters connected with the Babcock trial." I will ask you whether Luckey ever spoke to you in relation to ordering Bell to Saint Louis to look after the Babcock trial?—A. Never in the world; it is false.

Q. Bell was further asked, "Do you state to this committee that you had an appointment from Secretary Chandler in his Department, and that he had knowledge that you were going to Saint Louis to look into and through Mr. Dyer's office by virtue of that appointment?—A. I did not say that. I never said that. Q. You don't desire to be so understood?—A. I did not say that. I said that I was appointed from the White House, and that it was understood that I was to be sent to Saint Louis in Babcock's interest. Q. Did Mr. Chandler know that?—A. Why, I mentioned Babcock's name to him half a dozen times, and asked him if I should enter into details, and he said it was not necessary." What do you say to that?—A. False.

Q. You have read a portion of this testimony of Bell's; is there any further statement that you desire to make?—A. No, sir; not in reply to that. I would like to state to the chairman, however, that some weeks after the trial was over I received a letter from Mr. Borie, of Philadelphia, stating that the cost of the trial had been over $40,000, and that General Babcock was almost ruined by the expenses of the suit, and suggesting that, as he was a young man, it might be a proper thing for those of his friends who are able, to contribute; and it was upon that suggestion from Mr. Borie that I sent that check.

By the CHAIRMAN:

Q. You are quite positive, then, that you never heard of the employment of Bell by Babcock, save what was said to you by Le Barnes?—A. I am very positive; unless, as I have stated, he may possibly have come in, but I don't think he did. I never have heard of it from any other source.

Q. But he may possibly have said so to you himself?—A. He may possibly have come in after Mr. Le Barnes to get me to order that account paid, but I have no recollection of it.

Q. But the account was ordered to be paid, by you?—A. No, sir; it was not.

Q. You signed the voucher?—A. I signed the voucher, which came to me in the regular way, but I did not direct Mr. Le Barnes to pass it.

Q. When Le Barnes told you that that was the service that Bell had rendered, did you tell him not to pay him?—A. I did tell him not to pay him, until he was satisfied that Bell had been in the legitimate employment of the Pension-Office.

Q. No voucher is of force until it is signed by you, Mr. Secretary?—A. No, sir.

Q. Then you must have signed this voucher finally?—A. O, I did sign it. After it passed Mr. Le Barnes I should sign it, as a matter of course.

By Mr. DANFORD:

Q. Have you any special recollection of that voucher?—A. No, sir; I have none whatever. On the contrary, I supposed it never had been paid at all until I read his testimony here.

WASHINGTON, D. C., *April* 6, 1876.

EDWARDS PIERREPONT sworn and examined.

By the CHAIRMAN:

Question. A witness before this committee stated a few days ago that he had been recommended to you by the President of the United States for appointment to a position in your Department. Be kind enough to state the facts and circumstances connected with that matter.—Answer. In the month of December last—I am not able to fix the exact date, but I think it was prior to the middle—a man called at my office and sent me in this card, which is somewhat peculiar:

[The card, printed on green paper, with several small pieces and some letters clipped off it, was put in evidence, as follows:]

C. S. BELL.

The Commercial Advertiser, Chicago. Southern Edito Manager Souther

This card was larger than it now is, and it was a thick one; you see it has been clipped at the end, and clipped here. I mention this that you may understand how it happens that I am in possession of it, because the other card that was sent in by him at the same time, from the President, I have not. When this card was brought me, I was at the moment engaged in making a diagram to argue a case in the Supreme Court in admiralty, in which I needed to show the port light of the steamer and the starboard light of the steamer, the port light being red and the starboard light green, and I had no means (having looked about) to present the starboard light, and this card coming in I split the card in two, and cut from it and pasted upon this the starboard light, and put it into my drawer and had never seen it from that time until the day before yesterday, when I went to argue the case in the Supreme Court, I found this card.

The gentleman who presented the card handed me a card from the President, on which was written, as nearly as I remember, not what I have seen somewhere published, but this: 'The bearer wishes to get employment; I think he might render valuable service." "I hink" was the expression, as near as I remember. I did not preserve the card; I am not in the habit of preserving those cards which come in, and which I frequently have. He then said to me, coming up to my desk, that the President wanted me to employ him in the secret service, and to give him as high wages as I ever gave in that service; and the manner in which he said it had so much the air of command, though it was merely for the execution of an order, that it led me to ask the man what he had done. He said he had been in the service in the South, and I said, "I shall need to see the President further before I give you anyemployment." That ended the interview. The next day was Cabinet day, and I saw the President and told him of the fact of this man having come here to get employment, and asked him if he knew anything about him. He said he did; that he had known him or had known of him, which I won't say, in the Army during the war as a scout or a detective, I am not sure which, perhaps he said both, and he had understood that he had rendered good service and that he wanted to get employment in the secret service. That was all that was said. Some member of the Cabinet came in as we were talking, and it ended the conversation. I think it was the next day that this gentleman called again and asked if I was going to employ him. I then questioned him—asked him what he was capable of doing; what experience he had had in the secret service He said he had had a good deal of experience and said that he had been employed by Mr. Dyer in Saint Louis, and that he had the power of bringing very important information in the whisky cases which no other man could command but himself; that he had the means of getting at letters that were in the possession of Joyce, (possibly he added McDonald, too; of that I am not sure, because I am so accustomed to connecting those two names together, but I am sure he said Joyce,) and that Mr. Dyer had employed him already out there to aid him in those matters. I said,

"Does Mr. Dyer wish me to employ you?" He said, "Yes." "Well, if you have been out there, why have you left there?" Well, he said that Mr. Dyer probably hadn't the means of payment, but if I would employ him, Mr. Dyer would be glad to have him employed. Said I, "If Mr. Dyer wishes you employed and will so write me, or will so telegraph me, and he thinks you can be of service to him in the development of the whisky cases, I will employ you and will make out your papers quite promptly, after Mr. Dyer expresses his opinion that you can be useful to him, and says that he wants me to employ you." He left as though quite satisfied with that, and indeed I think he said that Mr. Dyer would undoubtedly do it; at any rate, he said something that amounted to that idea. The next day, or the day after, he came again, produced to me a paper written very plainly, purporting to be a telegraph from him to Mr. Dyer, stating about these words—I remember it very distinctly—it was very plainly written, "The Attorney-General will employ me to aid you if you will request it." He showed me that, and said he had sent that telegram to Mr. Dyer the day before, and then asked me if I had heard anything from Mr. Dyer. I told him I had not. He expressed the view that I would, and that ended the interview. I did not see him—something, I don't remember what it was, intervened—for a day or two, and meanwhile I had made inquiries to try to learn something about this man, and I learned that he had been in the employment of the Post-Office, but that his employment had been unsatisfactory and that he had been dismissed; when he returned the next time I told him of the fact, and told him that my inquiries had not been satisfactory that I had not heard anything from Mr. Dyer and that I should not need his services. He left, and I never have seen him since. That is just about all that ever occurred between us.

By the CHAIRMAN:

Q. That card which you received from the President at the time Bell called to see you, you say you did not preserve. Did you give it to any one else?—A. No; I did not.

Q. It was destroyed, as I suppose cards of that kind are?—A. Well, I suppose it took the ordinary course. It is not wholly infrequent that these things come in from the President, saying, "Here is a person about a pardon; I wish you would look into it," or "This person wants an appointment; see if you can do anything about it;" it was exactly of that nature; and those cards ordinarily go into the waste-basket, and I have no doubt this did after the day.

Q. Had you had any conversation with the President regarding this man, prior to the time he brought you the two cards?—A. No; that was the first intimation that I had of the man's existence.

Q. Had you ever prepared any instructions for him?—A. I never had prepared any at all. I told him that I would if Mr. Dyer would request it, but I never had prepared any.

Q. You speak of an interval of several days, during which you do not seem to understand why you did not see him; did you not go from here to the Centennial gathering at Philadelphia?—A. I did.

Q. That was the interval; I suppose it was about that time?—A. Well, if you can tell me when that was.

Q. It was about the 17th of December.—A. That would not be unlikely. It comes to my mind as somewhere about that time. I was under the impression that it was about the middle, but it may have been at that time.

Q. You were there, and from there you went to New York, so that you were absent from Washington several days?—A. Yes; I was absent for three or four days, and this might have been the interval. I remember that there was an interval.

Q. Then Bell called upon you after your return, if that was the interval, and was it at that time that you told him you would prepare his instructions?—A. I should not think it was that time. I am not positive about that, but I told him I would prepare his instructions.

Q. Did you at that time tell him that you had had some conversation with a person high in authority, and that his employment was not satisfactory to him?—A. No; not that. I told him that I had made inquiries about him of persons in high position, and that their replies were not satisfactory.

Q. Did you then by any mode indicate to him who that person was? Did he attempt to identify that person?—A. I have no recollection of that.

Q. Did you tell him that that person had come to your house and told you that he was not a proper person for you to employ?—A. No; that is a mistake.

Q. Did he attempt to identify the person by pointing toward the Treasury Department, as indicating the source from which he thought your information came?—A. I don't think he did. I have no such recollection, and I think if he had I should have recollected it. The line of my inquiries that I made were from the Secretary of the Treasury and from the Postmaster-General both, and they did not give satisfactory accounts.

Q. You have stated your recollection of what was upon that card from the President. Do you remember whether there was upon it something like this, that "the bearer is the person about whom I have spoken to you?"—A. I have no such recollection. I think that could not have been so, from the fact that he never had spoken to me about him. I think

that must have related to another gentleman. I notice that in Mr. Chandler's testimony he made that statement, and I take it it must have related to him.

Q. Then you have no other knowledge of Mr. Bell from any source than that which you have related to us?—A. That is all. I had not heard of him before.

Q. Did he ever meet you at your office when Mr. Bluford Wilson was there—the Solicitor?—A. I have no such memory. At what time—about what time?

Q. About that time—during these negotiations.—A. I don't remember it. It would be almost impossible, because people are sitting in my office frequently when I am talking with others. I have no recollection of it, but I would not say that it could not have occurred, for it might have occurred.

Q. Have you any recollection how frequently he called to see you during that month—December?—A. After this first visit he called several times. The number of times I could not state. He called seeming to be expecting that I would treat the President's request as one that I ought to yield to.

By Mr. DANFORD:

Q. What other person spoke to you in the interest of Bell save the card that you had from the President?—A. None but the President.

Q. Did General Babcock or Mr. Luckey ever speak to you in his interest?—A. I never heard one of them speak of him in my life.

Q. I will read a passage from his testimony here: "Answer. This delay was made, and the Attorney-General told me himself that he had been called upon at his residence a day or two after his return from New York, and stated that he had written out my instructions to guide my action in Saint Louis. The Attorney-General said, 'I intended to commission you to day, but an official came to my house last night—I will say a very high official—whom I meet on special occasions.' I understood him to mean the Secretary of the Treasury, and I pointed out of the window, where we sat, toward the Treasury Departm nt, and said, 'If you have said anything in that quarter there is no use in my going.' The Attorney-General said, 'It is not the Secretary, but it is a high official,' and said he, 'It is no use for you to go out there.' I said, 'No, but you ought to have let me find that out for myself.'" What have you to say to that?—A. I have to say that I never heard of a thing of the kind before, and that it is entirely imaginary.

WASHINGTON, D. C., *April* 6, 1876.

A. C. BRADLEY sworn and examined

By the CHAIRMAN:

Question. You reside in this city, I believe.—Answer. I do, sir.

Q. You are a counselor at law?—A. Yes, sir; I have been practicing law here for nine years.

Q. Do you know C. S. Bell?—A. I do.

Q. Where did you first meet him?—A. I first met him in the city of Saint Louis, somewhere between the 25th and the 29th of November. I am very confident it was between Thanksgiving Day and the 29th of November.

Q. Please state what occurred there.—A. I first heard of Mr. Bell through Col. Levi P. Luckey. The occasion of my presence in Saint Louis was this—and I can make the statement without any breach of the relation between attorney and client, and I am authorized to do so by General Babcock. I think about the 18th day of November, General Babcock told me that he had received a telegram from Saint Louis, calling upon him to come there at once, as his name had been used in the McDonald case, and it was thought that his presence there was necessary. General Babcock stated to me that he was at that time engaged upon his duties as secretary for the President, and that it would be particularly inconvenient for him to leave at that time, (it was just before the session of Congress;) that he did not think there was any special occasion for his being there, and he asked me to go there, as his counsel, his name having been used in the papers in connection with the whisky trials, to ascertain for him all that I could in relation to the matter, and, if it was necessary, to send for him to go there. My interview with General Babcock the first time was about two o'clock in the afternoon, and he wanted me to go that night. The interview lasted about half an hour. I had never had any conversation with him in relation to the matter before that. I saw him again just before I left for the train, for a few minutes, perhaps half an hour, and in that time all the instructions that I received were given. I went to Saint Louis and remained there a few days. In the mean time I met Col Levi P. Luckey, whose acquaintance I had never made prior to that time. Somewhere about Thanksgiving Day, I was informed by Colonel Luckey that he had met this man Bell, who had been, I will not say engaged—I do not know exactly what relation he had had to Colonel Avery's matter, but he had been employed to go to Ohio, and to procure copies of the Hoge dispatches: it being asserted by him that these dispatches were a very important element

in Avery's case. He stated to me that this man said, as near as I can recollect it, that he had the run of the district attorney's office; that he knew of everything that was occurring there; that he could put his hands upon the papers that were lying there, and that either he offered to go there and to steal the papers relating to General Babcock's matter and bring them away for reference and copying, or else his proposition was to go there and remove those papers, for the purpose of destroying them. Mr. Luckey said to me that the man's proposition was so astounding that he was not disposed to put any faith in him or trust him to any extent at all; he said that his services in the Army, as he understood, had been valuable; that he had been employed as a scout, and he believed had rendered valuable services; and we, upon our consultation, rather decided that we would not put any faith in the man whatever. Subsequently he returned from Ohio and brought copies of the Hoge dispatches, and at that time Colonel Luckey asked me to come to his room and listen to this man's conversation, so that we would be able to judge somewhat of his basis by his conversation, his bearing and appearance. I went to his room that evening. This man came, and, at first, he declined to have anything to say whatever in my presence. Colonel Luckey told him, as I understood, that unless he talked in my presence he need not talk at all; so he concluded to unburden, and he did so. I could not pretend to remember or rehash the story that he gave, but I made a memorandum of some of the important facts; his statements were always wandering, and I always thought he drew a great deal upon his imagination. In the first place, he said that he was not employed by Colonel Dyer, but that he was "solid" with Colonel Dyer, and had the run of the district attorney's office, because he was there, in the city of Saint Louis, working up a fraud upon the Government, perpetrated by the gas company of Saint Louis, involving a loss of, I don't know how many hundred thousand dollars, one hundred thousand dollars, perhaps; at any rate, a very large loss; that that was his business there. He said that he was a friend of the President; that he desired to serve him; that he believed there was an infernal conspiracy there to drag the President down, to strike him through General Babcock, and that he had had oppportunities, not only by overhearing what has been said in the district attorney's office, but also by his opportunities of seeing documentary evidence, knowing the fact that the district attorney and his assistants, with several of the press of the city of Saint Louis, and Secretary Bristow at the head of the movement, were conspiring to secure the indictment and conviction of General Babcock, and as a measure to superinduce the downfall of the President.

[The witness here referred to a memorandum made, he said, at the time.] He said that during the McDonald trial, Secretary Bristow wrote to the district attorney, demanding that the "Washi gton papers" be put in, (meaning the papers relating to General Babcock,) and manifested his anger that it had not been done; but upon the conviction of McDonald, Secretary Bristow, the Attorney-General, and Bluford Wilson all telegraphed their congratulations to Colonel Dyer, and Secretary Bristow said that he now saw that his (Colonel Dyer's) course was a wise one. He also said that Mr. Henderson and Colonel Dyer were at loggerheads; that Mr. Henderson supposed that his term of service would end after the McDonald case, or with this case any way, and he proposed to do as much execution as he could during the time that he was engaged there, and he desired to put in all matters relating to General Babcock's case in the McDonald trial, for the purpose of injuring the President, (that was the inference; I do not know tha tthis man told me that;) and Mr. Dyer said he had a head to lose, and he did not care to have them go in then, and, besides that, he thought they had better be taken gradually, and that this thing had better be prolonged from month to month, until the time for the presidential election, when it would tell better in the convention. And he said that for that reason Henderson and Dyer were not n very good terms. He stated that he overheard Colonel Dyer saying—I think it was upon the conviction of McDonald—"First Babcock; then U. S. Grant," and then, "How will this set on their bowels?" That was after the Babcock telegrams had been put in evidence. And he also told me that Mr. Henderson had said, "I will see U. S. Grant in hell before I will do anything to help him." He also told me that he had overheard Mr. Chapman say to District Attorney Dyer, "When we get all these changes made"—that is, they proposed to make changes in all the district-attorneyships through the whisky country—"when we get these changes made, and new men in, we can run the thing to suit ourselves."

You will please observe that this all occurred nearly a month prior to the indictment of General Babcock. There was no case made against General Babcock and my desire was o ascertain, as much as possible, what their purposes were in reference to him, and to ascertain, if I could, what evidence they had, if any, against him; so that when this man made this statement to me, (and he made it to me in different forms repeatedly after that time, upon various occasions when I met him,) it seemed to me that perhaps there was a good deal of truth in what he said, and he seemed to be verified to some extent by the editorials that I saw in the local press, some of which he stated he knew had been written in the district attorney's office—either that he had seen them written, or that he had seen the editorials themselves, and knew the handwriting, I have forgotten which. Judging from his statement that there was a conspiracy not only against General Babcock, but also against General Grant, I concluded that I would get as much information from him as I could. I

thought that was perfectly legitimate, and I believe so still. I see that in his testimony he has said that I engaged him to go to the district attorney's office to abstract papers and bring them to the Lindell Hotel, for the purpose of destroying them. The only statement in that which is correct is, that I occupied room 165, which he has mentioned as the room where they were to be destroyed. I never authorized him or any one else to do that, or anything of its nature; and I am happy to state the fact that I have received from my friends in Washington, who have known me, (and I have always lived here—I was born and raised here.) an expression of their opinion that the man lied. I did ask him to do this, to obtain for me, as far as possible, such information as he could as to the nature of the evidence that they pretended to have against my client, and I authorized him, if he could do so, to make such copies of papers as he could, with that end in view; and I asked him when I left Saint Louis, if he was unable to procure copies of papers, (which I requested he would send to me if he obtained them) —that, if unable to procure the copies, he should give me the substance of them as far as he could. So far as Colonel Luckey is concerned, from the very first he expressed his distrust of the man; and so far as this man's connection with General Babcock's interest, or with me as attorney for General Babcock, is concerned—so far as my knowledge extends—Colonel Luckey never had anything to do with him. He acted, as I heard him state to Bell, simply in the interest of the President. Being his private secretary, he considered it his duty, upon a report being made that this conspiracy did exist there, to listen to it and to report it to the President. and I believe that Colonel Luckey's connection with the matter ended there. He told me that so far as General Babcock's matter was concerned I could do as I pleased about it. I desire to state that before I left Washington General Babcock never said a word to me about employing a detective in Saint Louis; he never authorized me to go to the district attorney's office or to look into his papers or to do anything that was illegal or improper in any way whatever. He asserted to me his entire innocence of that conspiracy which has been charged against him and of which he has been acquitted; and he has never admitted to me in any way, shape, or form, by insinuation or otherwise, anything that could be tortured into any kind of admission that he was other than innocent. I have never expressed an opinion to any one that he was other than innocent of the charge, and I believe just as firmly now, as I do in my own innocence, that General Babcock had nothing to do with it. After my return to Washington, some days subsequent—I have forgotten how long—I received a letter from C. S. Bell, I think four pages of letter-paper closely written, profuse and diffuse as he usually is in his style. At the conclusion of this letter, perhaps in a postscript, he asked me to return it to him by return mail, as he says, "God knows there are too many papers in existence now." I did return his letter to him, but I made a very careful copy of it before I did so, which I hoped to have in my possession this morning, and which I am prepared to swear to as being a true copy. If he has that letter here in his possession I wish the chairman would call for its production.

The CHAIRMAN asked Mr. Bell to produce the letter.

Mr. BELL. It is not here. I have seen the copy. I am willing to admit it, every word. It is attached to that affidavit.

Mr. BRADLEY. No, sir: it is not attached to the affidavit.

Mr. BELL. It was when I swore to it.

Mr. BRADLEY. All right. I expected to have a copy here this morning, and when it does come I desire to put it in evidence. In this letter he stated that the district attorney had been using—I may be incorrect in minor details, but according to my recollection the main facts stated were these—that the district attorney had been using, before the grand jury in order to secure the indictment of General Babcock, forged letters and papers——

Mr. BELL. You won't find that in the affidavit.

Mr. BRADLEY. I don't wish to be interrupted by you, sir.

A. [Continued.] And that Assistant District Attorney Bliss, I think it was, had admitted to him that these forged letters and papers had been used before the grand jury, and they were very much excited on the subject, and were afraid it would be brought to light. He also stated that Colonel Dyer had been endeavoring to procure letters from Joyce, who was then in the penitentiary at Jefferson City, and had sent some female relative of Joyce's, I don't remember who, to the penitentiary in order to secure those letters, whatever they were, and I think added that he could communicate a great deal more that was very valuable, and would be very beneficial, but he could not trust it to the mail. He said also that he was in good employ there, and he could not afford to leave unless he had something to depend upon. General Babcock was at that time, I believe, in Chicago. I wrote just enough to bring the man here as I thought, without going to any extent which would involve me or any one else in any difficulty. I wrote what I knew could be depended upon; that was, that if he came here with important information he would be paid for his services. This is my letter, which I acknowledge:

"WASHINGTON, *December* 9, 1875.

"MY DEAR SIR: Yours received to-day is herewith returned. I am authorized to request you to come on immediately, and to say that you will be cared for here.

"A. C. BRADLEY.

"C. S. BELL, Esq."

I will also state that after my return, after writing this letter, Bell came here; but I had nothing further to do with him after that time, except that he repeatedly came into my office to borrow money, which is said to be one of his chronic failings; but having been advised by an employé in the Post-Office Department who knew him very well and happened to be in my office one day when he called, that he was not safe, I never invested any in that way. I paid him, as he states, in the city of Saint Louis on one occasion, $10. He stated that his family were depending upon him; that he had his own bread to earn, and he professed then and at all times to be rendering very important and valuable services. He said he only wanted a small sum, and I gave him $10. Then just before I left, when I requested him to obtain as much information as he could for me, I paid him $50. That is all that has been paid him. General Babcock knew nothing whatever about the man until after my return, so far as I know. He never authorized me to employ him. I employed him, so far as he was employed at all; I don't call it an employment at all. He was running his own business there; he said he was working up this thing, and I merely paid him for whatever supposed information he furnished me. I don't believe now that he knew anything to communicate, and I believe that the facts that he did communicate were totally unreliable and of no benefit to any one but himself. And I desire to say that, so far as his services in Saint Louis were concerned, General Babcock had nothing whatever to do with them. He did not know of the existence of the man, so far as I know, unless he had heard of him in the Army. I did what I considered was perfectly legitimate, and within the proper sphere of duty of an attorney. I have nothing further to state, but if you ask me any questions I will answer them cheerfully.

By the CHAIRMAN:

Q. You say that before you left Saint Louis you authorized him to get copies of the papers in the district attorney's office so far as he was able, which related to General Babcock, and that you paid him $50 to do so?—A. I paid him $50 for such services as he might render, and I think I did ask him to get copies of papers if he could. He said that they were lying right there on the district attorney's desk where any one could read them; that he had the run of the office, and I supposed that he could get copies at any time.

Q. You say in this letter, dated Washington, December 9, 1875, "Yours received to-day, and is herewith returned." That is the letter of which you promised to furnish the committee a copy. "I am authorized," you say, "to request you to come on immediately, and to say that you will be cared for here." By whom were you authorized to request Bell to come on immediately?—A. Well, I was not directly authorized, I suppose, by any one, though that related to the fact that I had seen Colonel Luckey, and he said that undoubtedly if the man came here he might secure some appointment.

Q. Colonel Luckey then authorized you to say that?—A. No sir; he did not.

Q. Who did?—A. My statement was based for authority simply upon Colonel Luckey's remark to me.

Q. The manner in which he was to be cared for was that he was to receive an appointment under the Government, was it not?—A. I do not know, sir. Colonel Luckey said, as well as I recollect, that he believed that this man could procure a place if he came; that he had rendered valuable services as a scout, as he understood, and he could secure an appointment. A I stated before, I wrote that letter. When I wrote it my purpose was to say just enough to bring the man here. I did not know what he had to communicate.

Q. You knew at the time that you wrote him this letter that he had a position out there, did you not?—A. No, sir; I knew that he told me he had one.

Q. After his having told you he had one you were willing, by this letter, to have him resign that position and come here?—A. Yes, sir. I fully believed that he would receive an appointment if he came here.

Q. He at that time, as far as you knew, was connected with some newspaper, was he not?—A. I did not believe he was. He said he was. I thought it was a mere ruse.

Q. How was his letter headed; did it indicate him as belonging to some newspaper?—A. It was somewhat similar to that card that the Attorney-General produced here.

Q. And the manner in which he was to be cared for was that he was to receive an appointment here, you believed. Now, what induced you to believe that you could get a man of this kind, in whom you had no faith on your own statement, and who was willing to go and take copies of papers out of the district attorney's office—what reason had you to believe that such a man as that would receive an appointment under the Federal Government?—A. Well, sir, my own opinion of detectives is that they will all do anything of the kind, and the Government is either forced to, or through a mistaken policy does, employ detectives in every branch of the Executive Departments, and so far as I am concerned, I would not trust one of them. As I said at the time to Colonel Luckey, I would believe this man so far as his interest lay to tell the truth; that where his interest ended there I did not think we would be justified in trusting him; and I think that of any man that would engage in that employment; but I believed that I was perfectly justified, there being no indictment whatever against General Babcock, no charges, except newspaper charges, upon the statement of this man that there was a conspiracy, that I, as his attorney, was perfectly justified in getting any information I could.

Q. Even to the extent of getting papers surreptitiously taken from the office of the district attorney?—A. No, sir; I distinctly said awhile ago that I never authorized him to do so.

Q. You paid him to do it?—A. No, sir; copies.

Q. You did to have copies made? Did you ever have any fixed sum that you agreed to pay him?—A. Never, sir.

Q. You did pay him $60, however, I believe, just what he swore that you paid him?—A. Yes, sir; his statement is true to that extent.

Q. He professed during all your intercourse with him to be specially devoted to the President of the United States—that he believed this to be a conspiracy against him, and that so believing he was willing to render any service he could to expose it, was not that what he said?—A. Well, he said a great deal of the import that that expresses somewhat, but I believe now that he was working in his own interest and was endeavoring to be paid by both sides.

Q. He did receive an appointment here subsequently?—A. I don't know anything about that.

Q. Who recommended him for that appointment?—A. I know nothing about it. I do not know President Grant, and never had anything to do with him in my life. I am not a republican and not a democrat.

Q. Did he ever bring you any papers to look at at all, while you were in Saint Louis?—A. Never, sir.

By Mr. ROBBINS:

Q. When was it that you first got acquainted with this man in the way you have narrated?—A. It was at the Lindell Hotel after his return from Ohio where he had been to get copies of the Hoge dispatches for Avery's benefit, as I understood at that time.

Q. Can you recall about the date when it was?—A. I do not know. I did not keep a diary when I was there, and it was only by other facts that I was enabled to remember that I left here about the 15th of November and returned about the 7th of December. It was about the 29th of November, I think.

Q. What is the date of this letter when you told him to come on here?—A. The 9th of December.

Q. Had you come to the conclusion when you wrote that letter that he was an unreliable man not worthy to be trusted?—A. Well, at that time I did not know that he was an unreliable man so far as his pretended service to me extended; but, as I stated before, I believe that his interest lay in that direction—I would trust him as far as his interest lay and no further.

Q. Who made application to the President for him to get a recommendation which the President gave him?—A. Indeed, I do not know.

Q. You communicated to Mr. Luckey these points which Bell professed to inform you about?—A. I did.

Q. Mr. Luckey was then acting as private secretary to the President?—A. Yes, sir. I think I showed Mr. Luckey the letter that this man sent to me, and asked him what I had better do, and my impression is that he said that we had better tell him to come on here. If his statement had been true it was a matter that ought to be investigated, and probably might furnish material for some of these committees.

Q. You state that he professed to give the information that there was a conspiracy on the part of Henderson with District Attorney Dyer?—A. As I understood him, a conspiracy originating with Secretary Bristow, involving the district attorney and the special counsel, Mr. Henderson, and in general the district attorney's office; that the newspapers (I have forgotten which they were now; the Times was one of them) were subsidized, were under the direct control of the district attorney's office, and that the editorials were written in the district attorney's office. The editorials read so, too.

Q. That information came to you in the letter you have spoken of to him?—A. O, no; the information in the letter, as I have stated, related entirely to the alleged use before the grand jury of forged papers, and also to procuring letters from Joyce, who was then at Jefferson City, Mo.

Q You thought there was sufficient trustworthiness in his story to wish him to come on here, that you might hear it more fully. That was you reason, I suppose, for writing the letter which you say you thought would bring him?—A. I think he stated in his letter that he had additional facts to communicate, which could be better communicated in person, and it was that reason, as well as these allegations contained in the letter, that induced me to believe that it was important that he should come on.

Q. When did you first conclude he was a rascal?—A. Well, he came to me with different stories. After he had been in Washington for a while he made statements to me in regard to his relations with General Babcock, and I think one of them was this same story, or something in connection with the Attorney-General. He said that General Babcock had sent him to the Attorney-General, as I understood it, and he made sundry other statements which General Babcock utterly denied; and I ascertained, I think, from General Babcock that he had not been in his employ or rendered any service for him for some time. He had never been

in his employ, as I understand, at all, and I concluded that he was lying with a purpose, and endeavoring to get me to lend him some money.

Q. Was he in Saint Louis at the trial of General Babcock?—A. I do not know, sir. I was not there. I see it has been stated that I was summoned as a witness for General Babcock. That is not true.

Q. You communicated to Mr. Luckey from Saint Louis about what Bell had stated to you?—A. Mr. Luckey was there at the time.

Q. What was Mr. Luckey doing in Saint Louis then?—A. He was there as a witness for Colonel Avery.

Q. Was he then private secretary of the President?—A. He was, I believe. I have no personal knowledge on the subject.

Q. Was he called as a witness on the Avery case?—A. He was not, because the court, I think, made a ruling which would have excluded his testimony, and he left and went home.

Q. What did he propose to testify which would have been ruled out?—A. I do not know.

Q. You have spoken about his testimony probably being excluded by a legal ruling; how could you say so without you knew something of what it was going to be?—A. That fact might have been communicated to me and impressed upon me, without my having any idea of what his testimony would be.

Q. It was after Bell had made this proposition to you, as you have testified, that he could get papers and destroy evidence, and do such base work as that—it was after that, was it, that you wrote to him to come on here, and said that he would get an appointment?—A. I do not think I have testified that he made that proposition to me. I think, though, that Bell did make the proposition several times, but both Mr. Luckey and I told him that we did not propose to engage in anything that was improper or illegal

Q. I am going by my recollection; you said that you were very much horrified by a proposition of some sort?—A. No, sir; I did not say that. I said that Mr. Luckey had communicated to me the fact that this man had made a proposition to him.

Q. Mr. Luckey had communicated that to you, and you did not doubt the truth of his statement?—A. Not at all. I think he is a truthful and honest man in every respect.

Q. The question, then, is the same in merits; was it after Mr. Luckey communicated that to you that you wrote this letter to invite him here, and spoke of his being taken care of?—A. Inasmuch as that occurred in Saint Louis and the letter is dated the 9th of December, and I returned to Washington from Saint Louis before the 9th, it must have been subsequent to that communication.

Q. You answer "yes," then?—A. I have given my answer.

Q. It means yes? I interpret it in that way.—A. Well, sir, you may put your own interpretation on it.

By Mr. DANFORD:

Q. Did you ever speak to Mr. Chandler, or Attorney-General Pierrepont, or the President in behalf of this man, for the purpose of getting him a place?—A. No, sir; never.

Q. I will read you a passage from Bell's testimony here: "Q. Had you any conversation with General Babcock in regard to this matter?—A. Frequently, probably a dozen times after I arrived here in December. Q. That was before the trial?—A. Yes. Q. If at any time General Babcock admitted to you that he was guilty, please state it.—A. His admission was clear enough; if they wanted me to get evidence out of the office and destroy it, it was clear enough. Q. Did he admit that he was guilty?—A. I told him what Mr. Bradley asked me to do in Saint Louis, and instead of dissenting, he said that he did not wish me to get the evidence out of that office unless I could get the whole of it; that if I got a part that it would be worse than none. Q. What had Mr. Bradley asked you to do?—A. He had asked me to get the evidence out of the office and bring it to the Lindell Hotel. Q. What was to be done with it there?—A. Destroy it." What have you to say to that statement?—A. So far as I am personally concerned, it is a lie; so far as my knowledge extends, it is false. I desire to say, in addition to what I have testified to before, that this man repeatedly said to me, in relation to this whole matter, that it was a great mistake on the part of Mr. Luckey that he refused to allow him to have anything to do with abstracting those papers from the district attorney's office.

Q. Where was that statement made?—A. That statement was made to me, I think, in Saint Louis; perhaps here in Washington. He also said to me that General Babcock was making a great mistake in not allowing him to go out there to Saint Louis and work this matter up; that he ought to have a detective there working the matter up, and that here he (Bell) was lying around Washington, and not benefiting him in any way in that behalf.

By Mr. ROBBINS:

Q. Mr. Bell came here in pursuance of the request contained in that note, did he not?—A. I have already stated that he did.

Mr. ROBBINS. I mean to be respectful to you, and I hope you will be so to me.

The WITNESS. That is with all respect; that is a customary reply of witnesses, I believe.

Q. Where did you meet him when he came, sir?—A. He came to my office.

Q. What communications did he make then?—A. I do not remember.

Q. Did he amplify the alleged or pretended information which was contained in his letter?—A. I think there must have been some conversation in relation to it, but I don't remember what passed between us at all.

Q. He conveyed the idea in that letter that there was information that he did not like to trust to the mail; now, what did he profess to tell you when he came here, which was that information that he did not like to intrust to the mails as not being safe?—A. I do not remember that he told me anything; it is like a good many other propositions of his; he fell short in the performance.

Q. Have you stated that Colonel Luckey met you with him at that time you asked him to be with you and meet Bell?—A. I think I saw Mr. Luckey passing in a carriage, (he had been to the Capitol on some public business,) and I asked him to step into my office a moment. He at first said he did not have time, (that is my recollection,) and then he came up a few moments.

Q. What did Bell tell you about the use of the forged letters then, in addition to what he had written?—A. I don't remember, sir; you will find even better than my recollection the statement he made relative to that matter, contained in an affidavit which he made for the benefit of General Babcock, and also the copy of the letter which he sent me.

Q. Is there any other proof, except Bell's statement, going to show that there were any forged letters ever used there?—A. None that I know of.

By the CHAIRMAN:

Q. You say you called Colonel Luckey, who was passing in a carriage; how long did you remain in consultation with Bell after Colonel Luckey's arrival?—A. I have not any recollection at all.

Q. Was it a prolonged interview?—A. Indeed, I don't remember. I think every interview I had with Bell was prolonged; he did all the talking, generally.

Q. Do you know whether Colonel Luckey went up to see the President about the matter that evening?—A. I do not know, sir.

WASHINGTON, D. C., *April* 6, 1876.

LEVI P. LUCKEY sworn and examined.

By the CHAIRMAN:

Question. What position did you hold during last November?—Answer. Private secretary of the President.

Q. Were you sent to Saint Louis by the President of the United States, and, if so, for what purpose, at that time?—A. I was not sent by the President at all, sir.

Q. You went there?—A. I went there. I would say, Mr. Chairman, that after receiving my subpœna and before consulting with Mr. Bradley, or before reading the affidavit which General Babcock has in his possession, (an affidavit made by Bell,) I prepared a statement as brief as possible, setting forth all the connection I have had with Bell, and, with your permission, I will read that, and then answer any questions you may put, because I do not know that I can now recall these matters as regularly in their order as when I wrote this.

The CHAIRMAN. We shall be pleased to hear your statement.

The witness read as follows:

I was in Saint Louis during the latter part of last November, as a witness in the Avery trial. I went there solely for that purpose, and in no way at General Babcock's solicitation, nor in his interest. While there, Mr. Bell came to me at the Lindell Hotel. I recognized him as one who had been seeking some position under the Government, two or three years before, and, at the time, had called at the Executive Mansion, and represented himself to me as a former spy of the Union Army during the war, and had shown me testimonials of his faithful service in that capacity, and had related some of his hair-breadth escapes when taken prisoner by the confederates. I had been unable to assist him, and had not seen him nor heard of him again until he came to me in Saint Louis. He said he wanted to talk to me privately, and had come to me because he felt he could trust me on account of my connection with the President, and he felt that the President should be made acquainted with what was going on. He said the President was his old commander and he felt that his allegiance and fidelity belonged to him rather than to those who were seeking to do him an injury. He told me he was a special agent of the Post-Office Department, and on account of his familiarity with the duty, had been loaned temporarily to the Treasury Department, to assist in procuring evidence in the whisky investigation; that in that way he had become associated in the office of Mr. Dyer, the United States attorney, and was treated in that office as an assistant, and trusted by Mr. Dyer and his associates; that he had become in that way aware of many things which convinced him that Mr. Dyer, Mr. Henderson, and others were in a conspiracy to have General Babcock indicted, and for the sole purpose of injuring the administration, for political effect. He said if it were known that he had communicated to me anything that transpired in the United States attorney's office, he would

be dismissed and would lose his place. I replied that whatever he felt it his duty to tell me he might, and that if it was of such a nature that the President should hear it I should consider it my duty to inform him. I also said to him that if in doing what he considered his duty, and if what he told me was true, I thought I could at least promise him that he should not lose his place, or, if he did, he should have another one. He gave me a long story of what he had seen and heard; that there were a number of papers relating to General Babcock which Mr. Henderson had been very urgent to have introduced in the McDonald trial, and Mr. Dyer had opposed their introduction, though he had been directed to introduce them by officials of the Treasury Department, at Washington; that there had been some feeling about it, and when McDonald was convicted the Secretary of the Treasury, and Solicitor Wilson had telegraphed Dyer congratulating him upon his success, and saying that they were convinced that his judgment had been correct in regard to the introduction of the Washington papers, (meaning Babcock papers;) that Mr. Dyer was very much elated at this praise, and said he knew he was right, and if he had his way they should not be introduced during the Avery trial either, for they would have far greater political effect if delayed until as near the conventions as possible. He told me a great deal more of the same import, which I do not recall, and said that they made no secret, when alone together, of their intention toward the administration, and expressed their confidence that they would be able to kill off General Grant; that the effect would be to make Mr. Bristow President, and a great deal more of the same character.

He said that a number of detectives were in Saint Louis, belonging to the secret service of the Treasury Department, and that they watched every movement of General Babcock's friends, and were striving in every way to get hold of something against him; that they had a man in the telegraph office who furnished them with copies of any dispatches sent between Saint Louis and Washington, and he thought, from bits of conversation he had heard in Dyer's office, that letters sent by General Babcock's friends had been opened and read, and he believed some one in the post-office, either at Saint Louis or Washington, was in their pay, or assisting them in that way.

I assured Mr. Bell of my perfect faith in General Babcock's innocence, and that I did not believe he could be indicted at all, and that I looked upon the effort to secure his indictment as a persecution, and nothing else.

I told Mr. Bell he could come to me at any time while I remained there, and if he learned anything more he should tell me.

A short time after Mr. Avery told me that ell had been talking to him, and had told him that he had been employed by Treasury officials to hunt up evidence against Hoge, one of the absconding indicted revenue agents, and had found a large number of dispatches from Hoge under the assumed name of "Bixby," and they showed conclusively who had been sending the information to the distillers of the contemplated raids upon them, and that the proof was so clear that any one could see that they had needed no other informer. Bell had said that these telegrams had not been allowed to be brought to Saint Louis, but were deposited at Indianapolis, and as he had secured them from different points he would be allowed to get copies of them, and if Avery would pay his expenses he would start at once for Indianapolis and get them, and that he could swear to them. Avery said he had given him money to go, and he had just left, saying he would take the first train. It struck me as very unfair for Avery's prosecutors to charge him as the particular man against whom all suspicion should rest, as the informer, when they were aware of Hoge's dispatches and knew who it was who had given the information. I concluded that if Bell brought Avery these dispatches I should feel a great deal more confidence in him. Within two or three days he returned with the copies of the telegrams.

The second time Bell called to see me, Mr. Bradley, of Washington, was with me. Bell objected to talking before him, but I told him I was perfectly willing Mr. Bradley should hear whatever he had he wished to say, and preferred that he should be present; that he was a friend of mine, and a gentleman I could trust fully. Bell had a long report to make of what he had done, heard, and seen, and made it very apparant that he was incurring expense and was in great need of money for his family, and should like to have his services engaged in some way.

During the conversation of some length he recited about what he had told me before, and gave his solutions of suspicious fragments of conversations he had overhead in Mr. Dyer's office. He said that Mr Henderson did not seem to feel that he would be retained very long as the associate counsel for the Government, and was urgent that all that could be introduced against Babcock should be put in on the Avery trial; that they had lette s written on Executive Mansion headed paper, purporting to be from General Babcock, but which he believed were copies or forgeries, and that he thought they were using them before the grand jury to procure an indictment; that he had read or heard read some of these letters, and he had said to Mr Dyer that General Babcock might be able to give a very simple explanation of them, when Dyer had replied that Babcock would not have an opportunity; his mouth would be closed.

As he was about leaving my room he said he could, he thought, obtain possession of these letters long enough to bring them to us, and we could tell whether they were using forgeries or not, and he might get the other papers, and we could see what they were. I at

once informed him that I had no money to give him and no authority to employ him; that I would not sanction his doing anything that was illegal or improper to do in the matter. I told him then, if I remember correctly, that Mr. Bradley had come out to Saint Louis as counsel for General Babcock, and he was a lawyer and knew what might be justifiable in General Babcock's interest, but I did not. It might be fair, under the circumstances, and it might not, to obtain the truth as to just what was being done, but I did not know, and could not sanction anything I did not feel certain of. Mr. Bradley indorsed what I said, and Bell left. Mr. Bradley has told me that after I had left Saint Louis, Bell said to him that he thought I had made a great mistake in not allowing him to get the Babcock papers.

I saw Bell several times before I left Saint Louis, and he had about substantially the same to tell me as to the political conspiracy which he alleged was contemplated by Messrs. Henderson and Dyer, in connection with officials in Washington. About the last thing he told me before I left Saint Louis was that when Dyer came back from the court-room to his office after the introduction in the Avery trial of the Babcock telegrams, he said, "That is something for them to chew on at the White House, the next one will be U. S G.;" and seemed to be very exultant. At no time was anything said by me to Bell or any one else which could possibly be tortured into a proposition to abstract and destroy papers from Mr. Dyer's office; and I don't know how I, as his friend, could have compromised General Babcock more than by such an act.

I arrived at home from Saint Louis within the first few days of December. Some time after Bell came to Washington and saw me. I had not doubted his sincerity of purpose nor his honesty in his professed attachment to the President, on account of his Army experience, though I doubted his conclusions very often. Mr. Henderson's attack upon the President, in his argument on the Avery trial, had, to my mind, corroborated Bell's assertion of the bitter feeling he entertained, and seemed to add strength to all he had told me in that connection. Bell told me Dyer was offering large sums for evidence against Babcock, and had employed him to go to Jefferson City, see Joyce, and try to obtain something from him by representing that the President dared not pardon him; but if he would help them against Babcock, they would all join in asking his pardon, and bring such a pressure that the President would have to grant it for fear that he would be thought to refuse through anger at his (Joyce's) course in helping to implicate Babcock. Bell showed me a note or card which Dyer had given him to secure him admission to Joyce. I told him as he was here he could tell the President himself whatever he desired to, and I would ask the President to see him. The President heard him, and recognized him as having served as a spy under him some time during the war, or as having carried dispatches for him through the rebel lines.

General Hurlbut, of Illinois, came in the office the same day, or the next, and as Bell had a testimonial from him, I asked him if he considered him reliable. He replied that he had always been so when with him during the war, and he deemed him trustworthy. Bell told me he had been suspended unjustly by the Post-Office Department because, when traveling, he had got out of money and had been obliged to borrow of a postmaster in order to continue the business he was on, and it was against the rules of the Department, but he could not at the time get along any other way. He desired to get in the Interior Department or Attorney-General's Office. He thought there were chances of working up a promotion sooner in the Interior than anywhere else.

Within a few days he came to me and said that the Attorney-General was going to send him to Saint Louis to assist Dyer in his whisky investigations; and he was going just as soon as he could get away; that he was to help all he could; but if any unwarranted or unlawful means were resorted to, such as introducing forged papers, or if inducements for evidence were offered calculated to induce perjury, he was to report it; in short, as I think he expressed it, to see fair play. He said that in case he discovered something going on which the President ought to know at once in order to prevent, perhaps, a great wrong, how could he communicate it? If he telegraphed it would be known in Dyer's office at once, and he would be turned out, and a letter might be too late. I told him it was entirely unlikely that any such emergency would arise, and he could communicate anything he wished by mail; but for fear I might feel to blame if such an occasion should arise, I made a short, simple cipher, and showed him how to use it in case he thought he ought to do so. I did not distrust the man, and I considered a cipher in telegraphing nothing more than a device to secure the privacy of the dispatch, the same as a sealed envelope for the same purpose in sending a letter through the mail. With the purpose I had in view, I believed it proper to give the cipher if I saw fit to do so. After providing him a means whereby he could telegraph what he thought ought to be brought to the immediate knowledge of the President, as safely as he could send it by mail, I thought very little more about it until I saw it in a garbled state published in the New York Herald about a month later, when I could easily perceive how a cipher, harmless in itself, could be made to appear against one by a designing, unscrupulous man. No dispatches were ever sent in the cipher; and whatever responsibility there may be in giving it to him is wholly my own, for neither the President nor General Babcock knew of it.

The Attorney-General did not appoint Mr. Bell, and he kept occasionally coming to me and complaining that he was being put off, and his complaint became rather annoying. Finally he came to say he did not think he would be sent to Saint Louis at all by the Attor-

ney-General, as he had consulted other officials about him, and Dyer would know it and would not trust him. He wanted to be appointed somewhere else, and suggested the Interior again.

I had not yet learned his true character, and felt under obligations to assist him, as I had told him in Saint Louis I would. So I spoke to the President that Mr. Bell had requested me to ask him to speak to Mr. Chandler in his behalf for an appointment as a special agent in the Pension-Office. I am not certain that I ever spoke to Mr. Chandler about him, but my impression is I did ask him if the President had mentioned a Mr. Bell to him about a place, and he had not done so. I lost sight of him very shortly after, and never knew for certain whether he got the appoinment. I was subpœnaed by the Government as a witness in General Babcock's trial, and I left for Saint Louis the fore part of February, but before leaving I had heard from Mr. Woodward, the chief of the Post-Office special agents, the true history of Bell's suspension in that Department, and found he had deceived me in that matter, and I began to distrust him very much.

I never knew he was in Saint Louis during the Babcock trial, nor have I seen him since, until yesterday.

Q. You went, then, to Saint Louis without any suggestion, either from the President or General Babcock?—A. Yes.

Q. How long were you absent?—A. I left Washington about the 1st of November; went out to my home in Illinois, and visited there until I went to Saint Louis. I had told Mr. Avery that whenever he sent me word that I was needed in Saint Louis I would come down.

Q. And you went out, then, because you had been subpœnaed as a witness in the Avery trial?—A. Yes, sir; I can tell you very shortly how I came to do so. In 1873 Mr Avery and I went to Europe on the syndicate together. In crossing the Atlantic he told me about a man named McGrew coming to him with a proposition that he, as chief clerk of the Internal Revenue Bureau, should write a letter which this man could take West among the distillers and get a lot of money out of them, black-mail them, and then come back, and that he and Avery would burn the letter and nobody would know anything about it. Avery had told me this in 1873. As this man, McGrew, was the principal witness against him, he was very anxious to have this testimony on his trial. He had told Mr. Douglass of McGrew's approaches to him, and when Mr. Douglass was on the stand objection was made to his repeating any conversations which Avery had had with him relating to those circumstances, and Judge Treat ruled that the objection was a valid one, but that in Mr. Douglass's case, he being the superior officer, and one count in the indictment charging Avery with not reporting to his superior officer, it would be admissible, but upon any other ground it would not be admissible. On that very night I left Saint Louis.

By Mr. ROBBINS:

Q. You say it was in Saint Louis that Bell made that proposition to you which you did not at all think of accepting, to get evidence and suppress it?—A. Yes, sir; my impression is that it was in my room, when Mr. Bradley was present.

Q. Did you not think it was a mighty bad proposition?—A. I thought so, but I looked upon it that Mr. Bell was anxious to do anything he could for the President and for General Babcock, too, and that it was his mistaken zeal, but so far as he did go I did not mistrust him. He did not propose to do any such thing as that without some authority, and I felt very certain that no one would give him any such authority.

Q. Did you not think it would be a bad man that would propose to destroy the truth—documentary and other evidence—that it was necessarily a bad man that would make that proposition to you?—A. I turned that subject over to Mr. Bradley. I told Mr. Bradley that I did not propose to compromise myself at all. He was a lawyer, and he was out there in General Babcock's interest, and he could do what he had a mind to. I did not propose to commit myself in any way whatever. I always considered myself in any intercourse I had with Bell as acting entirely on the information that he had given me of the conspiracy, and in the interest of the President. I was not acting in the interest of General Babcock. General Babcock did not know that Bell was in Saint Louis. I never wrote or sent word to him that I had met a man named Bell there.

Q. I am not asking with a view to General Babcock. Were you present when the President complimented this gentleman and spoke of him as a praiseworthy and good man, as I understood you to say? Did I not understand you to say that you were then in audience?—A. No, sir; I asked the President to see him, and the President saw him, and I did not propose to have anything to do with Bell's story after he came here to the President. At that time the President told me that he recognized him as a man who had carried dispatches through the rebel lines or acted as a spy.

Q. Did you inform the President of that proposition of his made at Saint Louis?—A. You mean to abstract and destroy the papers? No, sir; and I did not quite agree with Mr Bradley in that. I don't think I ever understood Bell as making a direct proposition to do such a thing; but, in his effusive sort of way, he was willing to do almost anything. I remember one thing he said, that they were under the impression that there was evidence over in Illinois or Indiana somewhere against General Babcock, and he said that if he found anything he could get smashed up on the train and his clothes all torn to pieces and they would not find any papers or anything else.

Q. And yet when you saw the President about to recommend this man for an appointment, knowing, as you have stated, that Bell was willing to do almost anything, you did not inform the President what sort of a man you thought he was, but let the President go on in ignorance about him?—A. That puts me in a position that I do not desire to take, for the reason that when I was in Saint Louis General Babcock was not indicted, and I had not any idea that he would be indicted.

Q. I am not talking about General Babcock or his indictment at present. You are the President's private secretary. Suppose you know that the President is deceived about a man, as you thought he was in that case, don't you take it upon yourself to tell him that such and such a man is a bad man, and that he is deceived about him?—A. I understood that if Bell was to get any position it was a position as a detective.

Q. But the President, according to your account, spoke of this gentleman highly, and was recommending him for a place, and you knew it, and you did not tell the President what you knew about the man?—A. I do not think I have said that the President recommended him for a place.

Q. I understood you to say that.—A. I never heard of the President's recommending Mr. Bell to anybody.

Q. You stated that you sent Bell in to see the President?—A. I asked the President to see Bell, and he saw him.

Q. How was it that you heard the President stating that he recognized Bell as a man that he had known, and who had done faithful service to the country in the war?—A. He stated that to me, sir. It was in this way: Mr. Bell had represented himself to me as having been a scout for General Grant, and my impression is that he had shown me a small piece of paper signed "U. S. Grant," given him during the war to enable him to pass the lines, and I asked the President if he recognized him as such a man, and he said he did.

Q. The point I want to know is how it happened that you did not inform the President that you had found out this man to be a great rascal, willing to do anything—why it was that when you saw the President was deceived you allowed the President to go on and recommend him for an appointment without opening your mouth to tell him that he was a rascal?—A. I told the President that I had told this man that if what he said was true, and he lost his place, I would do what I could for him. I do not think the President made any response to that. I am quite certain that I never recommended the man to the Attorney-General nor to the Secretary of the Interior for a position, and I don't think I ever knew that he had got a position in that or any Department.

Q. Bad as he was, you were willing to use him, were you not?—A. As a detective.

Q. To serve your purposes generally?—A. I considered that I was through with him when he came here, and I was very glad to be through with him.

By the CHAIRMAN:

Q. Did you bring the card from the President to Bell which Bell handed to the Secretary of the Interior?—A. I don't remember whether I did or not. I think not. I have no recollection of it.

Q. Have you any recollection of seeing the card which was sent to the Attorney General?—A. I have not. I don't think I saw either card, or any card. I may have done so, though.

Q. Do you know that Bell was sent to the Attorney-General?—A. I do not think I knew that, only from Bell's telling me so.

By Mr. DANFORD:

Q. I believe you made a statement in regard to speaking to Secretary Chandler in the interest of Bell?—A. My impression is that I simply asked Mr. Chandler if the President had spoken to him about a man named Bell for a place, but it was before the President had done so, and I do not remember that; Mr. Chandler does not recall it in case I did, and I am not positive that I did. But my impression is that I told Bell I would do it, and I did it.

Q. If you did, where did you?—A. In the Presidential Mansion, when he came up to Cabinet meeting.

Q. Did you ever go to Mr. Chandler's office to speak to him about it?—A. No, sir.

Q. Did you ever speak to the Attorney-General in his interest?—A. No, sir; not that I am aware of.

Q. I want to read you from the testimony of Bell:

"Q. What were you to do for Mr. Luckey?—A. To make it as brief as possible, I was to look into the hands of the district attorney (Colonel Dyer) and see what evidence there was against General Babcock.

"Q. You were sent by Mr. Luckey, then, to go out there and inquire what case there was against General Babcock?—A. I was there at the time.

"Q. Did Mr. Luckey write to you?—A. No, sir; I met him there, at the hotel.

"Q. How were you to do it?—A. I was simply to visit the district attorney's office, as I had the run of the office there, and see what evidence there was.

"Q. Did you go there and get hold of it?—A. I did.

"Q. With the consent of the district attorney?—A. No, sir.

"Q. You got it surreptitiously, then?—A. I did.

"Q. At the suggestion of Colonel Luckey?—A. Yes.

"Q. Did you furnish what you got to Colonel Luckey?—A. I did. That was in November. at the Lindell Hotel."

What have you to say to that statement?—A. If Bell meant by that that he listening and hearing what was transpiring in the office, and coming and telling me, he certainly came and told me everything that he heard there, and a great deal more, I think; but he never brought any papers to me from the district attorney's office, nor he never received any permission or authority from me to do so.

Q. I read further:

"Q. Did Colonel Dyer know that you were the agent of Luckey?—A. No, sir; not at that time Subsequently he did.

"Q. Did you look over the papers in that office?—A. Some of them.

"Q. Did you read them all?—A. I read a good many of them.

"Q. Where did you get the papers in the office?—A. On the table and in the drawers.

"Q. Was that the secret service that Colonel Luckey told you to render him?—A. It was.

"Q. He told you to go there and find—— A. To go and find out all I could."

Did he bring you any of those papers?—A. No, sir; nothing of the sort. I simply told him that he could come and tell me anything that he thought the President ought to know. That is all the authority that he got from me ever to do anything; which was all based upon the theory that if he was telling the truth it was my duty to do so; and if he was not telling the truth I would ascertain it.

Q I read again:

"Q. Was there any bargain between you and Mr. Luckey as to what you were to receive in case you got that evidence?—A. No, sir; I made no bargain with him whatever.

"Q. Did he ever make you any promise as to what they would pay?—A. He did not. Before he left Saint Louis he said that, of course, I would be very liberally paid. I told him I did not care for that."

A. That is not true. I simply assured him that if he lost his place through this matter, because he came and told me of such a conspiracy, if it existed, I should try and see that he had another one, or prevent his losing that.

Q. Were you at any time a party to any agreement by which Bell was to be employed to go into the district attorney's office, and steal out the evidence against General Babcock, and bring it to the hotel, where it was to be destroyed?—A. No, sir; I never was.

Q. Did you ever hear him make a proposition of that kind to either Mr. Bradley or yourself?—A. No, sir: I never heard him make a proposition of that kind. I am not positive that he might not have proposed to bring the papers there. I know he proposed to bring papers to the hotel, but not to bring them there to destroy them. I never understood him to make a proposition to bring the papers to destroy them; that is, any papers that were in Colonel Dyer's office. I did understand him to propose to go and get other papers, which both parties were trying to get possession of, and to say that if he got them he could go and get smashed up on the railroad and destroy them; but there never was any proposition that he was to bring papers to my room or to Mr. Bradley's room in my presence.

Q. Did you ever make a proposition that he should bring the papers from the district attorney's office up to your room that you might examine them?—A. No, sir; I never made any such proposition. He made such a proposition and I told him I would not consent to it.

Q. What did you tell him?—A. I told him that was entirely a question for a lawyer to decide. Mr. Bradley was a lawyer in General Babcock's interest, and could tell; but so far as I was concerned I could not sanction anything of the sort. I had no power to sanction his taking anything.

Q. What papers was he speaking of in that connection?—A. My impression is that he was speaking about letters which he said they had in Colonel Dyer's office, on official Executive Mansion paper, which he did not think were genuine, and I did not think they were genuine, but he was under the impression they were using them before the grand jury, and I think he told me that some one had said that they did not believe that those were genuine letters, and that some gentlemen in that office were very apprehensive that they had made a great mistake in using forgeries or copies instead of genuine papers, and my impression is that he proposed to bring those papers so that we should see whether they were genuine or not.

Q. Do you know whether he proposed to bring any other papers?—A. Yes; he proposed to bring any other papers there were there and let us see them. I told him I would not consent to it, that I had no authority to do anything of the sort. I do not think I should ever have paid any attention to Bell's story in regard to the conspiracy in the office at all if it had not seemed to be borne out by the press in Saint Louis at the time pretty generally. All those in Saint Louis that were friendly to the Administration thought such was the fact.

Q. He informed you at the time he visited you in Saint Louis first that he was then in the employ of the Post-Office Department, but loaned temporarily to the Treasury?—A. Yes, sir.

Q. Did you take any means to ascertain that he was so or not?—A. Not at that time. It was only during a few days that I saw him in Saint Louis, not over a week, or eight or ten days in all.

Q. Do you know whether he was really an employé of the Post-Office Department at that time?—A. I know Mr. Woodward, the chief special agent of the Post-Office Department, told me just before I went to Saint Louis, on the 1st of February, that Bell had been appointed a special agent; that he had been given a Mississippi post-office case; that he had followed it very faithfully, had secured the man and had done well, and he had been given other work, and if he had succeeded as well and kept on they would have promoted him, but that he did not attend to his duties, and that he had borrowed money of different postmasters, and complaints had come in, and he had interfered, I think in Indiana, with some other special agent who had a case in progress, and had managed to spoil the case so that the Department had lost all it had expected to gain, and they then had suspended him.

Q. When did you understand that he was to be suspended?—A. I did not know, but I had understood that he was a suspended agent of the Post-Office Department; when he came to me in Saint Louis he had already been suspended. He also told me in Saint Louis that he was assistant editor of a newspaper in Chicago. I think he showed me a newspaper with his name on it as "southern" editor, and I understood him to say that he was gathering statistics and writing for this paper as he went through the country in addition to his other duties.

WASHINGTON, D. C., *April* 6, 1876.

C. S. BELL again appeared before the committee and made the following statement:

I appear to have been asked on my former examination if I brought any papers to Luckey at the Lindell Hotel. I did not. They were brought to Avery. Those are the papers that were referred to, and were returned to the district attorney's office. I never brought anything to Mr. Luckey there. There is another point. It appears as if I implicated General Babcock in a knowledge that these papers were brought out. I did not intend to implicate him as knowing that I was to bring any papers there, as I said in my examination-in-chief.

WASHINGTON, D. C., *April* 6, 1876.

ORVILLE E. BABCOCK sworn and examined.

By the CHAIRMAN:

Question. State generally what knowledge you have of C. S. Bell.—Answer. I believe that I saw Mr. Bell years ago at the headquarters of the Army, and possibly at the Executive Mansion, when he was reported to me as having been a scout or spy during the war. I have no special remembrance of when that time was, but I have a remembrance of meeting Mr. Bell, the scout. The next time that I heard of him or knew of him was when Colonel Luckey returned from Saint Louis, where he had been on the trial of Avery, and where my name had been brought in, as you gentlemen all know. He told me of the various rumors and reports that came to him as to the conspiracy there against me and against the President, and told me that he had received a good deal of information from Bell, and asked me if I remembered him as a scout. I told him that I did not know him personally, but had heard of him. He said that he had turned Bell over to Mr. Bradley, and Mr. Bradley would get some information from him and would give me the particulars. This was in the early part of December, I think. When Mr. Bradley returned he made me a short verbal report, and reported (I think from the same memorandum that he has read here to-day) what he had gotten from Bell, and said that he had asked Bell to make him a written report, which he supposed he would do. I then left for Chicago to attend the court of inquiry ordered there. I had to leave so as to be there on the 9th of December when the court met. So I left here, if I remember right, about the 7th of December. I did not hear anything from Bell, nor see any report from him, until I returned, which, I think, was about the 23d of December—somewhere between the 20th and the 25th. Colonel Luckey then told me that Bell was here, and he thought I ought to see him, and see what information he had got. This was at the Executive Mansion. I asked him to send Bell to my office, 2120 Pennsylvania avenue, where I was daily, and Bell came there, I suppose, in accordance with that request of mine. He then made me a long report of things that were going on in Saint Louis. The main thing that he told me was in substance as the other gentlemen have given it here, and it struck me that if what he stated was so, a good deal of it was of great interest to me in the position in which I was placed. I told Bell that I wanted him to put his statements in writing; that an oral statement was of no use to me in that shape, and that I wanted it in writing. He

then called my attention to the fact that he was poor; that he had come on here at considerable expense, and had given up his business, as he wished me to understand and as I did suppose, to be of service to me. He said they were pressing him for his hotel bills, and he wanted some money. I told him if he would make out the statement in writing I should feel that he was entitled to something, and would give him some money. He then made out a statement for me. I think it was dated on the 25th of December, but not delivered until a day or two later, (though I am not positive as to the day,) and I gave him $25, if I remember correctly. I saw Mr. Bell then at my office, I presume, three times; after that I saw him at my own house. When my counsel came here to take charge of my case I told them of the report that Bell had made, and suggested to Mr. Storrs that I thought it ought to be in the form of an affidavit. Mr. Storrs agreed with me that it should be, to be of any service to me. I told Mr. Storrs, also, that I thought he should be the one to see Bell, and that I ought not to see him except in the presence of my counsel. He said that was right; and after that I saw Bell not more than once or twice, except in the presence of my counsel. I told him when he came that I wanted him to make affidavit to that statement which he had given me, and he expressed his willingness to do so. That convinced me, more than anything else, that the man was telling me the truth. I had no means of knowing whether it was true or not, but the fact that he was willing to make an affidavit to it made me think that he was telling me truly. On every occasion when he came to me he told me what expense he had been at, and that he was poor, and wanted assistance. I told him that when he gave me this affidavit I was willing to give him $50, I think, or it may have been $70. I calculated that his expenses were in the neighborhood of $100, and I wanted to give him about that amount. I told him, after he had completed his statement, that if he would go and get a notary and bring him to my house, and there make the affidavit in the presence of my counsel, I should give him this money. My counsel said he thought the man was entitled to that amount, under the circumstances. This, if I remember correctly, was on the morning or afternoon of the 29th of December. I remember Mr. Bell telling me this, that it had been a big mistake that the Attorney-General had not given him an appointment to go out to Saint Louis, because if he had gone out there he might have been of a great deal of service to me; but the Attorney-General had consulted, he thought, with the Secretary of the Treasury, and it was all known, and he could not be of any service to me now any way. He came to my house six or eight times. He generally came along about ten or eleven o'clock at night, and he used to tell his story, and tell us how circuitous a route he had to take to get there without being observed by the detectives of the Treasury Department, who, he said, were watching him and me and every one in my interest. He said that the Solicitor of the Treasury wished to employ him, and would give him an appointment as a special agent of the Treasury Department to go and get evidence against me, and that they would give him written instructions to go and get this evidence. I told him that that kind of information was of no use to us in that form, but that if they would get those written instructions and bring them to me, then it would be of value. He assured us he could get the instructions, and would come back the next day, or the day after, and furnish me them. This occurred at three or four visits, and we came to the conclusion that there was nothing in it; and, in consultation with my counsel, I told them that if Bell didn't bring me his appointment, or some positive evidence that he had such information as he claimed, I should dismiss him from any further service, and tell him that he need not come there any more. Accordingly I told him, when he came again, that unless he had something positive for me, I thought it would be of no use for him to come there. He again urged on me that he was poor, and that he had got no appointment. I don't know but this was before he had received the appointment in the Interior Department. I think I saw him but once after that until I saw him here in the room yesterday. My recollection is that on that occasion I met him on the street, in the vicinity of the War Department, as I was walking along, and shook hands with him. He expressed the hope that I had not any ill-feeling against him; that I didn't feel that he had not been true to me. I told him, no, that I had not any such feeling. He told me that he was going over to New York, and going to get some valuable information; he did not tell me what it was. I told him if he got anything that was valuable to me to come to me with it, and I should receive it and appreciate it. I heard no more from Bell until the night of January 18, 1876, when I received this note from him:

"GENERAL: I wish to leave for New York on first train, and on a matter of importance. I will report on Friday morning. Send me $40, and I will call all my services paid for; or will repay you February 1st out of my salary in Pension Bureau. The boy will bring answer, verbal or written.

"BELL."

I was absent from my home when that came, and, of course, I sent no answer; though I should not have sent any if I had been there.

On the next evening, January 19, I received the following:

"5.15.

"GENERAL: I sent you a message last night, but you were reported as out. Did you get

he message? I still desire to leave for New York by first train, to return Saturday. Send me $40, and if you are not satisfied with the result of my trip I will refund it out of my salary on the 1st of February.

"C. S. BELL."

I concluded that these were simply demands upon me for money, (which he might perhaps think he had a right to make,) and I told the messenger there was no answer. That is the only correspondence I have had with Bell from that time to the present, that I remember now. Some two weeks ago, I think, Mr. Benson, one of the Treasury officials, (I think the assistant chief of the secret service of the Treasury Department) came to my house in the evening and told me that he had been informed that Bell had a long statement that he was going to give to the Committee on the Judiciary, or that he wished to give it to them, and that it would make a great sensation, and that he was trying to negotiate with a certain gentleman to dispose of this information and get $3,000 for it, and if not, to get $1,000; that it was going to involve the President, and that he said that Colonel Luckey and I had admitted our guilt, and other things to that effect, and that he was going away then to Baltimore. I did not even tell Benson that I had the affidavit of Bell, or that I had paid him any money, or anything of the kind. I simply said that I didn't care anything about the matter. That was the only information I had received of Bell's movements, until I saw his testimony given before this committee. I would like to have this affidavit of Bell's read and placed on file. It is in exactly the same condition as when it was given to me.

Witness read the affidavit, as follows:

"WASHINGTON, D. C., *December* 25, 1875.

"In pursuing investigations in the case of John Hogue, late revenue agent, and charged with bribery and conspiring to defraud the revenue, I met and became acquainted with D. P. Dyer, United States attorney, at Saint Louis, Mo., and Mr. Bliss. his assistant, at a later date; in November I met Mr. Henderson, special counsel. Hogue, seeing the published evidence in the McDonald case, wherein it was testified that he (Hogue) had received $10,000 as a bribe, fled the country. Learning of this fact, and desirous of capturing Hogue, I saw Dyer and offered him my services. He promised to apply to the Treasury Department for authority to employ me. This was about the 15th of November. From this date I was frequently at Dyer's office, where I met most of the officials connected with the prosecution. The conversation often took such a shape that I saw there was an ardent desire to connect with the cases persons alluded to as 'Washington parties.' There was so much said in regard to a 'necessity that exists,' to implicate high officials at Washington, that I felt it my duty to report matters to Mr. Luckey, then in the city of Saint Louis. Mr. Luckey received what I had to say with very little comment. A few evenings later, while at the Lindell, I met Mr. W. O. Avery, who asked me if I would get him copies of the Hogue-Bingham telegrams; that they would aid him in his defense. As he had rendered me personal favors in the past, I complied with his request by going to Indianapolis and Cincinnati, and obtaining for him copies of the telegrams.

"The morning after McDonald's conviction, I was at Dyer's office, and he showed me three telegrams, one each from Secretary Bristow, Attorney-General Pierrepont, and Bluford Wilson. I noticed more particularly the one from Mr. Bristow; although, with the exception of one passage in Mr. Bristow's, the telegrams were very similar in phraseology. The passage in Mr. Bristow's telegram referred to 'the papers implicating Washington parties,' and 'we thought you should have used them in this case, but your judgment was correct. Accept my congratulations on your splendid success.' I give as nearly as I can remember the language of the dispatch, and I think the portions herein quoted vary little from the exact words used. Mr. Pierrepont's telegram was congratulatory, and referred to the unanimity of opinion on the subject of McDonald's conviction. I remarked to Dyer:

"'What about the papers implicating Washington parties?'

"'O, I objected to putting them in, because it would give other parties, not yet on trial, a chance to confute our evidence. I don't intend they shall look into my hand. You see this thing has hardly began yet.'

"Just then there came in a detective of the secret-service division, by name Anchisi, Revenue-Agent Colony, and Mr. E. B. Chapman, all of whom saw and read the telegrams I have referred to. Dyer was much elated and talked freely. Anchisi went out, and I complained to Chapman of the failure to indict Hogue at Cincinnati and Indianapolis, after all my work, and said that he had now escaped without even having given a bond. Dyer and Chapman then told me that a new policy was to be adopted at once—that elsewhere than at Saint Louis only the distillers and rectifiers had been 'crowded,' and that the Secretary (Bristow) had determined to give the whisky-men opportunities to divulge under terms favorable to them; that the really guilty ones were Government officers, whom it was determined to prosecute, from the highest to the lowest.

"'Well,' I remarked, 'I don't see how the plan will work when the district attorneys elsewhere are so lukewarm. Colonel Dyer has been in constant communication with Trusler, at Indianapolis, and Bateman, at Cincinnati. The Hogue telegrams that cost me so

much work were in their hands, and fully identified by the operator, yet he escapes indictment.'

"'As to Trusler,' said Chapman, 'he is only a figure-head. Young Holstein and General Brown, his assistants, do all the work. I wrote Mr. Bristow last night about affairs, and we will have such changes elsewhere as may be necessary to enable the plan regarding distillers to be carried out.'

"Dyer said he had written to the Department for me, and Chapman said I would be well provided for, and to stay with them. That morning I saw Mr. Luckey, at the Lindell, and he asked me to come to his room. I went, and I gave him the substance of what I have just referred to. I think this was about the 25th of November. I again saw Mr. Luckey Sunday evening, November 28, and he requested me to keep him posted in regard to affaisr in Dyer's office, which I agreed to do. I felt it my duty to do this, as I could not countenance the conspiracy then in progress against persons I believed innocent, when the whole *animus* sprang from a political intrigue.

"The next morning I went to Dyer's office, and soon learned that a difference had arisen between him and Henderson in regard to utterances of the latter, which indicated a desire on his part to precipitate matters ere the proper time had arrived. Dyer told me that General Babcock would be indicted, and that care should be used not to expose things so soon; that Henderson had been eager to bring in extraneous matter in McDonald's case, and now he was determined to do the same thing on Avery's trial. He also said he had told Henderson that he did not wish to go so fast, as he (Dyer) had a head to lose.

"Henderson's office is in the building of the Singer Sewing-Machine Company, on Locust street, while Dyer's is over the Third National-Bank building. They are about a square apart. E. R. Chapman spent most of his time in Henderson's office. Henderson rarely came to Dyer's office, but on the day the 'Sylph' telegram was produced in court, met Dyer in his office, and further words were had in regard to Henderson's precipitancy; Dyer seeming to fear that he would be held accountable for Henderson's acts.

"I think it was Monday, November 29, when the 'Sylph' telegram was read in court. I was not there, but met Dyer in his office, and he said he thought 'that shot had counted.' I remarked that it seemed to me to be an imprudence to put the telegram in, as it had no bearing on Avery's case. Dyer replied that he would not have allowed it to be put in, had he not been made 'solid up-stairs.' By this I understood him to mean that a vote had been taken by the grand jury on General Babcock's case, and that it had been decided to indict. That evening I again saw Dyer at his office. He came in alone, and shut the door leading to the other room, and pulled out of his coat pocket some papers and telegrams; among the latter the 'Sylph' telegram, a *fac simile* of which soon after came out in the Globe-Democrat. He seemed jubilant and excited.

"'Look at these,' said he, pointing to the papers. 'First Babcock, then U. S. Grant.'

"I expressed surprise, and he repeated the remark. I unfolded and looked carefully at the letters. I think there were six of them, all without envelopes. Some were on note and some on letter paper, and all bore the , in letters resembling 'Old English,' 'Executive Mansion.'

"There was nothing in any of the letters which was not susceptible of an easy explanation. In one I noticed the words 'What you sent suits us, and we hope you will send more of the same kind,' or words to that effect. That letter was on note-paper and signed 'Bab.' Another had a 'B' for a signature. I had no suspicion that the letters were not genuine, but remarked, 'Perhaps General Babcock can explain these, as they are liable to a double construction.' I thought at the time the reference was to some wine, whisky, or something of that kind.

"'O,' said Dyer, 'we can put our own construction on the letters, and he can't induce any jury to see with his eyes.'

"'But about those telegrams—they may put him on his guard and enable him to get up an explanation to meet the case.'

"'Why, don't you see they were only brought in at the close of Avery's case. He could not get here as a witness, and I think he can't do much in the way of explanation when his case comes up.'

"By this I gathered that he meant the telegram was purposely used as late as possible in Avery's case for the purpose of preventing General Babcock from having an opportunity to explain, as a witness, the meaning of the telegrams, and that he could not testify in his own behalf as to their meaning when his case came to trial. In this report I use, as nearly as possible, the exact language employed in cases of reported conversations. About this time the door of the adjoining room opened, and a man came in. Dyer stepped aside with him. The man is unknown to me, but I have seen him before in Dyer's office. In a moment Dyer came to the table and picked up the letters, and they examined them. Dyer suddenly said:

"'They (or these) are forgeries or copies. I thought they were genuine.'

"Bliss came in, and it was remarked that they had known it before, from which I inferred the papers had been before the grand jury, although I had nothing that rendered my inference a certainty. The unknown man went out, and Bliss followed. Dyer put all the telegrams in his pocket, and said to me:

"'Bell, we must get Joyce's letters. You can get them. Go to work at once, and you shall be well paid. Stay with us and help us.'

"I replied that I had been suspended in the Post-Office Department, and had no commission. He said:

"'I thought by this time to have heard from Washington. If I don't hear to-morrow I will telegraph Bluford Wilson.'

"Others now came in, and it was finally decided, in case Avery was convicted, to go ahead with General Babcock's case, even without other evidence than the telegrams referred to and a few others they had in hand, although but a short time before they spoke of it being 'too early in the fight to waste all their thunder.' I took this remark to possess a political bearing.

"I now felt that matters were critical. Could I make a show of helping Dyer, and even gain some trivial points that would do no damage in any direction, I would be able to stay in his office and see the working of the plot and keep my friends advised. It was again intimated that 'a necessity exists in Babcock's case.' Insulting language was often indulged in in regard to 'those Washington parties,' and many things spoken of would appear in a day or two in the public journals, which convinced me that editorial items were prepared in Dyer's office, although I will say that I never saw any prepared there. I would here remark that Colony, late of the Saint Louis Democrat, was made a revenue-agent in Supervisor Meyer's office, at Saint Louis, as a reward for his aid in the cases in that city. About the 18th of November he told me how he got hold of the 'lightning dispatch,' through a night-operator in the office of the Western Union Telegraph Company, whom he had bribed to 'watch things' just before the raid in May last; 'and,' said Colony, (who had been drinking and was very confidential,) 'Bristow, as soon as I reported in regard to the dispatch, said he would give $1,000 for the name of the party sending it.'

"'Why,' I remarked, 'that was easy enough, was it not?'

"He brought the dispatch to me with the address and signature both cut off, but when he heard of Bristow's offer he gave me what I wanted. He is still in the telegraph office and in our pay as well. Nobody but Bristow and myself know his name. He gives us a great deal of valuable information.

"A man was afterwards pointed out to me as Colony's operator, but the name given me by my informant did not fit the man pointed at, so I took the matter as a ruse of Colony's, though I deemed it a stupid thing for him to mention such a matter to anybody.

"I would here suggest that it might be well to put a good, trusty operator in the Saint Louis office to unearth Colony's man, and he could also be of use in gaining valuable information. I know of such a man, one I can vouch for, and I think that I can get him the situation, through friends of mine, in the service of the telegraph company.

"To resume: On the night of the day the 'Sylph' dispatch was produced in court, I saw Mr. Avery at the Lindell. He was anxious to know what the public thought of his case, and whether or not there was mach prejudice against him. I told him there was no feeling against him, and I encouraged him to look for an acquittal. At my request, to enable me to carry out my plan with Dyer, I got Avery to give me two lines to Fitzroy:

"'DEAR FITZ: Bell wants two or three papers, let him have them.

"'AVERY.'

"I then went to Fitzroy, my object being to ascertain whether or not he had any papers, or if he had given any to Dyer. I found Fitzroy very cautious, but he remarked Joyce used to copy the letters he received from Washington, and generally used the copies among the whisky men; that he (Fitzroy) had seen original letters, but that he had none then in his possession, and that all he had done against anybody in the cases was to save himself, as he was 'in a corner.'

"He also said, 'All I have given up to Dyer was to save myself, and will not hurt anybody more than other evidence that will be used. I cannot save them and must take care of myself.'

"He strongly intimated that Joyce knew what he was about, and that he was 'not such a fool as to destroy those letters.' A few days after this there was published in the Saint Louis papers what purported to be a statement from McDonald to a reporter, that Joyce used to copy letters and telegrams from Washington, and used the copies with the whisky men. This was all a puzzle to me, but I thought then, and still think, that it was a ruse of Dyer's to cover his tracks in the matter of the bogus letters; he no doubt fearing the *faux pas* might in time come to light. Still later intelligence was sent out that all the telegrams and papers in General Babcock's case had been stolen, but this has since been denied.

"The same night I saw Fitzroy I took a carriage and went out to the house of Assistant District Attorney Bliss, on Missouri avenue, and had a talk with him in which he told me that they must get more evidence in General Babcock's case, that with the exception of the telegrams they had nothing; no original papers.

"'But the grand-jury found a bill to-day,' said I.

"'They had a vote. I shall draw the indictment, but it may be several days before it comes into court.'

"Mr. Luckey had left that night, or on the night before, for Washington The following

morning I saw Dyer privately, at his office, and showed him Avery's note to Fitzroy. He became much interested, and said he would at once send a telegram to Bluford Wilson to send me an appointment in the secret service. I left him writing a telegram, and went to Avery and returned to him the note.

"On the morning of December 1st I called on Dyer, and he said, 'We are going to bring the pressure to bear everywhere. They would not give Bingham a chance at Indianapolis, so we have brought him here.'

"It is a fact that G. B. Bingham, then under a heavy bond for appearance at Indianapolis, was arrested near the close of November and taken to Saint Louis, and, in default of bail, was committed to jail and his bond declared forfeited at Indianapolis, owing to his non-appearance to stand trial at that place. By some arrangement, he was returned from Saint Louis to Indianapolis, and there had the forfeiture on his bail-bond set aside; withdrew his pleas of not guilty on five counts, pleaded guilty, and went before the grand jury. I remarked to Dyer that I thought of going up to Jefferson City in the interest of my journal, and that I should visit the workshops of the prison, ostensibly to get notes for an article on the penitentiary. 'Of course I will see Joyce, and I may learn something.' Dyer remarked that Seebree, the warden of the penitentiary, was an old friend of his, and that he would give me a note to him that would insure me admission to the prison. I said I did not think it needful, but he insisted, as he wished me to be sure to see Joyce, and he gave me the following:

"'UNITED STATES ATTORNEY'S OFFICE,
"'417 OLIVE STREET, SAINT LOUIS,
"'*December* 1, 1875.

"'DEAR SIR: I recommend the bearer hereof to your favor. He can render me a service.
"'Your friend,
"'D. P. DYER.

"'JOHN P. SEEBREE.'

"Dyer then remarked that I might hold out to Joyce hopes of pardon if he would give up the papers; that they would all recommend it, and the President would not dare refuse, as it would look like revenge; that, anyhow, the President's term would soon expire, and, if he *should* refuse a pardon, he (Joyce) would be cared for in the future. Further, that without a recommendation by the court of officials, he would not be pardoned by the President, as he would not care to incur the popular displeasure by the issuance of a pardon in his case unless strongly recommended.

"I suggested to Dyer that *my* plan was to see Joyce and convince him, by means of an identification of myself as a friend to those who were being struck at through him, that he must not yield to any temptation whatever, and that, by receiving assurances from him to the effect that he would never 'weaken,' the conversation would naturally lead to disclosures of more or less importance. Dyer finally said, 'Well, go ahead, and use your own discretion, but we must have the letters. If you get them, you will be well taken care of.'

"I did not go to Jefferson City, but on the 30th of December, Mr. Luckey being in Washington, and not wishing to push things in the absence of his instructions, I yielded to the positive orders of my firm, who were now threatening to revoke my appointment, and went away on a tour South. I went to Lexington, Ky., and wrote up the city for my journal. In explanation of my seeming abandonment of the matters at Saint Louis, I will say that I have a family to support and have no means available to enable me to sustain them, and am, therefore, compelled to lose very little time. I felt sure that my employment with Dyer would be temporary, for unless I succeeded in aiding him he would soon dispense with my services, and then he talked of sending me after Hogue, on my return from Jefferson City, and the chase after him would no doubt occupy the time when I could best aid my friends by working in his office. As my position and contract with my firm were advantageous, I could not afford to risk their loss for temporary work.

"After my arrival in Lexington, I sent Mr. Luckey, through Mr. A. C. Bradley, a report of what had happened after he left Saint Louis. This I had previously agreed to do. A response came back to me to come on to Washington, and a desire to be of use induced me to again abandon my work on my journal and to come here.

"I hear since my arrival that Dyer sent out to my house, in Saint Louis, for me, and surmise that he at that time (December 6) had heard from the Treasury Department, and perhaps was prepared to employ me at a stated salary. I have held no communication with him since December 3.

"C RLES S. BELL.

"DISTRICT OF COLUMBIA,
"*City of Washington, ss:*

"Charles S. Bell, being duly sworn, deposes and says that the annexed and foregoing statement of ——— written pages, signed by him, is in his handwriting and was prepared by him without dictation; that each and every statement therein contained is strictly and absolutely true, and that he is ready and willing at any time when it may be required to ap-

pear in court, or elsewhere, and re-affirm under oath the facts stated in the foregoing and annexed statement.

"CHARLES S. BELL.

"Sworn and subscribed before me this 29th December, A. D. 1875.

"JOHN W. CORSON,
"*Notary Public.*

"DISTRICT OF COLUMBIA,
"*City of Washington, ss:*

"I, John W. Corson, a notary public in and for the city of Washington, in the District of Columbia, do hereby certify that on this 29th day of December, A. D. 1875, before me personally appeared Charles S. Bell, to me personally known to be the same person who signed the foregoing and annexed statement and the foregoing affidavit, and duly acknowledged his signature thereto. And I do further certify that before swearing to the foregoing affidavit the same was read to the said Charles S. Bell by me, and that he fully and clearly understood the same, before annexing his signature thereto.

"JOHN W. CORSON,
"*Notary Public.*"

By the CHAIRMAN:

Q. Was there anything more than this attached to the affidavit at the time that he swore to it?—A. No, sir; the notary witnessed that and Mr. Storrs witnessed it.

Q. Have you any further statement to make in regard to the matter?—A. No, sir; I don't know that I have.

Q. Have you any letter that Bell wrote from Lexington?—A. No, sir; I have not. I have seen a copy of it, and I expected to have been able to place it in Mr. Bradley's hands this morning. I telegraphed to my counsel, who had all my papers, to send me that letter, and he telegraphed me the day before yesterday that it had been sent that day, and I supposed it would be here this morning by the morning mail, but it has not yet arrived. What I speak of is the copy in Mr. Bradley's handwriting.

Q. Mr. Bradley was one of your counsel in Saint Louis?—A. Yes, sir.

Q. He continued to act in that capacity until the case was presented?—A. Simply as an adviser; he didn't take any active part in it after he came back here. I did ask him to assist me in preparing a statement to be laid before the court of inquiry at Chicago.

Q. Then your dealings with Bell were on the supposition that he could render service to you?—A. When he gave me his verbal statement I thought it would be of value to me, and I asked him to put it in writing in the form of an affidavit.

Q. And you paid him about $100?—A. It may have been $100, or it may have been $120, or possibly a little less than $100.

Q. You say that he didn't go to New York with your sanction or in your employment?—A. He did not go in my employment.

Q. Did he write to you when he was in New York?—A. No, sir; not that I have ever seen or heard of. I never received any letter from him from New York at all.

Q. Did you ever speak to the President of the United States about Bell?—A. No; only to tell him in general terms about Bell's story to me, and that I had made him put it in the form of an affidavit.

Q. Did you ever ask the President to appoint Bell to any place?—A. No, sir; I did not.

Q. Did you ever ask Secretary Chandler to appoint him?—A. I did not. I never spoke to Mr. Chandler about the man for this position, or any other.

Q. Did you ever speak to Attorney-General Pierrepont?—A. No, sir. You will remember that I was not in Washington when Bell came here, nor when his communication with he Attorney-General occurred. I was then in Chicago. I left here on the night of the 7th and did not return until the 24th.

Q. But his appointment was on or about the 5th of January?—A. Yes; in the Interior Department; but I refer to his interviews with the Attorney-General.

Q. Then you knew nothing of the means by which he was appointed in the Interior Department?—A. I think Bell told me that the President had given him a card to the Secretary of the Interior.

Q. Did you ever request the President to recommend Bell to either Department?—A. I did not.

Q. Did Mr. Bradley on his return tell you what he had authorized Bell to do in Saint Louis in regard to getting copies of papers from the district attorney's office?—A. No, sir; he did not give me any particulars. He gave me a general report of what Bell had told him, but he didn't give me any particulars.

Q. Did you ever say to Bell that the procurement or destruction of a portion of these papers would be of no use, that he must get them all or none?—A. No, sir; never. I never said such a thing.

Q. Then Bell never was, by your consent, employed to destroy papers?—A. Never employed by me; nor was he ever employed in Washington by me, unless you call it employment, his coming to my room and making this affidavit. Otherwise he never was employed by me, or with my knowledge, anywhere.

Q. In this affidavit that he makes he sets forth certain letters which he alleges to be copies or forgeries. Did you ever write any letters of that kind?—A. No, sir; and I will say that no such letters were produced in evidence, and I have no knowledge that any such letters were ever in existence.

Q. Were they ever put in evidence before the grand jury?—A. I don't know that they were.

Q. Have you any reason to suppose that they were?—A. No, sir; I have no reason to suppose they were; and from all the information I have, I have reason to suppose that there were no such letters put before the grand jury.

By Mr. ROBBINS:

Q. I understood you to say that the substance of what is narrated in that affidavit of Bell was communicated by you to the President?—A. I told him of the report—what this man had stated to me, in general terms, but did not go into particulars.

Q. And you gave him that information before he recommended Bell for any office?—A. I suppose so. I don't know about that. I don't know when the President gave him that card.

Q. When was it that you communicated that to the President?—A. I cannot tell you the exact date. It was after it had been given me in the form of an affidavit; it must have been somewhere in the neighborhood of the 1st of January. I don't know when the President recommended him.

By Mr. DANFORD:

Q. I want to call your attention to some portions of Bell's testimony. He was asked, "Had you any conversation with General Babcock in regard to this matter?" "Frequently, probably a dozen times after I arrived here in Washington; that was before the trial." "If at any time General Babcock admitted to you that he was guilty, please state it." "His admission was clear enough. If they wanted me to get this evidence out of the office and destroy it, it was clear enough." "Did he admit to you that he was guilty?" "I told him what Bradley asked me to do at Saint Louis, and, instead of dissenting, he said that he didn't wish me to get the evidence out of the office, unless I got the whole of it; that if I got part of it, it would be worse than none." What have you to say about that?—A. I never said such a thing to him in the world, sir.

Q. I read further: "In your conversation with General Babcock, General Babcock admitted to you that he was guilty?" "The matter was talked over between us afterward and he remarked that if I got it, I should be well rewarded. I told him I didn't like to go into this business of getting testimony," &c. Is that true?—A. I never had any such conversation with him. I never employed him to get any papers. I don't know how he could get any papers, as he never was employed by me to go to Saint Louis. I don't know where there were any papers for him to get.

Q. I read again: "In this conversation with General Babcock did you say to him that you had proof of his guilt?—A. No, sir; I told him what evidence there was; other evidence came in just before I left, and I told him what the evidence was. He repeatedly said to me that there were papers and telegrams of his which, if the prosecution got hold of it would be almost impossible for him to explain."—A. I never said such a thing in the world, sir.

Q. I read further: "According to your judgment, the object of the President in sending you there was a proper one, to ascertain whether Babcock was guilty, but, under cover of that appointment, the Attorney-General, Bradley, Luckey, and Babcock were going to use you for the purpose of destroying evidence?" "No; not the Attorney General." "But the others, Bradley, Babcock, and Luckey, wished you to go there and destroy evidence?" "Yes, they wished me to do that." What have you to say to that?—A. I never wished him to do anything of the kind. I didn't know that he was going out there. I did not know that he was in Saint Louis at all during my trial until I saw the statement in his evidence here.

Q. He was further asked: "Did you ever see any other telegrams that passed between Babcock and the members of the whisky ring save those that were given in evidence against him?"—A. "I have never read the evidence in full. I think there were other telegrams that I saw that were not introduced in the case. I think there were other telegrams, from the fact that before Bradley left Saint Louis, it was desired that I should be particular to get hold of any telegrams signed 'B. Finch,' or 'Bullfinch;' but after I got here, General Babcock told me that, when he came to think of it, he thought there never had been any with that signature sent to that quarter."—A. I never sent a telegram with that signature to any quarter.

Q. What did you say to him about it?—A. I never spoke to him about it in my life.

Q. Have you any other paper or matter that you want to put in evidence in this investigation?—A. Since the evidence of Bell was given here, I have received three or four telegrams (four, I believe) that may be of service to the committee if they choose to use them. I know nothing about them except that they have been sent to me, and I have received them.

[The telegrams were shown to the committee, who decided that they were not admissible.]

WASHINGTON, D. C., *April* —, 1876.

LEVI P. LUCKEY recalled and further examined.

By Mr. DANFORD:

Q. In the testimony of Mr. Bell, he makes this statement: "I will say this: That when I was in Saint Louis, Luckey said to me, 'If you will go through with this thing and look it up, I will get you a big appointment in Washington.' Now, we know old Zach., and when I came here, I didn't want to go into the Interior Department, because I did not think it would give me the facilities I wanted," &c. What do you say to that?—A. I don't remember saying anything of that sort to him at all. I told him if he lost his place, I would do all I could to get him another one; and he had a great many suspicions against several members of the Cabinet, and so on; and I am not certain but what I did say to him that he might try his chances with Mr. Chandler; that *he*, certainly, was not unfriendly. I might have said that; I don't know but I did. I would like to add here, that I knew nothing of Bell's trip to New York when he was in the employment of the Interior Department. I don't think I ever knew that he was employed there, or that he had received the appointment there at all.

WASHINGTON, D. C., *April* 7, 1876.

B. R. COWEN sworn and examined.

By the CHAIRMAN:

Q. You are the Assistant Secretary of the Interior Department?—A. Not at present; I was until the 14th of March.

Q. Are you or were you acquainted with a man named C. S. Bell?—A. I have seen him twice or three times only.

Q. The present Secretary of the Interior, Mr. Chandler, in his evidence the other day before the committee, produced a card, alleging that it was signed by you, which reads as follows: "Mr. Bell has been legitimately employed under orders, and is entitled to his expenses and per diem. Will Mr. Le Barnes please adjust the account?" Did you sign a card of that kind?—A. Something of that purport. I cannot remember the exact words.

Q. Can you tell the committee what services this man Bell rendered the Interior Department which entitled him to his expenses and pay?—A. None, that I know of, to the Interior Department.

Q. What, then, is this certificate based upon?—A. He came to me at my house the day I gave him that card, and said that he was reporting to the White House, and that he did not want to go to Le Barnes with the business, because he did not want to tell him what he was doing. On that representation I gave him that card.

Q. Did he tell you what business he had been performing for the White House?—A. No, sir; I did not ask him anything about it.

Q. Did he tell you that he had been to New York on business for General Babcock?—A. No, sir.

Q. Did he say anything about Babcock at all?—A. I don't think he mentioned his name; I think he used the expression, "The fox at the White House."

Q. Did he say that it was the President who sent him?—A. No, sir; he did not use the President's name—didn't say a word about the kind of business.

Q. Were you in the habit of giving certificates to employés that did not explain the nature of their business?—A. I don't know that I was in the habit of it; I do not know of any instance of the kind before.

Q. What induced you to give this man this certificate?—A. The fact that he was an appointee of the Department, and the fact that he had been appointed on a card from the President, led me to suppose that his story was true.

Q. Did he produce to you his vouchers for his expenditures?—A. No, sir.

Q. Did he tell you what they amounted to?—A. No, sir.

Q. They might have been $5 or $1,000, for all you knew?—A. Yes, sir; I never looked.

Q. He would have been paid on this card of yours, $1,000, would not he, or any amount whatever?—A. If he had vouchers to show for it; regular vouchers and receipts for expenses.

Q. Do you know how much he was paid on this card?—A. No, sir.

Q. You have never seen anything of this account of his?—A. No, sir; I have never seen anything of it.

Q. Here are the items of the account of expenditures of this man, which he was paid upon this certificate of yours, one amounting to $16.35 for railroad fare to New York City, sleeping-car, omnibus to depot, &c. Then there is one dated February 1, running it to February 16, railroad fare to Philadelphia and New York, omnibus, &c., items of that kind, amounting to $45.35. Did he present any such bills to you?—A. No, sir; I never saw them.

By Mr. DANFORD:

Q. Whose business was it to adjust accounts?—A. It was the business of Mr. Le Barnes, I think. He was chief of the special service division of the Pension-Office, but the vouchers came to my table always for approval, and after the Commissioner of Pensions had approved them, in any question about which he was in doubt, would be generally referred to me, in regard to that class of business.

Q. Had you had special charge of that class of business?—A. Yes, sir; so far as it was necessary for the secret service to take charge of it.

Q. You knew that Bell had been appointed in the Interior Department upon a card from the White House?—A. Yes, sir. I did not see the card, but my impression is that the Secretary mentioned one day, when I was present and Bell had just gone out, that he had received such a card from the President. I was present also when General Hurlbut spoke in behalf of Bell as a very valuable detective during the war.

Q. How frequently did Bell see you in relation to this matter?—A. Only once in regard to this branch of the business. He called on me once to know what was the cause of the delay in his appointment.

Q. Had you had any acquaintance with Bell prior to his appointment in the Interior Department?—A. I never saw him until then. He was trying to get the appointment for two or three weeks.

By the CHAIRMAN:

Q. You say you were present when General Hurlbut had the conversation with the Secretary about Bell? Were you present at any other interviews between Bell and the Secretary?—A. No, sir. That was the only time. He went out of the room just as General Hurlbut came in. General Hurlbut probably inquired what that man was after, and the Secretary told him; and he went on to say that he reported to him during the war.

Q. Then, as I understand you, you certified to the accuracy of these accounts by reason of the fact that the Secretary had informed you that Bell was appointed by him on a card from the President of the United States?—A. I did not certify to the accuracy of the accounts. I requested Colonel Le Barnes to adjust the account, to examine the vouchers, see that they were correct, and make up his account.

By Mr. DANFORD:

Q. Did General Babcock or Colonel Luckey ever speak to you in reference to Bell or his appointment?—A. I have not seen General Babcock nor Colonel Luckey since some time before Bell was appointed, nor have I communicated with them, except by a short letter that I sent to Colonel Luckey day before yesterday from Ohio about this man Bell, but not on this point. Probably I had better explain that as I have mentioned it. The postmistress in our village came and told me that this man Bell had cheated her out of some money, I think, a few years ago—I wrote that fact to Colonel Luckey. With the exception of that I had no correspondence or interview with either of these gentlemen.

Q. That was while Bell was employed in the Post-Office Department?—A. It was said to be.

WASHINGTON, D. C., *April* 7, 18 7

THOMAS B. CONNERY sworn and examined.

By Mr. DANFORD:

Question. What position do you occupy on the New York Herald?—Answer. I am one of the editors.

Q. Are you the managing editor?—A. Mr. Bennett is the manager.

Q. Did you occupy the position of managing editor about the 10th of February last?—A. I can only answer that indirectly by saying that I was in charge under Mr. Bennett.

Q. Do you know C. S. Bell?—A. Yes, sir; I know him.

Q. Did you have any transactions with him about the 8th or 9th of February last, in relation to an article that appeared in the Herald on the 10th, containing a cipher?—A. I would like to answer that question by saying that with all due respect to the committee, it seems to me to be a question involving the private affairs of the Herald, which, as I am not the owner, proprietor, or director, I have no right to answer without his sanction or authority.

Q. The question that I have just propouuded, I think, does not go to that extent. The question is whether you had any conversation with Bell in relation to that particular article.—A. I had some conversation with him; but I must repeat again that the subject of the conversation is a private matter.

Q. I am not asking about the subject.—A. You asked me if I had a conversation with him respecting a certain subject, and it is that question that I say, with all due respect, I must refuse to answer.

Q. I am not asking what the conversation was, but whether you had a conversation.—A. It seems to me, Mr. Chairman, to be substantially the same thing.

By the CHAIRMAN:

Q. I think you have answered that you had the conversation, but you decline to give the subject of it. I think that is the distinction you draw in your own mind?—A. I had a conversation with him.

Q. In relation to this cipher dispatch?—A. That is precisely what I decline to answer. Of course I mean no disrespect whatever to the committee, but it seems to me to involve the private affairs of the Herald, and I think, therefore, I have no right to answer that question without Mr. Bennett's sanction. As he is the owner, and the editor, and the director of the paper, it is for him to judge what is proper, not for me; I am simply his agent.

Q. In his testimony, Mr. Bell, in answer to a question said, "I had no idea of getting anything at all foi it (referring to the cipher article) at the time I gave it." I ask you to state to the committee whether that answer is true or not.—A. May I trouble you to repeat it again.

Question repeated.

My answer to that is, that I refuse to answer, for the same reason as already stated. It appears to me to be prying into the private affairs of the Herald.

By Mr. ROBBINS:

Q. How is that? I did not hear you distinctly.—A. I say I decline to answer that question, for the same reason already stated, that it appears to me to be prying into the private affairs of the Herald.

By Mr. DANFORD:

Q. One other question I will ask you before submitting the matter to the committee. If the proprietor of the Herald has no objection to your answering these questions, have you any?—A These specific questions?

Q. Yes, sir.—A. None whatever; he is the judge of that.

Q. Will you communicate with the proprietor of the Herald in relation to these questions and let the committee know what the answer is?—A. I will do so, sir, with pleasure.

Mr. DANFORD. It seems to me that that is the right thing to do in this matter; my own judgment is that these questions are relevant and proper.

Mr. ROBBINS. What point are you aiming at?

Mr. DANFORD. I want to contradict Bell's testimony.

The examination of the witness was suspended at this point, to give him an opportunity to return to New York and consult the proprietor of the Herald.

WASHINGTON, D. C., *April* 12, 1876.

THOMAS B. CONNERY recalled and further examined.

By the CHAIRMAN:

Question. You have been to New York; have you seen Mr. Bennett?—Answer. I have.

Q. What is your decision as to answering the questions propounded to you the other day?—A. After consulting with Mr. Bennett, I must still decline to answer. I suppose that is all that it is necessary to say, unless you want me to give his reasons.

Q. You may state his reasons.—A. He agrees substantially with me that the subject of inquiry involves an unnecessary exposure of the business affairs of the Herald; and he considers also that it might lead to the disclosure of communications made to the Herald in confidence; also, that it is bad policy both for Congress and for the newspapers, because it would frequently lead to the suppression of investigations. In making this answer I repeat what I said before, that neither Mr. Bennett nor I intend any disrespect to Congress, nor to you, nor to your honorable committee.

The CHAIRMAN. We feel assured of that.

Mr. DANFORD. Mr. Connery, as I asked the question, I desire to state the position that I take in relation to it now. The question was not asked for any other purpose than to contradict the testimony of the witness Bell, in relation to the manner in which he gave the cipher dispatch to the Herald; for that purpose and for no other. I believe you understood me to say that was my object when you were here before.

Mr. CONNERY. Yes, sir.

Mr. DANFORD. With that object in view I have no doubt that the question was a legitimate and proper one, and that I have a right to an answer to it. I consider myself that the objection to it is a frivolous one; but I don't propose, so far as I am concerned, to take the time of Congress by pressing this matter any further. I will ask the members of this committee present, whether they concur in my view or not.

The CHAIRMAN. That is my view.

Mr. BLACKBURN. I certainly do. I think Mr. Danford was entitled to an answer to his questions.

The CHAIRMAN. I am clearly of the opinion that for the purpose stated by Mr. Danford, he would be entitled to an answer to the question; not with the view of prying into the affairs of the Herald, or any other paper but for the purpose of testing the veracity of the witness Bell. In that view I think the question is competent and that the committee would have a right to an answer; but I agree with Mr. Danford that it is not so material to the issue in this particular case as to impose any obligation upon us to assert what we believe to be our right.

Mr. BLACKBURN. I want to add that while cordially indorsing the views expressed by Mr. Danford in reference to his right to have the question answered and the propriety of the course that he has suggested for the committee to adopt, as a member of the committee I should have felt impelled to have supported any other or different action that he might have suggested.

Mr. DANFORD. I do not feel that we as a committee would be justified in taking the time of the House on a question of this kind, as it is on a mere collateral matter, the impeachment of this witness; and for that reason alone I refrain from pressing the question.

WITNESS. I am very much obliged to you, gentlemen.

WASHINGTON, D. C., *April* 10, 1876.

BLUFORD WILSON, Solicitor of the Treasury Department, sworn and examined.

By the CHAIRMAN:

Question. Do you know C. S. Bell?—Answer. I am somewhat acquainted with him.

Q. When did you first have knowledge of him?—A. I met him in the fall of 1874, about September or October.

Q. Was he an applicant for any position under your Department?—A. He was an applicant, among a great many others, for the position of chief of the secret service, when Whitley went out.

Q. Did he come to you recommended?—A. Yes, sir; he had quite a number of indorsements from various people with whom he had served. Among the letters he had were some from his old military commanders, which were perhaps the strongest papers he had. His papers, however, were not of a character to satisfy me that he ought to be made chief of the secret service, and I did not appoint him.

Q. Had you him ever employed in your Department?—A. No, sir; he never was in my employ.

Q. Was he indirectly in the employ of the Treasury Department in any way?—A. Possibly he was, through the Internal Revenue Bureau; my impression is, that some time in 1875, November or December—more probably November—he was requested by Mr. Yaryan or Mr. Pratt, Commissioner of Internal Revenue, to go to Ohio and make an examination, and try to get certain telegrams which were supposed to have been sent by Revenue Agent Hoge to Bingham, at Evansville, Ind.; whether he was paid for that service by the Internal Revenue Bureau, I cannot say. My impression is, that he was a special agent of the Post-Office Department, and attended to that duty along with others.

Q. When was Hoge prosecuted?—A. He never has been prosecuted at all.

Q. What were the reasons that he was not prosecuted?—A. My impression is, that he found the climate of Canada more congenial than that of the United States, and expatriated himself.

Q. Mr. Bell, I think, asserted in his testimony that after the conviction of McDonald, certain telegrams were received congratulating Mr. Dyer for his success in that trial; did you send any such telegrams?—A. My impression is that I did send such a telegram congratulating him on the conviction of McDonald, but it had no relation whatever to Mr. Bell.

Q. Do you know anything of Mr. Bell other than that which you have learned through the papers; have you any personal information in regard to him that would be of value to this committee?—A. If I should take my own judgment as to the value of any communication I might have to make to you on that subject, I should say it was not of any very great importance, but I have some personal knowledge of Mr. Bell aside from that which I have obtained from the papers; I leave it to you to say whether I shall give it or not.

Q. If there were any reasons why you did not employ him, I wish you would state them.—A. Possibly my whole semi-official connection with Mr. Bell will be best explained by the papers which I have here. At no time was he in the employ of the Secret-Service Division or of the Treasury Department in connection with any portion of the internal-revenue litigation that was under my direction; but about the middle of December last my attention was directed to him, I think perhaps by letter from Mr. Dyer to me, and there were some proceedings on his part in this city which excited my suspicions and led me to suppose that he might be a spy upon Mr. Dyer's movements, and the result was that on the 18th of December I wrote to Colonel Dyer as follows:

* * * * * *

"And now a word of caution. You have made a mistake in trusting C. S. Bell. He has

been here pretending to know that you have been endeavoring to implicate the President, and it is possible that he may return to Saint Louis. If he does, put your best man on him at once and you will soon see where he trains. If he calls on you don't let on that you suspect, but *don't trust him*, and have *him watched*." * * *

I suppose at that time, from the information that I had, that Mr. Bell was really in the employ of the defense and engaged with certain other detectives in trying, as it is put in the papers, to "look into our hands."

Q. What were the movements in this city which induced you to believe that Bell was playing that part?—A. I am unable to recall with any degree of certainty what the precise facts or the precise grounds of the suspicion were.

Q. Was it his association with certain people here?—A. Possibly it was.

Q. State who those people were.—A. I cannot by any means state all the associations that Mr. Bell had at the time, but my impression is that some of the subordinates of the secret-service force communicated to me certain of his movements.

Q. Was it his visiting General Babcock and Colonel Luckey and Mr. Bradley?—A. My impression is that it was his association with those gentlemen. I felt that he could not serve two masters—that he could not serve the defense and the prosecution—hence my letters to Mr. Dyer.

Q. Had you information that he was associating with these people?—A. I think I had at the time.

Q. Had you reason to suppose that there were efforts being made by those gentlemen to "look into the hands" of the prosecution?—A. I had no doubt that the defense were very anxious to know precisely what movements the prosecution were making with reference to them.

Q. Do you know of any specific efforts that they did make?—A. No, sir; I do not now recall any.

Q. Do you know of their sending any lawyer from the city of New York to Saint Louis who you had reason to suppose was sent there really to help the defense?—A. Yes, sir; but my impression is that that was a very much later occurrence than any to which I have had reference in my testimony thus far given. My impression is that Mr. Sherman's visit to Saint Louis was some time in the latter part of January or in the middle of February; while the particular situation of affairs to which I have had reference was about the middle of December.

Q. If there were any facts other than Bell's association with Babcock, Luckey, and Bradley in Washington which led you to suppose that he was really in their employ, I wish you would give them.—A. It is impossible for me to recall with any greater certainty the facts as they then existed. I met Bell at a later period in February under somewhat different circumstances.

Q. Please state those circumstances under which you met him in February.—A. Some time about the 10th or 12th of February, Mr. Bell called at my office in the Treasury Department, and repeated to me substantially the story he has sworn to before this committee, which was to the effect that he was in the employ of the defense; that he had evidence that he thought was conclusive of General Babcock's guilt or of Mr. Avery's, and of considerable moment to the prosecution. I listened to his story and was somewhat impressed by it from several considerations. Probably I had better read my official correspondence with Mr. Dyer in relation to it, and that will at the same time refresh my memory. On the 10th of February I sent Mr. Dyer this telegram:

WASHINGTON, *February* 10, 1876.

D. P. DYER,
United States Attorney, Saint Louis, Mo.:

Bell has just been in with a remarkable story about having been employed by Babcock and Luckey to steal your evidence; says telegrams were sent or received by Babcock in the name of B. Finch or Bull Finch; that express packages with money came to this city to A. C. Bradley for delivery. It may be well to look into this. * * *

BLUFORD WILSON,
Solicitor.

In response to that I received on the same day or perhaps the day after this:

SAINT LOUIS, MO., *February* 10, 1876.

To Hon. BLUFORD WILSON,
Solicitor, Washington, D. C.:

If you think that Bell told the truth send him here at once. When were the Finch telegrams and express packages sent? Matters look well here.

D. P. DYER,
District Attorney.

On the 15th of February I responded as follows:

"WASHINGTON, *February* 15, 1876.

To LUCIEN EATON,
United States Attorney, Saint Louis, Mo.:

That man (Bell) has Chandler's commission in his pocket. Has been in Jewell's service and in General Grant's during rebellion, and did Yeoman good service in Hoge's case. You should examine him with great care and judge of his truth. Of course his testimony would be fatal to defense if true, and in that event it would be a big mistake not to swear him.

BLUFORD WILSON,
Solicitor.

On the same day I received the following:

SAINT LOUIS, MO., *February* 15, 1876.

To BLUFORD WILSON,
Solicitor Treasury, Washington, D. C.:

We do not trust that fellow (Bell) of whom you spoke. We will use no evidence of which we have strong doubt as of this. * *

EATON.

On the 16th of February I received this dispatch:

SAINT LOUIS, MO., *February* 16, 1876.

BLUFORD WILSON,
Solicitor Treasury, Washington, D. C.:

* * * After an hour's examination of that man, Dyer and I decided emphatically that we would only use him in rebuttal, if at all. His story, though probably true, would be doubted gravely, and throw discredit on good faith of prosecution before the public. Brodhead fully concurs in our decision, which has been reviewed in light of your dispatch. My associates approve this dispatch.

EATON.

On the same day, February 16, I replied as follows:

WASHINGTON, *February* 16, 1876.

To LUCIEN EATON,
Special United States Attorney, Saint Louis, Mo.:

I am entirely content with the conclusion reached by yourself and associates. My object is accomplished in securing for the matter the careful consideration which you seem to have given it.

BLUFORD WILSON, *Solicitor.*

That covers the whole field of my official connection with Bell, predicated upon his statements to me.

Q. You say that Bell made substantially the same statements to you with reference to his relations to Babcock, Bradley, and Luckey, that he made before this committee?—A. To the best of my recollection.

Q. And on the strength of that, you telegraphed to Colonel Dyer; he and Mr. Brodhead decided that they would not use him save in rebuttal, if at all?—A. Yes. That was after Bell went to Saint Louis, and had been in personal communication with the district attorney and his associates.

Q. Were you led to be more suspicious of Bell than you otherwise might have been by reason of efforts made in other quarters to look into your hands in the prosecution?—A. My impression about the matter now is, that Bell's manner, and his associates, and what I had picked up about him from time to time, had insensibly prejudiced me against him, but I cannot say that I suspected him by reason of any particular statement that was made to me in relation to him. I conceived at the time a general impression that while there was in what he had stated to me that which was worthy of serious and careful consideration, yet it would be well to receive it with great caution, as I would have received the statements of any man who had been in the position that Bell had been in with reference to the defense in that case. The fact that he had been at one time in the employ of the defense, based upon his own statements to me, naturally made me suspicious of him.

Q. Do you know of the defense having employed any other person who was supposed to be in your confidence to "look into the hands" of the prosecution in Saint Louis?—A. I do not recall the name of any party or any circumstances that would lead me to suppose that the defense had taken any steps with reference to people in my confidence or employ.

Q. But as to people who were in the confidence of the Government, who really went out there for the purpose of seeing the hand of the Government?—A. I am not able to recall any fact or circumstance.

Q. What relation did Mr. Sherman bear to the Government at all in this prosecution?—A. He was an assistant district attorney in the office of the southern district attorney of New York, with Mr. Bliss.

Q. Were you satisfied from any facts that came to your knowledge afterward that he was really in the employ of the defense in this case?—A. My impression at the time of Mr. Sherman's presence in Saint Louis, based upon information that I had received in a confidential way from parties there, was very strong indeed that he was there in the interest of the defense.

Q. Had he by his relations to the Government as an officer of the United States district attorney's office any special means of obtaining access to papers and evidence which he otherwise would not have had?—A. Undoubtedly, his official connection with the Government and with the district attorney's office of New York, backed, also, as he was by letters of introduction to Mr. Dyer, secured for him privileges which he could not have secured if he had been an outsider.

Q. Do you know whether he did use that power to obtain information that it was improper to communicate?—A. Of my own knowledge I do not know that he made any such use of his position or opportunity.

Q. Were you so informed by the district attorney or his associates in Saint Louis?—A. Not only by Mr. Dyer, but I was also informed by other people, with much assurance that their statements were true, and I believed thoroughly at the time that he was there for that purpose.

Q. Have you any reason to disbelieve it now?—A. Yes; since then I have seen and talked with both Sherman and Bliss, and have had some explanations of his presence there which I did not have at the time, and which have served to modify somewhat the impressions and opinions I had in the matter at the time; they have been very materially modified.

Q. Do you recollect meeting Bell at one time at the door of the White House and going with him into the East Chamber?—A. I do.

Q. Do you recollect what your conversation was at the time?—A. Yes, sir; substantially. Mr. Bell, I think on the night before, had been to my house on Scott Square, and made a rather remarkable disclosure or statement in relation to Mr. Avery, who was then under indictment, and I believe had been convicted, for his complicity in the revenue frauds at Saint Louis. His story related to a conversation which he claimed to have had with Avery, the ex-chief clerk, in which Avery had indicated a purpose to turn state's evidence and place at the disposal of the Government his knowledge and information in relation to the frauds which we were then investigating. He claimed that Avery had been somewhat harshly dealt with by those who had been his associates, and had been left to bear the brunt of the battle and had impoverished himself and was in an embarrassed condition, and was now ready, in view of the fact that the promises made him in relation to funds for his defense had not been carried out, to tell what he knew; that if he could see the Secretary of the Treasury, or some one authorized to represent him, he was ready to talk. My suspicions were very strong at time, as they have been since, that Mr. Bell's statement could not be accepted with entire confidence, so that I listened to what he had to say and made no response, except possibly I may have suggested to him that the Attorney-General or the officers with him immediately engaged in the prosecution were the parties to whom such communications should be made. At any rate, I gave him as little encouragement as I could in view of the suspicions that I had. But he told a very straightforward story, and it made some impression on my mind. His statement in relation to General Babcock and Mr. Luckey, backed as it was by a commission, which he showed me, from the Secretary of the Interior, by a cipher-telegram which was recognized to be partly, at least, in Luckey's writing, and the fact that he claimed to have seen certain memoranda of mine left with Mr. Dyer in the fall of 1875, repeating to me from that memorandum substantially what I recollected to have sent Mr. Dyer—all this made an impression upon my mind at the time, though I did not say so to him at that time. I communicated to the Secretary of the Treasury the next morning the substance of what Bell had said to me. I think I met him at the White House. I was going out and he was coming in, my impression is that I had myself seen the President that morning and, in pursuance of what the Secretary of the Treasury and myself always deemed to be proper and fair, under the circumstances, I communicated to the President substantially what Bell had told me. I met Bell, and he claimed to have the *entrée* to the White House, and I urged him in the East Room to go and tell the President frankly the story he had told me. He said he would. Whether he did or not I cannot say.

Q. You told the President, then, that he had told you that he was employed by these gentlemen to steal the testimony out there?—A. Yes, sir.

Q. Did you meet Bell afterward at the Attorney-General's Office?—A. I think I met him afterward, on the same day, in the Attorney-General's Office.

Q. Was there any conversation between Bell and the Attorney-General that you are aware of?—A. I could not recall a single sentence or idea that was expressed by any one there.

Q. Can you fix the date of this conversation with the President?—A. I am not able to fix it with any precision.

Q. Was it early in February or earlier than that—was it in January?—A. My impression and best recollection is that on or about the 10th of January I met him in the White House.

Q. And that morning you had told the President substantially what Bell has narrated here?—A. I think that in that interview I told the President only—I am not sure but what I am mistaken in confounding the two interviews—I had two interviews with Bell. The Avery matter was at one time, and that early in January, and the Babcock matter later, on the day that the publication of the cipher-telegram appeared in the New York Herald. If I am correct, and I think I am, the interview between Bell and myself on the 10th of January in the White House referred principally, if not wholly, to Avery's case; that was told to the President, substantially, and the Babcock matter was further on, that is, the interview in which he told me that Babcock had employed him; perhaps it was in February, a month later; that is my recollection now on referring to memoranda.

Q. Did you ever have any conversation with General Babcock or Mr. Luckey or Mr. Bradley, or either of them, withreference to this man Bell?—A. I never have had, sir.

By Mr. DANFORD:

Q. You regarded this man Bell as a person that had some information for sale that he wanted to dispose of to anybody that he could find a market with; was not that the light in which you regarded him in all your dealings with him?—A. Substantially; although nothing was said between Bell and myself as to the price he should be paid for information, and I do not think anything was said about compensation to him for his information.

Q. You regarded him as ready to sell to any individual that would pay him, on either side of this case?—A. Yes. I think, perhaps, that is as correct a statement as could be made of the case, though if I should state it I would not state it so roughly upon Bell as that. I feel that I should state that he always claimed that in the early stages of the investigation, when he was engaged on this matter, he really believed that the Treasury Department was engaged in what he and others termed a conspiracy to have General Babcock prosecuted, and that as long as he believed that he served the parties in whose employ he was with entire willingness and fidelity, but he claimed to have had a revelation. He told me, I believe, in the last conversation I had with him, the day when the New York Herald published his cipher, that he was down to see me under the direction of the editor or proprietor of the New York Ledger, Robert Bonner. He told me at that time that Robert Bonner had heard his story, and had opened his eyes as to the error of his course, and that he now desired to retrace his steps, and make what reparation he could.

Q. It was a matter of conscience with him?—A. It seemed to be very much a matter of conscience at that interview.

By the CHAIRMAN:

Q. Did Avery ever come to you and make any statement in pursuance of this suggestion of Bell?—A. No, sir; Avery went to the Secretary of the Treasury, but made no disclosure. (this of course is simply hearsay, what General Bristow told me.) He had called upon the Secretary of the Treasury but he put it in this way: that he understood from Bell and from Mr. Chapman of the Internal-Revenue Bureau that the Secretary of the Treasury desired to see him (Avery) and not that he desired to see the Secretary of the Treasury. The Secretary of the Treasury expressed some surprise, and stated that he had not sent for him, but treated him very courteously and kindly. Mr. Avery was, I believe, somewhat nettled at having been called to the Secretary's house, as he thought, upon a "wild-goose chase."

Q. He has since been convicted?—A. He was under conviction at that time.

By the CHAIRMAN:

Q. Bell claimed that when he became convinced of General Babcock's guilt, he changed his allegiance?—A. He always said that.

No. 4.

TESTIMONY

REGARDING THE

CONTRACTS WITH COWLES & BREGA

FOR THE

EXTERMINATION OF MOTHS IN ARMY CLOTHING.

No. 4.

TESTIMONY REGARDING THE CONTRACTS WITH COWLES & BREGA FOR THE EXTERMINATION OF MOTHS IN ARMY CLOTHING.

WASHINGTON, D. C., *April* 7, 1876.

DAVID WEBSTER sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. I reside in Concord, N. H. I have been in Washington a few weeks.

Q. You are interested in a process by which moths in clothing are destroyed?—A. I am.

Q. By what name is your process known?—A. Webster's Moth-Exterminator.

Q. If you have ever made any effort to have this material of yours employed by the Government, I wish you would state to the committee what you have done touching the same.—A. I came to Washington in March, 1874. Reached here on the 13th day of March. There was an appropriation bill then before the House in reference to this matter. The Senate passed a bill of $50,000, which the House cut down to $30,000, and the Senate concurred. After the bill passed, the Representative from our district, Mr. Pike, went up to the Quartermaster-General's Office with me and introduced himself to General Meigs, and introduced me to him. He said to General Meigs that as the Government was paying money to exterminate moths, as there was a great waste in that direction, that he had a friend from his district that was in that business, that he would like to have him experiment with what I had, to see whether it was of any account or not. Said he, "I will have nothing to do with it. The Government has been swindled out of hundreds of thousands of dollars; last year out of $200,000, and it did no good whatever, and I won't experiment with it at all." He pressed him again. He said flat-footed he would not, and, the third time. Mr. Pike was sitting between the general and me. I got up and said, "General, I should like to have you look at it;" and he said, "I will look at it;" and he passed by to his desk with the goods. I took the cover off my box and he smelt it, and said, "Every housewife knows that cedar will kill moths." He then took the box and poured the rolls out on his desk. Then I took one of them and rubbed it into a coat, and said I, "General, in three seconds that will smell stronger than the whole of the rolls." As he put it to his nostrils he said, "There is something that is worth something to the Government; *there* is something that is worth something to individuals; I will experiment with it." Then Mr. Pike said to him, "We will bring it in to-morrow morning," and we went in and carried six dozen. I asked General Meigs if I could see the parties by whom this was going, to be experimented with. He said I could by going to Philadelphia; that it would be sent there. The clerk gave me a line to General Easton, at Philadelphia. I was intending to go down on the same day with the goods, but did not go until a week after they went down. I gave General Meigs the directions for using the goods, and that or a copy was sent to Philadelphia. When I arrived at Philadelphia I called at General Easton's office. He said the goods had come, and they were sent down to the arsenal to be experimented with, and he said, "They strike me very favorably. What is used here now is of no account, and I think it is unhealthy. That was George A. Cowles & Co's process." Then General Easton said to the clerk to write me a letter to Captain Rodgers, and he did. I took the letter and went down to the arsenal. Captain Rogers thought it was no use to experiment with that, because they had a good thing, and the Government would not put it in, but he thought mine was good. He said, "I am the originator of what is used." I said, "I thought Government officers could not sell anything to the Government." Said he, "I give it to the Government; I never received anything out of it; if I had, I should not have been a poor Army officer as I am now." But he did not want to experiment with this. When I got there I found my goods, four boxes of them, (I had left six up here,) and the boxes were standing on his desk, open, with some candle-wicking lying on the top of the boxes, and then the cover put on about so high. [Illustrating.] I said to him, "This is kept open; that is not according to directions." Said he, "I think it is good." He took off the candle-wicking and examined that, and said, "It gives a very strong odor, but it won't be used." Then we went from there to the packing-room. I told him that I wanted to pack a box of goods. They were packing goods to send to California. I packed a box of coats that they said were worth $14 a piece, in a dry-goods box. I put in sixty coats and nineteen rolls of this, and there was a record kept of the date, the amount of goods, the value of the coats, and the

number of rolls put in, and that document was laid in the box, when it was nailed up and a record kept there of the same thing. That was shipped to California. Then I told him I wanted to pack a box of goods that was filled with live moths. There were barrels of them there. We went into the basement and took out from it five overcoats, and you would think the coats were alive there were so many moths. I packed those coats away, and also a piece of flannel, and told him that when the box was opened there wouldn't be a live moth in it; but he said he thought it ought to stand a week, and I said let it be a week, and remained in Philadelphia; and a week from that day they opened the box and there wasn't a live moth in it. Then Captain Rodgers said he didn't think the trial was long enough; that it ought to be thirty days. I agreed to that, and the coats were put back promiscuously, with the rolls and the covers laid on loosely, and the box put back in the same place, and I went home. At the end of thirty days I dropped him a line. Two days after that I received a letter from him saying, "I have reported to Washington the result." Two mails after that I received this from General Meigs:

"PHILADELPHIA DEPOT OF THE QUARTERMASTER'S DEPARTMENT,
"*Philadelphia, Pa., May* 25, 1874.

"*To the Quartermaster-General, United States Army:*

"GENERAL: I have the honor to report that I have experimented with the moth-preventive process of Mr. David Webster, and am of the opinion that it is both moth repelling and destroying, and possesses to a great extent the qualities claimed for it by the patentee. It is volatile in its character, however, and I am not fully convinced of its entire merits until it has received a longer and more complete trial.

"I have the honor to remain, general, very respectfully, your obedient servant,
"JOHN F. RODGERS,
"*Captain and M. S. K., United States Army.*"

When I received that I started for Washington again, and arrived there a few days after the date of the letter. Mr. Pike and myself called on General Meigs, and he said he was satisfied of the usefulness of that article. He said he would put it into general use. Then I called on him another day, and he asked me if the delegation from New Hampshire would indorse me. I told him I did not know. I was a democrat and they republicans; but I said they worked for me. Mr. Pike was a republican and he worked for me, and worked good, too. I then left General Meigs's office and came down here to the House. I called Mr. Pike out and told him what General Meigs said, and what I would like, and he went back and wrote this document, which I carried back to General Meigs:

"WASHINGTON, *June* 17, 1874.

"DEAR SIR: We respectfully request the Department, of which your are the chief, would order the use, in whole or in part, of Webster's moth preventive and exterminator.

"We are satisfied that it is the best composition for preventing and destroying moth which can be found.

"It has been tried by your Department and found to meet the want.

"A notable quality is one of its chief merits: the composition needs only to be renewed annually to insure perfect protection from the destructions of the pest.

"Permit us to call your attention to the article.

"Most respectfully, your obedient servants,

"AUSTIN F. PIKE.
"H. W. PAINTER.
"A. A. CROGIN.
"B. WALLINGS.

"General M. C. MEIGS,
"*Quartermaster-General.*"

Q. Did you take that up to him?—A. Yes, sir.

Q. What happened then?—A. He said to me that I should have the money.

Q. What money do you mean?—A. The $30,000 appropriated. That was what I was after. In the course of the conversation he said to me, "Now, Webster, what benefit is it going to be to me?" Said I, "Killing the moths." Said he, "What shall I get out of it?" "Not a damned dollar, general; not a damned dollar. If I kill the moths I have the money." Then he said he would give me an order for $5,000 worth of the exterminator, and then he wanted to know how much he would want of it in all. Said I, "I cannot tell you, general; that is not my part of the business. It is my part of the business to kill the moths, and your part is to know how much you want. I don't want to sell you one dollar's worth that the Government don't want to use, and not a package of it if the Government is not going to use it." This same Mr. Pike had written a letter of what I wanted to submit to him, stating the price of it, &c., so that when he made up his report he could pay; but I did not pass that letter to him, because I was to call at Philadelphia to ascertain the

space and amount of clothing, and then I could give him more of a definite answer as to how much he would need. I called at Philadelphia on my way down, and went to the arsenal. When I met Captain Rodgers he took me by the hand and said, "Webster, you are going to get the whole $30,000, ain't you?" Said I, "I do not know as I shall get thirty cents, sir." Said he, "There will be no breaking up of this money. It will all go to one source." Then I ascertained the amount of room and clothing, and ascertained a fact that I did not know—that the clothes were all shipped at the arsenal now. The goods are cut there and are sent around the city to be made up. They had formerly been sent to manufacturing places in New York and elsewhere. When I got home I wrote this letter to General Meigs:

"CONCORD, N. H., *June* 24, 1874.

"At my earliest moment after arriving home, agreeable to your request, I state to you the price of my moth preventive and exterminator is twenty-five cents per roll, net, which is a very low price.

"As regards the amount you will want depends upon the amount of clothing you have to preserve. You ought to have considerable amount in your cloth-rooms and store-rooms, and in all places where goods are kept and where goods are packed. A certain amount, more or less, according to amount of goods packed, should be put in each bale or box. And now, general, as you asked me how much you would want, I will answer by saying that you will want a large quantity, according to the size of the Army; and the sooner the order is given the better it will be for the Government.

"DAVID WEBSTER.

"General M. C. MEIGS,
"*Quartermaster-General United States Army.*"

After he got that he sent me this order for the goods:

"WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
"*Washington, D. C., July* 8, 1874.

"SIR: In answer to your communication of the 24th ultimo, you are informed that the officer in charge of the depot at Philadelphia, Pa., has this day been instructed to purchase one hundred dollars' worth of your moth-exterminator, to be used in giving the same a full trial.

"Very respectfully, your obedient servant,

"M. C. MEIGS,
"*Quartermaster-General, Brevet Major-General, United States Army.*

"Mr. DAVID WEBSTER,
"*Concord, N. H.*"

That was the first intimation that he wanted to give it a further test. I told him that I could not put up a hundred dollars' worth of it and sell it to the Government; it would cost me all I got. I said to him further that I would put it up and give it to the Government (as it had not cost the Government one cent as far as they had gone, and I did not choose to take any money unless he was perfectly satisfied with the usefulness of it) if he would give me the privilege of fetching it from Concord to Philadelphia and seeing to putting up the clothing myself. He did not say that I could, but he writes me that I am in error, &c. I do not know that I have his letters now, but here is the letter that I wrote in reply to it:

"CONCORD, *July* 24, 1874.

"General M. C. MEIGS,
"*Quartermaster-General United States Army:*

"Yours of the 18th came to hand, and we were surprised to hear that you thought that I was in error. We don't fully understand what you mean the error to refer to. If it is to refer to Cowles & Bregan, then I have to say that all this destruction of moths have been going on under the use of the process. Now, in answer to clothing sent all over the country, I investigated fully by a board of officers of large rank and experience, is successful. For this process especially Congress has appropriated largely and it is still in use. That I know. And the process does no good, as it proves itself by great sales that have been mad and is to be mad of condemned goods from moths, now remaining in different parts of the country; and this can also be proven by men who know this fact, and that the above process has never done any good nor made one moth less. We want to know what those large rank officers' (of which you speak) knowledge consists in. It is not in killing moths, but it is, as Cox said in his speech on the moth bill, they are political moths who put their hands and arms down deep in the Treasury of the Government and haul up big hauls, as you have stated. In the large appropriations that Congress has made for Cowles & Bregan process, which never did any good, and I think that you cannot fail to see the truth of what I say. Now, general, there is but one mind here about this matter, and that is that there is a ring,

and it shows itself too plain to be misunderstood. Now, you say in regard to my moth exterminator, that it has not been used long by the United States. In answer I would say that it has not been used at all, only tested and found to be repelling and destroying; and this fact is within your own knowledge, and it seems to us that you mean to set it out and not have it used. And now, sir, I think that you do not treat it fairly. You say that my moth exterminator is another and a different thing. So it is, because it kills and destroys moths, and moths cannot live where it is put in clothing goods of any kind. This is known to you from the report. You say that you don't know as this will last. When it kills it has done its work, and dead moths won't do any damage nor any other dead thing. I think this is easy seen, and will be understood by a little investigation, and that day will come. You also say that one hundred dollars is not a little money, and you think that it should buy a great quantity of my ingredients, as you please to call it; it is worth as much as the clothing, and I can show that before any honorable committee. Now, sir, as in regard to an hundred dollars should or ought to buy a large quantity of my ingredients, one would think that from what you say that mine is a powerful thing. If one hundred dollars' worth is going to do what it has taken hundreds of thousands to do, and it has never as yet done any good, all I want is to have it treated fairly and everybody will know the worth of my goods. I think, yes I know, that your knowledge is very limited on the expense of my moth-exterminator, if I do not misunderstand your language. I said to you that I would put it in at my own expense, if I could have the oversight of doing it; that is, if you think the article is not good. I know when it is used it proves itself; it will need no words of mine or any one else to bolster it up.

"DAVID WEBSTER."

Q. What happened then?—A. Then he writes back to me the letter in which he says that he thinks I am in error.

Q. Did they finally order a hundred dollars' worth from you?—A. Yes, sir.

Q. But did you send them a hundred dollars' worth?—A. No, sir; I would make it and give it, but I would not send it on their orders.

Q. Then, the result of all this was that Captain Rogers had certified to the efficacy of your material, based upon the test which you have described to us?—A. Yes, sir.

Q. After that test you came here and, with Mr. Pike, saw the Quartermaster-General?—A. Yes, sir.

Q. Then, subsequently, you went to see him yourself?—A. Yes, sir.

Q. And then a conversation took place between you and him as to what it would be worth to him?—A. Yes, sir.

Q. And he said he would give you an order for $5,000 worth of it?—A. Yes, sir; and I expected one of $7,000 or $10,000 when I got home.

Q. Then, instead of that, you got an order for $100 worth of it?—A. Yes, sir.

Q. And you have never got any other order?—A. That is all.

Q. Did you ever relate to any one this conversation which you allege to have occurred between you and General Meigs regarding his request to know what it would be worth?—A. I told it, within twenty minutes after I left his office, to Mr. Drew, on Pennsylvania avenue. When I got home I told it to all my friends, and to General Harmon, of New Hampshire, and General Harmon wrote General Meigs a letter requesting him to use this in preference to anything else, from his report that there had been great waste of money. That was written right in General Harmon's home, in Concord, in New Hampshire.

Q. Did you understand from General Meigs when he said to you or asked what this would be worth to him, whether you understood from him that he wished you to give him an interest in this money that you were to receive for this exterminator?—A. Yes, sir; he asked me how much I would give him, and I told him, "Not a damned cent."

Q. Do you believe that because you did not divide with him you did not get this contract?—A. Yes, sir; and that is the key to it. I can show it before any honorable men. When I got that letter I saw the reason why I did not get it.

Q. What is that?—A. Why, this letter of the Secretary of War, transmitting the report of the board of officers. [Ex. Doc. No. 17 Forty-third Congress, second session.]

Q. Has your process been used anywhere on a large scale?—A. All over New England; that is all.

Q. Has it been used by any of the States there in the preservation of their military clothing?—A. It was used in New Hampshire two years ago.

Q. In their arsenal?—A. There was a company disbanded two years ago last Fourth of July, and the clothing was taken and put away, and they took this to put it away with. That is all that it has been used.

Q. Have you made any efforts since this to have your material used by the Government?—A. Yes, I did the next Congress.

By the CHAIRMAN:

Q. In the appropriation bill of the next Congress there was a special provision put in, that this patented process should be used which cut off Cowles's process. Is George A. Cowles & Co.'s patented?—A. Yes, sir.

Q. And was the effect of this law to prevent the use of that?—A. Yes, sir.

Q. Have they been using it since the passage of this law—A. I have been so informed; that they do it under cover there now, and make the items of something else. Since I came here I wanted to get the letters that the Quartermaster-General wrote to Philadelphia to General Eaton, and he writes me back that he was not there, so I have got the letter that was written to Captain Rodgers. Then I wrote to Captain Rodgers, as I wrote to General Meigs, that Captain Rodgers said he was perfectly satisfied with its usefulness. I wrote to him asking what he told him about its usefulness, and he answered me in this way:

(Copy.)

"PHILADELPHIA DEPOT OF THE QUARTERMASTER'S DEPARTMENT,
"*Philadelphia, March* 4, 1876.

"DEAR SIR: I am in receipt of your letter of the 3rd instant, asking additional certificate as to merits of your 'Moth-Exterminator.'

"In the presence of an act of Congress prohibiting the expenditure of the Department's appropriation for the use of any patent moth-destroying process, any certificate from me as to the merits or otherwise of your exterminator would be of no value towards advancing its sale to the Department. Should the Quartermaster-General, however, invite any opinion from me in addition to that expressed May 25, 1874, it shall of course be given.

"Very respectfully,

"JOHN F. RODGERS,
"*Capt. and M. S. U. S. A.*

"Mr. DAVID WEBSTER,
"*Washington, D. C.*"

A true copy.

IRWIN B. LINTON,
Clerk Committee.

Q. General Meigs wrote you in July, 1874, that Cowles & Co.'s preventive was indorsed by a board of survey?—A. Yes, sir.

Q. At that time it had not been indorsed by the survey officers?—A. No, sir.

Q. Therefore he wrote you that letter before ever that indorsement had been made by the board of survey?—A. That is what I found out when I got here; it was in December when they reported.

Q. General Meigs's letter was written to you on the 18th of July, and this board of officers commenced its sessions on the 20th of October, 1874, and took testimony in the case, and it was reported to the Department on the 12th of November, 1874, and indorsed as approved by General Meigs, on the 27th of November, 1874?—A. Yes, sir; here is the last letter I got from him, and I thought they did not want any more correspondence:

"WASHINGTON, *August* 4, 1874.

"SIR: The receipt of your communication of the —— instant is hereby acknowledged.

"By order of the Quartermaster-General."

Captain Rodgers afterward wrote me wanting to know if I had shipped those goods, and sent me this from General Meigs: "If Webster has not filled the order for the purchase of one hundred dollars' worth of his preparation; here are no further orders for him." My answer was as follows:

(Copy.)

"CONCORD, *August* 24, 1874.

"DEAR SIR: Your letter of inquiry of the 18th instant came to hand to-day, and in answer I informed General Meigs that I could not put up as little as that to sell to the Government, but would make one hundred dollars' worth and give it to the Government if I could have the privilege of coming to your place and seeing to the using of it; and it would not nor should not cost the Government one dollar. I said to General Meigs what you told me, that you had experimented with it as long as you wished to, and was satisfied of its entire merits and having all the properties claimed for usefulness. I know that the Government wants a large amount of my exterminator in order to exterminate all the moths from the arsenal after the sale of the condemned goods from moths to take place next month, as it is advertised to be. I wish you would answer by return mail, as I am going to Maine this week to be absent all next month.

"DAVID WEBSTER.

"Mr. J. F. RODGERS."

Q. Did you ever know Colonel Alligood?—A. I have heard that he was turned out of his situation because he would not swear to lies about Cowles's preparation. I never knew anything about it.

By Mr. ROBBINS:

Q. Did General Meigs say to you that he wished an interest in it?—A. No, sir.

Q. Did he ask you if you would give him an interest?—A. He wanted to know what benefit it was going to be to him. Said I, "Not a dollar, general. If I kill the moths I have the money." I had a good deal of talk with General Meigs.

Q. What do you know about his ever having taken anything from Cowles & Co.; do you know so?—A. He gave me to understand so.

Q. How did he give you to understand so; what were his words?—A. He was talking about this thing of Cowles & Co.; then he said to me, "What benefit is it to be to me? How much shall I have?" That question showed me that he was receiving something from them. If I would give him as big a percentage I would have it, hit or miss.

Q. He did not say that he got anything from them?—A. He did not say he had anything from that quarter at all.

Q. He asked you, however, how much you would give him if he would put in yours instead of theirs?—A. Yes, sir; that was after I submitted the indorsement of the delegation of New Hampshire.

Q. Did he admit that yours was a good thing?—A. Certainly, sir.

Q. Did he say that it was superior to the other?—A. Yes, sir; he said the other was not good for anything, and the Government had been swindled out of hundreds of thousands of dollars.

Q. General Meigs said that to you?—A. He did.

Q. In the presence of Mr. Pike?—A. Certainly. I have talked with Mr. Pike about it since.

By Mr. DANFORD:

Q. Where did this talk between you and General Meigs take place?—A. In his office.

Q. Who else was there besides Mr. Pike and you?—A. The clerk.

Q. Was the clerk present when he asked what he could get out of it?—A. Yes, sir; certainly.

Q. What clerk was it?—A. I think I have been told——

Q. Did General Meigs talk right out before the clerk?—A. No, sir; we sat right at his desk, and I think we could have talked as loud as I am talking now without being heard, as the clerk was over there, writing at his desk.

Q. Did he talk in a low tone of voice?—A. He did.

Q. Did he put his face low down where you were when he asked that question?—A. He was sitting at the table, like this. [Illustrating.] O, there is one thing of importance that I want to tell. I said to General Meigs, "That stuff that is used down there is not good for anything, just as you say. The arsenal is full of moths. The goods that I packed and put into the box had been through that solution." He said he was not aware of that. He wrote it all down, and questioned me four times as much as I have been questioned here, and then asked me what this of mine was made from. He took that formula down on his memorandum. Then when that order came for $100, I told my friends that he wanted to get that $100 worth so as to say it was good for nothing, in order that the other stuff could be used. When I got here didn't I see? Because if he had said to me to bring it I should have been there right with the parties that were going to use it.

Q. You think the idea in ordering $100 worth was to condemn it by that board of survey?—A. Yes, sir.

Q. You think they were all in the moth-ring?—A. I should not be surprised. I do not know.

Q. General Meigs admitted to you that Cowles & Co.'s preparation was entirely worthless, in the presence of General Easton and Mr. Pike?—A. Yes, sir; he said it in this way. When Mr. Pike said to him, "I want you to take this and experiment with it," he said, "I will have nothing to do with it. The Government was swindled out of $200,000 last year by Cowles & Co. It was not good for anything. I will have nothing to do with it." He pressed him again, and a third time. Then I got up and said, "General, look at it," and then he consented to experiment with it.

Q. Then that was the way that he said that Cowles & Co's. preparation was good for nothing?—A. Yes, sir.

Q. Was Mr. Pike present when he asked you what you would give?—A. No; it was at a different time.

Q. Did you tell Mr. Pike the proposition that General Meigs had made to take an interest in it?—A. I did; that he wanted to know what I would give him. I told him, and I came right down and told Mr. Drew.

Q. What did Dr. Pike say to that?—A. He did not say a word, and I think that is the reason that he has not answered my letter since I came here.

Q. Who was the first person you told after you left the Quartermaster-General?—A. Mr. Drew. He is in the city now.

Q. In writing your various letters to General Meigs, did you ever mention to him the fact that he had made such an offer to you?—A. I think I did in a letter. I have not a copy of it; it was short.

Q. Did General Meigs answer that letter and say anything about his charge?—A. No, sir; I think I wrote him a letter in which I used the words in this way: That "I won't answer the question, general," and then after that I received the order for $100 worth.

Q. What was it you wrote him?—A. I wrote in a way saying that I had not heard from him, and saying I would not answer the question that he asked me.

Q. What question?—A. I meant how much I would give him.

Q. But you did answer it right to his face with your finger in his eye?—A. I know I did, but I would not put it there in writing.

Q. Had he written to you that proposition?—A. No, sir; I had a mind to write it right out, but I did not know but it would kill me in getting my order.

Q. Then he did not write anything to you making any proposition?—A. No, sir.

Q. But you wrote him?—A. I wrote to him intimating that he asked me how much he should have of it.

Q. What did you intimate?—A. I said, "I will not answer it, general." I did it for the purpose of seeing if he would write me here.

Q. You have not got that letter, or a copy of it with you?—A. No, sir; I may have it at home.

Q. Did any other Army officer ever make such an infamous proposition to you as this?—A. No, sir; not to me; but there is a man named Colby (he is dead) that saw General Benham and General Meigs up here to the Quartermaster-General's Office, and went with me to Philadelphia and staid with me a week, and went down to the arsenal; and he talked with Captain Rodgers, and he told me some things that Captain Rodgers said, and he said this man told Mr. Drew and two or three others, "If you get anything you have got to pay for it; either it comes out of the appropriation or you grease their wheels beforehand." I did not choose to do either.

Q. And you are perfectly satisfied that that is the reason your moth-exterminator is not being used now?—A. Yes, sir.

Q. Did anybody else besides General Meigs ever demand money of you?—A. No, sir.

Q. Have you met him since you have been in the city this time?—A. No, sir.

Q. Are you still pressing for an appropriation for your moth-exterminator?—A. Yes, sir; I have got a petition.

Q. How much do you ask for it this time?—A. Only what they have a mind to do. I can show you the petition.

Q. You want an appropriation by this Congress?—A. If they have a mind to do it.

Q. You have not fixed in your mind the amount?—A. No; that is not for me to do. I have spent some $500 in three times I have been down here. It has taken it all for railroad fare and expenses. I put in a petition before the Committee on Appropriations, praying that they would take this into consideration, aking them to appropriate a certain amount for this article, not paying that money over, take some of it, the same as General Meigs said he wanted to do, and experiment with it; pay for what they used, and give me the privilege of going to these places and putting it among the clothing without any pay, only my expenses at hotels where they did not charge more than a dollar a day.

Q. You do not want anything until you have proven the value of yoor exterminator?—A. No, sir; I know when it is in I will be a rich man; as rich as Ben. Butler.

Q. But you have not seen General Meigs?—A. No, sir; but I was accosted on the street twice. The other night when I went down from the session, there were two men; one of them said to me, "You had better not go before that committee if you want to escape," and yesterday I was on the street and a man, a stranger to me, asked me if I was going before the committee; I told him I did not know whether I would or not, and he thought there could be more money made by not going than by going. And I saw two $100 bills, too.

Q. What were the names of the men?—A. I don't know. Yesterday, it was day-time when I saw the man.

Q. Did they look like Army men?—A. No; I do not think they did.

Q. Like detectives?—A. They were in disguise a little. I saw $200 in his hands yesterday. It is two years and over since I was in the Quartermaster-General's Office. It looked like one of the men I saw round that establishment, but I could not say that it was.

Q. Did he offer you money?—A. He did not say. He said, "You can make more money by not going than by going."

Q. Do you know his name?—A. No, sir.

Q. You say you have seen him round the Quartermaster-General's Office?—A. No, sir. I said that he looked like a man that I saw two years ago.

Q. Did you try to follow him?—A. I did; but he went faster than I could go. He ran away from me. That was yesterday. It was up by the square where the court-house is—the next street beyond.

Q. Did you run after him?—A. No, sir; I did not run.

Q. He did?—A. He went faster than I could go.

Q. You were on foot?—A. Yes; and he was, too.

Q. What answer did you make when he said you could make more money?—A. I did not make any at all. I did not want the money. O, yes; I think I did say that I did not want the money.

Q. Did you make any answer when he said that you could make more money?—A. I think I said, "I do not want more money." Then this morning I went into a place down on Seventh street, and a gentleman came to me and said, "What kind of a looking man is your friend on Seventh street?" I told him that he was a thin, spare man. Said he, "There was a man in here yesterday, and he was talking round. He did not say right out, but it seemed to me as though he was talking about certain things leading to your going before this investigating committee." The man that talked with me this morning was Mr. Coryell. He was a colonel, and was in the Quartermaster-General's Office four years; and he said he was a friend of General Meigs. When I first told him of this matter he said to me, "General Meigs only said that to try you. The general is an honest man." I said that I could not conceive that he was; and I took out my letters; and he said, "I cannot hear anybody say anything about General Meigs without standing up for him;" and now he has changed his mind. He had another book where this information had been suppressed, and he said it was a humbug, and Ingalls and the concern was all bought by Cowles & Co., and Cowles & Co. were out of the country in fear of an investigation—one of them in France, and one of them in Mexico.

Q. He told you that twice this morning?—A. Yes, sir; and twice before.

Q. Where is his residence?—A. Down on the lower end of Seventh street, I think, at the edge of the water.

Q. Do you know his name?—A. He gave me his name, so that I could give it to you. I have not come here without a piece of writing. I know some things that I won't tell because I cannot back it up. His name is Ingham Coryell.

Q. He said he thought General Ingalls was bought up in this matter?—A. Yes, sir.

Q. Did he think General Meigs had been bought up, too?—A. No, sir; he has been the other way until a day or two; but he has changed his mind, and he said he would go against Meigs as anybody else if he was wrong, and he thought by this, and the closing up, and the hundred dollar order——

Q. Until a day or two he thought Ingalls was the corrupt party, and that General Meigs was innocent; but within the last day or two he has changed his mind and thinks that General Meigs is in it?—A. Yes, sir.

Q. You have thought that General Meigs was in it from the first?—A. Yes, sir.

WASHINGTON, D. C., *April* 7, 1876.

M. C. MEIGS sworn and examined.

By the CHAIRMAN:

Question. Be kind enough to state whether you have ever seen this man David Webster.—Answer. One David Webster, I presume that is the person, was at my office several times.

Q. During what year?—A. His directions for using Webster's moth-exterminator are dated 27th March, 1874. It was about that time.

Q. Please state whether at any time Mr. Pike, a member of Congress, came with him.—A. I don't remember; I think that when he first came to the office, some member of Congress came with him, and I have letters from some members of Congress in relation to him.

Q. At the time, in 1874, when the appropriation bill was passed containing the appropriation for $30,000, did you order an examination or a test to be made of his exterminator?—A. I ordered a trial to be made at the Philadelphia arsenal.

Q. Was there a report made upon that?—A. Yes, sir.

Q. By whom?—A. By Captain Rodgers.

Q. Was it a favorable report?—A. It was.

Q. He saw you subsequent to receiving that report from Captain Rodgers?—A. I think Mr. Webster saw me several times; I think, always in my office.

Q. Did you ever at any time agree to take $5,000 worth of his exterminator?—A. No.

Q. Did you ever at any time ask him the question which he alleges, what it would be worth to you—what interest it would be to you?—A. No.

Q. Did you ever order any amount?—A. I think he furnished us with a few samples, and I gave an order to buy from him one hundred dollars' worth.

Q. Did he ever fill that order?—A. No, sir.

Q. Do you know his reasons for not doing so?—A. He flew off the handle, and wrote me letters saying that was a very small sum, and that he expected a much larger sum; and generally he appeared to me to have the most extravagant idea of his own merits and the merits of his preparation, and to be a little light in his head. I have all the correspondence; at least I think I have it all. My chief clerk must have been present, I think, at all the interviews I ever had with Mr. Webster, because it is my general custom to talk in the room

where my chief clerk is, though of course it may sometimes happen that he is absent getting papers, or on other business.

Q. Did you allege to him, to Mr. Webster, that all these past efforts to exterminate moths were fruitless, and that the Government had been defrauded out of hundreds of thousands of dollars for that purpose?—A. I did not.

Q. Did you request him to obtain a recommendation of the members of Congress from the State of New Hampshire?—A. I have no recollection of doing so; I am not in the habit of making such requests.

Q. Did he ever furnish you such a recommendation?—A. He did; it is here.

Q. Whose process is used, or was used, at that time for the extermination of moths?—A. It is a process which is generally known as Cowles & Co.'s; Cowles & Case, or Cowles & Brega.

Q. Was there ever a report made on that subject to your Department by Colonel Alligood?—A. Alligood was the military storekeeper, and I think he reported against it.

Q. There was a report in favor of that process made by a board of Army officers, of which General Ingalls was the chief—made some time in November, 1874?—A. There have been quite a number of reports, all of which can be produced.

Q. Was it the opinion of the Department that this Cowles process was a valuable one for the destruction of moths?—A. Upon the testimony before me and the report of these officers, I thought it was valuable.

Q. Is it still used by the Department, do you know?—A. I think not. Congress passed a law ultimately directing that no money should be used upon any patent process, or something to that effect.

Q. Do you know whether it has been used since you have been in Europe?—A. I think that law passed before I left the country.

Q. You don't know whether it has been used in contravention of that law?—A. I don't believe it has; not to my knowledge.

Q. Do you recollect when this process of Cowles & Co., or Cowles & Brega, was first adopted by the Department—about the time?—A. I do not. It was used for several years. There were several appropriations which were understood to be made specifically for that purpose.

Q. Did you have ever any correspondence with Cowles & Brega, or either of them, or both, with reference to this matter?—A. O, a great deal.

Q. Were there careful tests made of the Cowles & Brega process before it was adopted by the Department?—A. There were.

Q. Were the tests made by your direction and supervision?—A. I don't remember very well the process. I can say to the committee that I was very cautious as to its adoption, and my reports were against its adoption to any extent until I was—I will hardly say overruled, I will say overwhelmed—by the accumulation of opinion and testimony in its favor.

Q. Do you know whether there was any influence, and, if so, whose especially, by which it was adopted?—A. I don't know positively. I have heard rumors, because it is one of those things talked much about.

Q. If you know, state through whose influence this was adopted, in spite of your predisposition against it.—A. Mr. Brega appeared to be the active, efficient, and able man of the concern, and I have understood that Mr. Donn Piatt was at one time one of his agents, to exercise what influence he could on the subject.

Q. Do you know where Mr. Brega is now?—A. I heard in Europe a rumor that he was somewhere in Europe, where his daughter was about to be married.

Q. Do you know where Cowles is?—A. I do not. I presume in Philadelphia.

Q. He is in the country still?—A. I don't know. I presume so.

Q. Have you ever known anything of the profits made by Mr. Brega out of this matter?—A. No.

Q. Don't know anything about them?—A. No.

Q. Do you know of any influences ever having been used for the purpose of securing the appropriation for this purpose?—A. Mr. Brega was very constantly about the halls of Congress here, and came to me more than once and said that he was endeavoring to get an appropriation for his process and expected to succeed; but I only know from hearsay.

Q. You never lent him your aid or influence?—A. No, sir. I have made some official reports on the subject. I have been called upon to say whether I thought it was good for anything. I believe I was called once before the Appropriation Committee, and I said that I was satisfied that the process was of value. It did not do all that was claimed for it—it claimed to be a water-proof process, to prevent the destruction of clothes by moths, to make tents and canvas water-proof, and to prevent rot and mildew. It had as many good qualities as Swayne's panacea; more even than Webster's process.

Q. Do you know whether Mr. Alligood made this report against the usefulness of this process; whether he was removed from the position of military store-keeper?—A. He was relieved, but I don't know whether it was after he made that report. He appeared before this board. I don't know that he actually made a report on the subject, but I know that he was very much dissatisfied.

Q. If he made a written report against this process, would it be in your Department?—A. Either in mine or in the War Department. Mine is a branch of the War Department.

Q. Do you know whether he was ordered from Philadelphia to South Carolina?—A. He has been on duty in South Carolina, but whether he went there direct or not I don't know.

Q. Do you know how long he was permitted to remain in Philadelphia before being appointed?—A. I don't know. All that is of record, and can be found.

Q. He was there, I believe, but five months, and then he was ordered to South Carolina. Do you know any of the causes why the late Secretary of War ordered him to South Carolina?—A. I do not.

Q. You know of no influences brought to bear on the late Secretary of War to order him away?—A. I do not know of any, but I knew that he got into a quarrel with these gentlemen about this thing, and as they are very able and astute gentlemen, I think it is quite possible they used some influence. They came to me and made insinuations that he demanded gifts from them, harness or buggy, and something of that sort.

Q. That he wanted something to certify in their favor?—A. Well, it was a general quarrel. I don't suppose that he said anything that he did not believe to be absolutely true, and I am not prepared to believe all that I hear, as my own case will show you.

Q. Have you ever heard of Mr. Brega and others using any improper influence to procure the appropriation by Congress?—A. I have not.

Q. Then you say that the statement made by Webster that you made any proposition to him as to sharing in the profits, or gaining any profit by the purchase of his patent material, is without foundation and false?—A. It is absolutely false.

By Mr. ROBBINS:

Q. What is that correspondence which you have here, bearing upon the point under investigation?—A. It is not a long correspondence, and I think here is every scrap of paper that I ever wrote on the subject. Here I believe are all the letters which I received from Webster on the subject, including the letter recommending and asking that the process be used, from some delegation from New Hampshire. I would like to say that I found his ideas were very exalted on the subject; that he expected to get, apparently, a very large sum of money; he would not have anything to do with any small expenditure; and while the reports in my office were in favor of his process, I have learned by long experience that these partial experiments do not always lead to certain results, and when the Cowles & Co.'s process was first proposed, I urged against it that we should not spend much money until we had greater experience. It claimed to be a water-proof process. I supposed it to be a water-proof process that I had seen tried twenty or thirty years before, which will enable you to hold water in an extended sheet, cloth, or towel, but lets it run through as soon as you rub it, and I thought that a water-proof cloth which would let water run in whenever you bent your arm or elbow, was of no value; but, ultimately, the evidence in favor of its usefulness against moth was overwhelming. I always thought the water-proof part was of no value, but I did think the moth-proof part of it was valuable. Still, I accepted it against my will, because I have seen a great many things tried and fail; and I didn't have any more faith in Mr. Webster's than in so much camphor, or cedar, or oil of rhodium, or any of the aromatic odors that are used for such purposes. Mr. Webster is a man of very active brain, too much so as for his health, I think, and a very lively imagination, and that conversation of his with me is made out of whole cloth. There never was anything approaching to it; or anything that any honest man could think was wrong in anything that I said to him.

By the CHAIRMAN:

Q. What process is being used now at the arsenal?—A. We are not using any. I think we have used some camphor, but we have abandoned the patent processes, under the law of Congress.

By Mr. DANFORD:

Q. Do you remember any letter of Webster's in which he said to you that he would "not answer your question?"—A. No, sir; I did not look over his letters. I have not had time, but I did not see in my indorsements any reference to any such question, and I don't think there can be any such. I know that I ceased to correspond with him, because I found that he was growing suspicious; he was denouncing "rings," which I supposed meant me; but I am accustomed to find inventors who cannot get $100,000 out of me, think there is a "ring" somewhere.

Q. You hadn't very much correspondence with him?—A. I think that is the whole of it. I asked for everything, and the clerk tells me that is all. I finally ceased to reply to his letters; as you would, if a man was writing impertinent letters to you.

By the CHAIRMAN:

Q. Did he ever make you an offer, verbal or written, to furnish a lot of this material, and do up some goods, and do it for nothing, for the purpose of trial?—A. Yes, sir; he did. That is in writing there.

Q. What was the reason for declining his offer to do that?—A. I offered to buy. I did not think it was proper to take a stranger into our arsenal and let him handle them—the goods; we had our proper sworn officers to attend to these matters. People who carry on a large business do not generally do it in that way. He might be as honest as Aristides. He

might be as great a thief as is to be found in jail here. I didn't know anything about him.

General Meigs, the day after his examination as a witness, addressed the following letter to the chairman of the committee:

"WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
"*Washington, D. C., April* 8, 1876.

"DEAR SIR: I have learned this morning that I was in error in stating yesterday that no money had been expended in the use of Cowles & Co.'s moth-repellent process by the Quartermaster's Department since the passage of a law on the subject forbidding the expenditure of certain appropriations upon any patent process.

"I find on record under date of November 22, 1875, notice of a remittance of $39,040.07 from the appropriation for clothing of the Army, to be used in the preservation of clothing, camp and garrison equipage, from moth and mildew, by the process of Cowles & Co.

"As I left the Quartermaster-General's Office, under orders, for Europe, in June, 1875, I had no knowledge of this remittance, and I answered yesterday according to my belief.

"I hasten to advise the committee of the error into which I fell.

"I inclose a copy of a memorandum * on the subject of the use of Cowles & Co.'s process, which was prepared in this office before my return from Europe, and which I had not read when called before the committee.

"I have the honor to request that this letter be made part of my testimony in the case.

"I remain, most respectfully, your obedient servant,

"M. C. MEIGS,
"*Quartermaster-General, Brevet Major-General, United States Army.*

"Hon. HIESTER CLYMER,
"*Chairman Committee on Expenditures of the War Department.*"

A history of the Cowles & Co. mildew and moth matter, so far as it touches the Quartermaster's Department, is as follows:

On the 11th of March, 1869, the firm of Cowles & Co., of New York, representing the New York Water-Proofing and Preserving Company, offered to prepare, free of charge, a certain number of overcoats, tents, and paulins for practical test of the merits of their process, and orders for preparation of certain articles were accordingly given. No further action appears to have been taken with reference to the matter until the 11th day of February, 1871, when the Secretary of War called for all the papers in the case.

Upon being furnished with these papers, the Secretary, on the 13th of February, 1871, directed that a report of the result of trial be called for from the Schuylkill arsenal. This report was submitted to the Secretary on the 21st of February, 1871; an additional report from Philadelphia was forwarded to the Secretary of War on the 4th of March.

On the 18th of April, 1871, the Secretary of War directed that a telegraphic report be called for from the military store-keeper at Philadelphia. The report thus called for was submitted to the Secretary of War on the 24th of April, 1871. Testimonials as to value of process were filed by Cowles & Co., May 29, 1871, and submitted to the Secretary of War. The Secretary, June 7, 1871, directed that the trial of the process be had on a more extensive scale, as recommended by General Meigs.

On June 15, 1871, the Secretary of War ordered the expenditure of $20,000 instead of $10,000 as recommended by the Quartermaster-General.

Instructions were issued in accordance therewith by the Quartermaster-General June 17, 1871.

On the 9th of September, 1871, the Navy Department called for a copy of report of case, which was furnished. Also again on October 2, 1871.

On the 3d of November, 1871, the Chief of Ordnance called for a similar report, which was furnished.

On December 21, 1871, the Secretary of War directed that an early report on the value of the process be made, which report was submitted same date.

On the 11th of January, 1872, the Quartermaster-General called upon officers to whom prepared clothing was issued to report with reference thereto. These reports were furnished, from which it appeared that some were favorably and others unfavorably impressed.

On January 27, 1872, Messrs. Cowles & Co. asked that a further supply of clothing be subjected to their process, and stated that they would wait for further appropriations by Congress for payment.

The Secretary of War, February 9, 1872, authorized that clothing be prepared to the extent of $10,000, Messrs. Cowles & Co. to wait until Congress made further appropriations to re-imburse them, and they were so informed.

On April 5, 1872, Cowles & Co. stated that the clothing given them for treatment was nearly completed, and asked for authority to complete the work on the same terms as heretofore. This application was submitted to the Secretary of War May 9, 1872, who author-

* See history of Cowles's process, in File No. 62.

ized $40,000 additional to be expended from the appropriation for the fiscal year ending June 30, 1872.

On May 23, 1872, the Quartermaster-General again called on officers to whom clothing had been issued to report upon the merits of the process. On the reports of these officers being received, it appeared that they were about equally divided as to the merits and demerits of the process.

On June 27, 1872, Messrs. Cowles & Co. submitted four affidavits as to the harmless effect of their preparation upon the human system.

Fifty thousand dollars were appropriated by Congress in the deficiency bill for the fiscal year ending June 30, 1872, for Cowles & Co.'s process.

On September 30, 1872, Colonel Easton reports the discovery of moth in some of the trousers made of kersey prepared by the process, which report was submitted to the Secretary of War October 2, 1872.

On October 7 and 8, 1872, Colonel Easton forwards reports from Military Storekeeper Alligood and Inspector Johnston in regard to moth-eaten clothing, copy of which was furnished to Cowles & Co.

On October, 19, 1872, Cowles & Co. filed an argument with reference thereto, which was submitted to the Secretary of War December 7, 1872, after having been previously referred to Colonel Easton for investigation and report.

These papers were returned with instructions to convene a board of officers, with General Marcy as president, to examine into the merits and demerits of the process. The board was appointed under the provisions of Special Orders No. 329, Adjutant-General's Office, 1872.

December 30, 1872, the board transmitted their report, in which they recommend that the preservation of clothing by the process be continued, and that certain garments be specially packed and shipped together with unprepared clothing to posts in southern climates.

The report was submitted to the Secretary of War January 2, 1873, who approved thereof. In consequence of this report special instructions were sent to the depot at Philadelphia, January 11, 1873, and prepared and unprepared trousers were sent to certain southern posts to carry out the recommendations of the board.

January 18, 1873, the Quartermaster-General asked the Second Comptroller as to whether the expenses of transportation, &c., connected with the process could be paid from the appropriation made by Congress. The decision being affirmative, the Secretary of War sanctioned the same.

It appears that the following items have been expended by the Quartermaster's Department for the treatment of clothing by this process:

During 1870 and 1871, from clothing appropriation	$10,000
1871–1872, deficiency appropriation	50,000
1872–1873, from clothing appropriation	150,000
1873–1874, appropriation for process	200,000
1874–1875 appropriation for process	30,000
Total	440,000

It appears from the records of the Quartermaster-General's Office that $39,040.07 have been used to defray incidental expenses under decision of the Second Comptroller above referred to.

The various appropriations made by Congress were based upon the recommendations of the Quartermaster-General and the Secretary of War to the chairmen of the Committees on Appropriations of both houses of Congress.

On July 20, 1874, the Secretary of War directed that no more money be paid from old or new appropriations on account of the process.

On July 24, 1874, Mr. Brega, of the firm of Cowles & Co., inquired by telegraph when the order for resumption of work would be given.

On August 8, 1874, the Secretary of War called for all the papers in the case, which were furnished him same date.

On August 20, 1874, the Secretary of War called for a summary of opinions on the process to be furnished him, which was done same date.

The order suspending the continuation of the work was based upon a letter received from General Garfield on the subject.

The Secretary of War, by virtue of Special Orders No. 200, A. G. O., 1874, appointed a board of officers, consisting of Colonels Ingalls, Van Vliet, and Saxton, to investigate and further report upon the subject. Instructions to carry out the orders of the Secretary of War were furnished Colonel Ingalls on the 29th of September, 1874.

On the 7th of September, 1874, Messrs. Cowles & Co. requested permission to be present at the examination by the board.

September 17, 1874, the Secretary of War returned all the papers on file in the War Department in the case of Cowles & Co.

November 14, 1874, Messrs. Cowles & Co. requested copy of the report of board of officers, which was submitted to the Secretary of War, who authorized it to be furnished.

November 18, 1874, Colonel Saxton, recorder of the board of officers, forwarded the pro-

ceedings of the board convened under Special Orders No. 200, A. G. O., 1874. The report and all the papers in the case were submitted to the Secretary of War November 27, 1874.

December 18, 1874, the Secretary returned the proceedings of the board with a copy of a letter to the Speaker of the House of Representatives, dated December 7, 1874, forwarding copies of the papers for the information of the House, and informing the Speaker that the sum of $100,000 asked for by the Quartermaster-General was stricken out in his estimate.

December 19, 1874, Mr. Brega telegraphed asking whether he is to proceed with the work of treatment. Mr. Brega was informed that authority had not yet been granted.

December 24, 1874, the Secretary of War authorized and directed the resumption of work to the extent of the appropriation as recommended by the board of officers.

Congress has made no special appropriation for the treatment of clothing for the year ending June 30, 1876, the Secretary of War having made no recommendation therefor, but simply furnished Congress with copies of the papers in the case, including copy of the report of the board of officers convened by Special Orders No. 200, A. G. O., 1874.

The bill making appropriation for clothing, &c., for the fiscal year ending June 30, 1876, contains the following clause: "Provided, that no part of this sum shall be paid for the use of any patent process for the preservation of cloth from moth and mildew." (Piatt, pp. 8, 9, 10.)

None of the money appropriated has been expended for the use of the process in question.

On the 25th of May last, Cowles & Co., in an argument filed with the Acting Quartermaster-General, stated that there was an unexpended balance of $39,250 of the appropriations made for the preservation of Army clothing by their process, and asked that the same be applied to the specific use for which it was appropriated.

The Acting Quartermaster-General, on the 4th of June last, submitted the argument to the Secretary of War, with a statement that a portion of the specific appropriation made for the process was not used for the purpose specified in the law, but was used to pay expenses of overhauling, &c., and that there were certain balances in the Treasury available, and recommended that these balances be applied to the re-imbursement of the specific appropriation.

The Secretary of War consented that requisition to cover these balances should be made.

On the 23d of July, the Acting Quartermaster-General submitted a request for remittance of $27,040.07 in favor of Colonel Van Vliet, from clothing appropriation, to be applied for preservation of clothing, &c., and thus re-imburse this specific appropriation. No money was remitted.

On the 17th of September, 1875, the War Department forwarded to the Acting Quartermaster-General communication from the Department of Justice, dated August 25, 1875, rendering an opinion that the provision of the appropriation for present fiscal year does not forbid application of any patent process to the preservation of clothing where the use of the same may be obtained without paying or incurring any obligation to pay therefor. The Secretary of War, on the 16th of September, directed that the Quartermaster-General be guided by this opinion.

On the 22d of November, 1875, a request for the remittance of $39,040.07, in favor of Col. D. H. Rucker, in charge of Philadelphia depot, was forwarded to the Secretary of War with information that this was the amount which was diverted from specific appropriation for preservation of clothing, &c.

The records of this office show that the draft for the amount named was issued December 4, 1875.

In the letter to Colonel Rucker, advising him of the remittance of the $39,040.07, the following instructions were given by the Acting Quartermaster-General: "This amount, when received, will be used in the preservation of clothing and equipage from moth and mildew by the process of Cowles & Co. The accounts will be so made as to show expenditure for labor of applying the same, as the Attorney-General has given his opinion to the effect that nothing can be paid for the use of the process, but that the appropriation may be used in payment for the labor of applying it."

It is not contemplated to use any of the appropriation for clothing for the present fiscal year outside of what was necessary to cover the balances referred to for the application of Cowles & Co.'s process.

The reports, however, are greatly in favor of its use, as will be seen on reference to the documents, and much benefit has resulted therefrom. The store-houses and clothing are now free from moths.

Received at Quartermaster-General's Office from Committee on Expenditures War Department, without note or advice, April 12, 1876.

F.

WASHINGTON, D. C., *April* 10, 1876.

INGHAM CORYELL voluntarily appeared before the committee, and, being sworn, made the following statement:

I do not know what the testimony is here, but the Associated Press represents me as doing General Meigs great injustice, and I wish to make a correction. I am made to appear as

having volunteered to give evidence against the integrity of General Meigs. It is not true. I look upon him as one of the best men in the country. I am represented as in the Quartermaster's Department, at the Seventh-street wharf. I was there during the war, but never since. Mr. Webster is reported as testifying that I said that up to three days ago I believed that General Ingalls and others were in the moth-ring. That is a mistake. He is further represented as testifying that I said I now believed General Meigs was in it. That is not true. On the contrary, Mr. Webster has, on several occasions in my presence, imputed dishonesty to General Meigs, and I have said to him over and over again that I would not permit him or any one else to say anything against the integrity of General Meigs, because I knew him to be an honest man. That has occurred not only once but probably twenty times. I will admit that I said something like this, not in regard to General Meigs, but in regard to several others connected with this matter: that things did not look quite as fair as they did before. That is the extent of all that I have said against General Meigs. Things not looking quite so fair, I went to a personal friend of General Meigs and asked him if he could explain certain matters to me. He said that he did not know that he could, but was certain that General Meigs could, and would, if I would visit him and ask the questions. General Meigs was then at a hotel and had not yet taken his position in his office, and it was thought best that I should not go to him until he had taken his place in his office, so that I might see him officially, and in the mean time this matter came up, and I have not been to see him at all. But after seeing this gentleman, and he saying what he did in regard to General Meigs, I had the same high opinion of General Meigs that I had before, and that is that there is no man in the Army who stands higher than he does for honesty and integrity.

By the CHAIRMAN:

Q. Do you know Mr. Webster?—A. I have known him for the last six weeks or two months. He was sent to me or came to me on some business.

Q. Is he an insane man?—A. Well, you can judge of that. He appears to be sane. There is a good deal of method about him if he is mad.

Q. On this subject of General Meigs and this moth business, how do you regard him?—A. I cannot account for his course. On almost every occasion that I have seen him he has brought that matter up and made these charges against General Meigs. I have said to him, "It is not so." I have tried to explain to him the position General Meigs occupied, and that he would distrust him or any one else that would come with such an article; that during the war people tried to impose upon him with such things in every possible way. I have tried to explain to Mr. Webster that General Meigs was not in a condition to test the thing; that that had to be done through other Departments. I have told him that there was some mistake about it; that perhaps General Meigs said what he did to try him; but Mr. Webster would not receive that explanation. I do not believe to-day that General Meigs ever tried to impose upon any one in that way.

By Mr. DANFORD:

Q. From what you have heard and know of Mr. Webster, and from what you know of General Meigs, you regard Mr. Webster as either an insane man on that subject or a very bad one?—A. Well, I believe that the man thinks that General Meigs tried to bribe him; but I am satisfied that General Meigs did not.

Q. Don't you think he is crazy, then?—A. I am not a judge of insanity. He is pretty determined upon that one point.

Q. Isn't he wild upon it?—A. Well, he is excitable. I generally got excited first, and talked pretty severely to him in regard to it, and that excited him.

Q. Did he ever tell you about people offering him money on the street not to come before this committee?—A. He did.

Q. And about the man running away?—A. No; he said that the man got away.

Q. Don't you think that that was the story of a crazy man?—A. Well, I do not know, sir.

Q. Do you know anything about his preparation?—A. I do.

Q. Do you believe it is a good article?—A. I do, sir. I don't think there is any mistake about that.

WASHINGTON, D. C., *April* 19, 1876.

GEORGE W. BREGA sworn and examined.

By the CHAIRMAN:

Question. Where were you born?—Answer. In Pennsylvania.

Q. What business are you engaged in?—A. I was admitted to the bar of the supreme court of the State of New York in 1855. I have been engaged for some years past as a partner in the house of George A. Cowles & Co. There is a statement made in a New York paper to this effect, that I have been hiding from the Sergeant-at-Arms to avoid the service of a subpœna upon me. I desire to say with regard to that publication that it is an entire

misstatement from beginning to end. I have been suffering for the last six weeks with an attack of inflammatory rheumatism, and was confined to my bed. On Saturday, the 8th, I saw that General Meigs had been before your committee, and I determined to come here, ill as I was, so as to ask for an opportunity to be heard. I arrived on the following Monday night, but was so ill that I could scarcely leave my bed. I had prepared a letter to you, which I intended to present, and which, with your permission, I will read here as a part of my testimony. I could have had no object in coming to Washington if I wanted to hide from your committee, for I only arrived from Europe in the end of March, and I need not have come here at all. My sole object in coming was to protect myself, and, so far as I could, my firm.

Q. You say that you are a partner in the firm of George A. Cowles & Co. That is a New York firm, is it not?—A. We have a house in New York and one in Philadelphia.

Q. How long have you been a partner in that house?—A. Since the firm was established. I think the written partnership began about 1870, but we had a verbal partnership before that. I was one of the original partners.

Q. The firm existed before 1870?—A. Yes. It was known as the New York Manufacturing Water-Proofing Company, and afterward as Cowles & Brega; afterward as Cowles & Co.

Q. You are interested in a patent process for the purpose of preserving clothing from the ravages of the moth, I believe?—A. Yes, sir; and if you will permit me, the letter that I intended to have presented to you after I received your subpœna I have printed, and, if you will allow me to read it as part of my testimony it will more briefly explain the matter than an oral statement would:

OFFICE OF GEORGE A. COWLES & CO.,
217 LEVANT STREET,
Philadelphia, Pa., April 12, 1876.

SIR: We notice in the public journals a summary of evidence given before your committee, on the 7th instant, by General Meigs, Quartermaster-General United States Army, in which an allusion is made to our firm and the work and labor we have performed in our factory for the Quartermaster's Department for several years. As the matter connected with our work is of importance to the Government, and of moment to us as honest business men, we beg most respectfully to be permitted to make the following statement, every fact in which is corroborated by official testimony and evidence heretofore communicated to Congress, and which will be found in the pamphlet which we submit herewith, and to which we shall refer, by giving the number of the page in every instance, so that nothing shall rest upon our assertions uncorroborated by official proof.

Our business has been in operation since 1864, and consists in rendering canvas water-repellent and mildew-proof; and for woolen fabrics, in preventing ravages by moth, in strengthening the material and preserving the color so that it will not fade, and in rendering it permanently water-repellent. We do not arrive at these results by selling the Government a powder or a prescription, but by working, manipulating, and dressing the fabrics; and by the extensive use of steam we are enabled to do the work efficiently and economically. The official records show that we have been paid for our work not more than five or six per cent. of the cost of the goods treated; while the authorities of the Schuylkill arsenal have testified under oath that the saving in cutting alone of the cloth and kersey, from the filling up of "tag-holes" and other imperfections, is fully fifteen per cent. over kersey and cloth not so treated, and that condemned flannel treated by us has, in consequence, become serviceable and saved to the Government. (Pages 6 and 19 of the pamphlet.) In our chage to the Department for work and labor in preserving, &c., the goods intrusted to us, we have made no charge, either directly or indirectly, by way of a royalty for the use of any of the patents we employ either in material or machinery. We have done the work cheaper than the Government could have done it themselves, even if we had presented them with the free use of our patents, and this because of our labor-saving machinery and close personal supervision. Our position in this respect is the same as the manufacturer of cloth, who sells his goods to the Government, but charges no royalty upon the patented machines by which he is enabled to make the cloth better and cheaper; or of the contractors who make up the soldiers' clothing, who charge for the work and labor performed, but do not charge a royalty to the Government for the use of the patented sewing-machines by which the clothing is manufactured.

Learning that the clothing and equipage in the arsenals of the United States were being destroyed by moths; that the color of the cloth faded after a brief service; that it was in no sense water-repellent, and that the canvas tents, &c., in use by the Army seldom lasted more than one season in consequence of rot from mildew, and were besides of little value for shelter in rainy weather, as they were not water-repellent, we asked permission, in 1868, to be allowed at our own expense to prepare such number of tents and clothing as the Quartermaster-General might deem advisable, and return them to the arsenal to be experimented upon by the officers in charge, so as to demonstrate whether we could prepare the goods in the satisfactory manner we claimed. These experiments were continued at the Schuylkill arsenal, upon the goods prepared by us in 1868, until 1871, when favorable reports

were made by Captain Van Antwerp, the officer in charge, and by Mr. Neil Campbell, the chief inspector. (See pamphlet, pp. 58 to 74.)

When we first broached the matter to General Meigs, while acknowledging the very great importance and economy to the Government which would result if the clothing and equipage could be thus preserved, rendered more durable, and made water-repellent, yet he very plainly intimated his incredulity, and stated that, although the subject had for years engaged the serious attention of the military authorities both of the United States and of Europe, no discovery had yet been successful or permanent in its results; and, looking at the matter in this light, he addressed a letter to the Secretary of War, April 24, 1871. (See p. 55 of pamphlet.) When the favorable reports of the Schuylkill arsenal authorities were submitted to him he informed us that before he could recommend any trials on a more extended scale, at the expense of the Government, he must be satisfied, first, that the chemical reagents which we used as a necessary part of our work would not be "injurious to the material or to those who use the articles thus prepared;" secondly, that the advantages we claimed should be demonstrated to his satisfaction; and, thirdly, that our terms should be "reasonable and satisfactory." (See General Meigs's letter, June 5, 1871, p. 56 of pamphlet.) Having settled these points to General Meigs's satisfaction, he intrusted us with a certain amount of clothing, kersey, and canvas, which we treated and returned to the arsenal for "trial and actual use." The terms which we submitted to General Meigs he found "reasonable and satisfactory," and they have remained unchanged for all the work we have since done for the Department.

General Robert Allen, Acting Quartermaster-General, reported, on December 21, 1871, as to the great importance and economy of the work, (p. 57 of pamphlet;) and on the 25th of March, 1872, General Meigs addressed a letter to the chairman of the Committee on Appropriations of the Senate expressing his satisfaction at the results of our work up to that date, and giving striking evidence of the "large saving which will result to the Government." (See pp. 57, 58 of pamphlet.)

The work continued to be executed in a satisfactory manner till the 16th of October, 1872, when General Meigs informed us that Captain Alligood had made an unfavorable report of our work so far as being a moth-repellent, and that General Easton, in charge of the Philadelphia depot, had taken the responsibility of stopping the work. (The correspondence on this subject will be found in full in pamphlet, pp. 33–54.) Ultimately General Meigs recommended the Secretary of War to authorize the appointment of a board of officers to investigate the matter and personally examine the goods treated by us, "and report whether it is advisable to go on with this process or not." (P. 55, pamphlet.) This board was composed of General Marcy, inspector-general U. S. A.; General Rufus Ingalls, assistant quartermaster-general; and Col. J. G. C. Lee, assistant quartermaster. The report of this board and the testimony taken before it will be found at pages 7*a* to 31 of the pamphlet. It recommended the continuation of the work by us as being satisfactory and economical. General Meigs forwarded the report and proceedings to the Secretary of War, and indorsed the report in these words: "I concur in the opinions and recommendations of the board, and recommend their approval by the Secretary of War." (See General Meigs's letter, December 30, 1872, pamphlet, p. 11*a*.) Work was accordingly resumed by us.

Thus matters went on till the autumn of 1874, when General Meigs recommended in his estimates a special appropriation of $100,000 for the preservation of clothing and equipage "by the moth and mildew proof process adopted and now in use by the War Department, in conformity with the recommendation of the board of which Col. R. B. Marcy, inspector-general, was president." The Secretary of War informed General Meigs that "it was represented to the Department that the process did not possess the advantages which had been claimed for it, and that it was of no use to the Government." The Secretary stated he had stricken the item out, and ordered a further investigation into the merits of the process by appointing a board of officers for that purpose. (P. 1, pamphlet.) The board consisted of General Rufus Ingalls, assistant quartermaster-general; General Stewart Van Vliet, assistant quartermaster-general; and General Rufus Saxton, deputy quartermaster-general. The report of this second board was also unanimously favorable, and was much stronger even than the first board's report, because of the longer time which had elapsed to judge of the practical effects and benefits of our work. It was indorsed by General Meigs as follows:

"This report is approved and respectfully forwarded to the honorable the Secretary of War, with recommendation that the application of the process be resumed to the extent of the appropriation made at the last session of Congress, viz, $30,000; that the one thousand wall-tents lately contracted for be all subjected to the process before issue, and that the cloth to be made up into garments be treated so far as the appropriation will allow. I also recommend that this report be printed for the information of the Army."

The report and proceedings of the board will be found in the pamphlet, pages 2 to 10. But the Secretary, notwithstanding the finding of the board and its approval by General Meigs, did not authorize the Quartermaster-General to re-insert the item struck out of his estimates, and consequently Congress at the last session took no action in the matter, the Committee on Appropriations not being able to notice an item which was not officially before them.

As your honorable committee appear to have asked General Meigs what influence was used by us to retain the work, we beg respectfully to state, most emphatically, that in our whole intercourse with General Meigs we have never attempted or desired to use any influence beyond the fact that our work was well, efficiently, and honestly executed. General Meigs will certainly bear testimony that we have never attempted to use the influence of a member of Congress or of any official with him. The only persons who spoke to him were those having a legitimate right to do so, and then only in presenting facts to his notice. We have always been convinced that General Meigs's action was influenced entirely by a single purpose of preserving the property of the Government intrusted to his charge in the most economical and effectual manner. It would as ill have suited us as it would have been insulting to the the reputation for ability and integrity which the Quartermaster-General so conspicuously holds, were we to have pursued or attempted any other than a straightforward course with him. We appeal with confidence to General Meigs for a verification of this statement as to our conduct in all our transactions with his Department. And, as the records prove that all the work we have ever been intrusted with has been on the recommendation of General Meigs, we have paid no attention to any false and slanderous statements which may have been circulated, feeling that his indorsement of our work was a sufficient refutation of any calumnies against us.

What we have constantly suffered from has mainly been that the public are not conversant with the facts or the importance of and difficulty which attends the preservation and permanent improvement in quality and usefulness of Army clothing and equipage. The official reports which have been yearly communicated to Congress have presented all the facts. But even members of Congress seldom find time to read these reports, unless their attention is especially called to them. We have shown that protection from moth is but a part, and perhaps not the most important part, of our work; yet how few persons, outside the Quartermaster's Department, know that, in the ten years preceding the time we were employed, it is estimated the Government lost not less than *thirteen million* dollars' worth of clothing, cloth, and other woolen goods from destruction by moths alone. The records show that petroleum-paper, camphor, and such appliances are no protection against these ravages, either while packed up or open, for the eggs which are in the wool are not destroyed by these means, and when the packages are open they of course afford no protection. And it is in sworn proof in the official documents before you, that when we commenced our work there was scarcely a garment or piece of cloth in any of the arsenals which was not more or less injured by moths, although all had been carefully packed in petroleum-paper, (see pamphlet, pp. 19, 17*a*, 26, 27, 64,) while now the goods prepared by us are safe and untouched, and the "store-houses are now found to be singularly free from moths," as compared with their condition in 1872, and that this result is largely due to the success of our treatment. (Report of Army Board, 1874, p. 8.)

The following officers, in the course of their official duties, have reported favorably as to the results of our work. (P. 1 to 15, inclusive, of pamphlet:)

General Meigs, Quartermaster-General, U. S. A.; General Marcy, inspector-general, U. S. A.; General Allen, Acting Quartermaster-General; General Ingalls, assistant quartermaster-general; General Van Vliet, assistant quartermaster-general; General Saxton, deputy quartermaster-general; General Card, chief quartermaster; Colonel Lee, assistant quartermaster; Major Moore, quartermaster; Captain Forsyth, assistant quartermaster; Lieutenant Troxel, acting assistant quartermaster; Lieutenant Morris, 5th artillery; Lieutenant McConnell, 5th artillery; Captain Rodgers, Schuylkill arsenal; Captain Rittenhouse, 5th artillery; Lieutenant Rodgers, 5th cavalry, A. A. Q. M.; Lieutenant Markley, 24th infantry, A. A. Q. M.; Lieutenant Jones, 3d infantry, A. A. Q. M.; Colonel Ransom, deputy quartermaster-general; Lieutenant Sarson, 2d infantry, acting quartermaster; Captain Leefe, 19th infantry, A. A. Q. M.; Lieutenant Shaw, 1st artillery, A. A. Q. M.; Lieutenant Campbell, 2d artillery, A. A. Q. M.; Captain Lord, regimental quartermaster, 2d artillery; Lieutenant Richards, 19th infantry, A. A. Q. M.; Lieutenant Anderson, 18th infantry, A. A. Q. M.; Major Hodges, quartermaster; Lieutenant Heintzelman, 3d artillery, A. A. Q. M.; Lieutenant O'Hara, 3d artillery, A. A. Q. M.; Lieutenant Booth, 1st artillery; Lieutenant Simpson, 4th artillery, R. Q. M.; Lieutenant Hubbell, 1st artillery, A. A. Q. M.; Lieutenant Dutton, Ordnance Corps; Captain Lieber, military store-keeper, U. S. A.; Lieutenant Hyde, 8th infantry, A. A. Q. M.; Lieutenant Thorne, 22d infantry, R. Q. M.; Captain Howell, assistant quartermaster; Lieutenant Marshall, 4th artillery, A. A. Q. M.; Captain Ernst, Corps of Engineers; Lieutenant Pope, 1st artillery, A. A. Q. M.; Lieutenant Fueger, 4th artillery, A. A. Q. M.; Lieutenant Deshler, 1st artillery, A. A. Q. M.; Lieutenant Grier, 4th artillery, A. A. Q. M.; Captain Strong, brevet lieutenant-colonel and A. A. Q. M.; Lieutenant McCauley, 3d artillery, A. A. Q. M.; Lieutenant Nowlan, R. Q. M., 7th cavalry, A. A. Q. M.; Captain Dupont, 5th artillery; Captain Thompson, 7th cavalry; Captain Constable, assistant quartermaster; Lieutenant Quimby, 25th infantry, A. A. Q. M.; Lieutenant Hall, 5th cavalry, A. A. Q. M.; Lieutenant Kingsbury, 11th infantry, A. A. Q. M.; Lieutenant Bexcom, 24th infantry, A. A. Q. M.; Lieutenant Barrett, 10th infantry, A. A. Q. M.; Captain Robinson, quartermastar; Lieutenant Luff, 8th cavalry, A. A. Q. M.

This list of officers, from all branches of the service, and whose reports are found in the

accompanying official records, will enable your honorable committee to ascertain from the highest and best authority the results of our work, and its economical value and character, in preserving, strengthening, and rendering water-repellent the clothing and equipage of the Army. If your committee desire any further information from us, we shall be happy to give it, if in our power.

Very respectfully, your obedient servants,

GEO. A. COWLES & CO.

Hon. HIESTER CLYMER,
Chairman of Committee on Expenditures of the War Department,
House of Representatives.

Q. Do you know what amount of money has been appropriated by the Government for the purpose of preserving these goods by your process?—A. No, I do not; and I would like to remark that Mr. Cowles is the managing partner in the concern and has had charge of all the moneys, both the expenditures and the receipts of moneys that have been made, and I have devoted myself to another part of the business, and have been for some years back in Europe attending to the business there. I received yesterday morning a letter from Mr. Cowles's brother, (Mr. Cowles having had to go in January last for his health to a place near San Diego.) He is to be at a certain hotel in San Francisco to-day. If the committee will telegraph him, I have no doubt he will hasten his departure at once; but he is to be home at any rate by the 1st of May.

Q. In the records it appears that there have been appropriated for the purpose of preserving the clothing by this process since 1870 and up to and including 1875, $440,000, all of which has been paid to your firm save $39,040.07, used to defray incidental expenses, under the decision of the Second Comptroller?—A. I was going to say with regard to that that the terms which we submitted to General Meigs are the terms we have charged all along, that whatever payments were made were made on the certificate of the arsenal authorities in Philadelphia, and I presume if we received $400,000 we received it for work done for the Government; but as to these details, I state candidly that I do not know them, having been out of the country, as I have stated.

Q. Your firm has received of this amount of money about $400,000. Do you know what proportion of that $400,000 was profit to your firm?—A. I do not. I want to explain. I have never looked at our books. I have never had a settlement for two years.

Q. Was 50 per cent. of it your profit?—A. No, sir; so far as I am individually concerned, considering all the expense that we have been put to, I find that I have realized no profit.

Q. Has your firm realized any profit?—A. That I cannot say.

Q. Do you know what the assets of your firm are to-day?—A. I do not. I have not been furnished with the balance-sheet.

Q. Are they $10,000?—A. I have no way of telling anything about it.

Q. You do not know whether they are $10,000 or $100,000?—A. I would like to say that I have not seen any statement from Mr. Cowles of the condition of affairs or had a settlement for more than two years. When I arrived from Europe Mr. Cowles had left for California, but when he returns I expect that statement and settlement.

Q. Have you never drawn any money from the firm?—A. I have drawn money and have unfortunately paid money back.

Q. So you cannot tell what profits you have made upon this amount of money?—A. I have none of my papers here; I left all my papers in Europe; but Mr. Cowles has transcripts of them all, he being the business man. When we submitted our terms for the work to General Meigs, which he found satisfactory, we found that there had been another company who had made application to the Department to be permitted to preserve the clothing, &c., which process General Meigs decided was a complete failure; it destroyed the clothing and everything, and we learned afterward that their prices offered to the Department were more than double our prices.

Q. Do you know whether there were any profits made by your concern?—A. Well, sir, I cannot tell that until we close up whether there were any profits made. We have had a great many expenditures. Mr. Cowles told me when I was over here last autumn for a few days that the mere expense of keeping up this factory in Philadelphia, which is fitted up exclusively for Army work, was between $13,000 and $14,000.

Q. Do you do any business for any other person than the Government of the United States under this process?—A. We do, sir, in Brooklyn, for the public generally; but we have an establishment fitted up expressly for the Government work in Philadelphia.

Q. Do you do any work in Philadelphia other than that for the Government?—A. No, sir.

Q. And the only other place where you do any other work than Government work is Brooklyn?—A. Yes, sir; the only place in this country.

Q. And you do not know and cannot say under your oath whether you have made

any profits in that business or not?—A. I do not know and cannot say under my oath whether when all the expenses are paid there is any profit or not. I desire under the solemnity of my oath to give an answer the best way I can, and I say that having made no settlement and knowing that I can be assessed for the indebtedness of the company, I cannot tell in what position with regard to that company I stand to-day, nor shall I be able to tell until I have a settlement with Mr. Cowles. I make that answer under all the solemnity of my oath.

Q. Have any of the proceeds of this work that you have done for the Government, any of this $400,000, gone to any other person than those who were members of your firm?—A. Not to my knowledge. I have paid no money to any other person.

Q. Do you know whether any member of your firm, or any person for your firm, has ever paid any other person for his influence, real or presumed, either in having the appropriation bills passed authorizing the use of your process or for influencing any officer or other person belonging to the Army to have the process adopted by the War Department?—A. We have paid nothing for the passage of the act. We have hired persons, private individuals, to assist us. I say distinctly that I have not paid a dollar directly or indirectly to any officer of the Government, either civil or military; and Mr. Cowles has told me that he never has done so, and I believe he never has done it; but I can answer for myself that I have not.

Q. Have you ever given money to other persons to expend for you in that way?—A. I have not.

Q. Has any member of your firm?—A. No member has to my knowledge.

Q. Have any charges appeared on your books, to your knowledge, indicating that any such operation has been going on on behalf of your firm?—A. I have not looked at the books to see.

Q. Have you ever seen the books of your firm?—A. I never have examined for years; but in the little cursory examination I gave them a year ago I never saw anything of that kind, and I know that Mr. Cowles never was authorized by me to make any such payments, and he indignantly denies that he ever has done so.

Q. You say, then, that there never was any such transaction?—A. I say that to my knowledge there never was, and I do not see why such payment should be necessary.

Q. There was nothing paid by you or your firm to secure the passage of the appropriation bills?—A. Nothing by me or, to my knowledge, by any person connected with my firm to aid in the passage of any appropriation bill.

Q. You say you employed private persons to assist you?—A. Yes, sir.

Q. To aid you in procuring legislation?—A. Mr. Piatt was employed by us at an early stage of this business in order to lay the official evidence and documents before the Secretary of War, and also when the matter was before Congress to get members of Congress to look at those official reports. The reason he was employed was this: Several months before that I went with a personal letter of introduction and called on the Secretary of War. I mentioned to him that we had a matter that we were desirous of having the Government investigate. He treated me with so much curtness and was so abrupt and, I may say, so hostile in his manner, that I told Mr. Cowles that if there were any communications to be made hereafter to the Secretary of War we must employ some person who knew him, as my self-respect would not permit me to call upon him again. I have always understood that the Secretary of War was inimical to us throughout, and that he simply followed the recommendations of General Meigs in employing us. Whether that is so or not, General Meigs can of course inform you better than I can.

Q. You say you never knew of any person being employed in that way save Mr. Donn Piatt. What was your agreement with him with reference to the matter?—A. The agreement was that he was to be paid an amount—I forget what the agreement was. All the agreements and payments were made by Mr. Cowles, or by his authority.

Q. Have you any idea of the nature of the contract with Mr. Piatt?—A. I think the nature of the contract was that he was to have a percentage of the amount of money which we received.

Q. On the amount to be appropriated?—A. No, sir; on the amount to be paid us by the Department.

Q. Do you recollect what that amount was that he was to have?—A. I do not.

Q. Was it 5 per cent?—A. I think it was; I am not sure.

Q. Might not it have been 10 per cent?—A. No; I think it was 5; I am pretty sure it was. Mr. Cowles made that agreement, and, as I said before, I can only give you these things on surmise. Mr. Cowles will probably be able to give you all the information on that point. You certainly cannot desire, when I have said that I do not know these facts, that I should guess at them. When Mr. Cowles, who was the only person who had charge of these matters, returns he will be at your call. We desire the very fullest and most searching examination into the matter. If any fraud has been committed, I certainly am not conscious of it.

Q. Have you ever had any conversation with General Ingalls upon this subject?—A. Nothing but addressing him in public, when he was before the board.

Q. What was the date of that first commission of which he was a member, when General Marcy was the chairman?—A. Special orders 329 from the Adjutant-General's office is dated December 16, 1872.

Q. Do you know whether prior to the convening of that board General Ingalls was hostile to your process?—No, sir; I do not know whether he was hostile or friendly.

Q. Had you no conversation with him about it prior to the meeting of that board?—A. No, sir; nothing in the world on the subject of this process.

Q. You do not know who suggested his name as a member of the board?—A. I do not. I think it is very likely that in the conversation with General Meigs, I may have said that I did not care who was a member of the board, that he could take the inspector-general of the Army or anybody else he pleased, and he may have mentioned General Ingalls, and I may have made that remark that I didn't care who they had.

Q. Didn't you pointedly suggest General Ingalls as a member of that board?—A. No, sir; I have no recollection of it.

Q. Didn't you make a special recommendation to the Secretary of War?—A. No, sir; I made no special recommendation to the Secretary.

Q. Or to any other person who could influence the membership of the board?—A. No, sir; nor did I know the feelings of General Ingalls in the matter at the time, nor did I care. I supposed he was an honorable man like General Marcy, and any honorable man I supposed was fit to be a member of the board. I heard afterward (or perhaps previously) that both General Marcy and General Ingalls had expressed themselves very strongly in favor of the process I have alluded to which was a failure.

Q. What was the name of that process?—A. I cannot remember except that it was represented here by General Ward Burnett.

Q. Then you did not suggest General Ingalls as a member of that board in any way?—A. I have no recollection of suggesting him and I know no reason why I should do so, because I knew nothing about his feelings in regard to it. I never had conversed with him nor did I know anything about his feeling in the matter; nor do I know that he knew anything about it.

Q. At the time this board was appointed in 1873, was Mr. Don Piatt your agent?—A. He never was our agent.

Q. Was he employed by you to further your interests here?—A. He had been employed previous to that for some time.

Q. Had his connection with you ceased in 1872?—A. No, sir.

Q. That is what I asked you, whether he was your agent here?—A. Well, I say he was not our agent. He was a person employed by us.

Q. What do you mean by a person employed by you?—A. You may employ a person to do certain work for you, and yet he not be your agent.

Q. Was he in your employment under that percentage arrangement in 1872?—A. Yes, sir.

Q. And you say that prior to that board you understood that General Marcy and General Ingalls were in favor of the process represented by Gen. Ward Burnett?—A. I understood that they had expressed themselves as believing that it was a good process.

Q. Then you do not know any reason why General Ingalls was put upon that first board at all?—A. I do not, unless it is that I may have stated in conversation with General Meigs that so firmly impressed was I with the importance and value of our process that I did not care who was selected. Now, that I think of the matter, I believe such a conversation may have occurred with the Quartermaster-General; and I had no objection to these or to any other gentlemen.

Q. There was a second commission appointed by the Secretary of War in 1874, was there not?—A. Yes.

Q. General Ingalls was a member of that commission likewise?—A. Yes.

Q. Do you know who suggested him as a member of that commission in 1874?—A. I do not, sir; and I desire to say that before the appointment of that board I left for Europe, and only saw the names of the members of it in the newspapers after I arrived there. I did not attend the meetings of that board, nor did I know what their report was until I returned and asked General Meigs in December.

Q. Work under your process was suspended in 1874?—A. It was.

Q. And you returned from Europe on that occasion?—A. I did.

Q. You went down to Long Branch, did you not?—A. I did.

Q. Whom did you see there?—A. I saw General Babcock; and I desire to make an explanation of why I saw him. I had never seen the gentleman before, and I have not seen him very often since. Mr. Piatt had made a claim against our firm for a sum of money to the extent of $11,000 or $12,000 which he stated was due him. He had made this demand upon Mr. Cowles. Mr. Cowles denied that there was anything due him, and thereupon Mr. Piatt threatened that he would appeal to the Secretary of War, and would have our work stopped. He did make the application subsequently and have it stopped. I have reason to believe that he had it stopped. I called upon General Meigs, and said that our work had been stopped, and asked him if it had been

stopped because of any failure on our part to give satisfaction to his Department. General Meigs informed me that it had not been, and that we had given every satisfaction; but that the Secretary of War had peremptorily ordered the matter stopped, and he had simply obeyed the Secretary's instructions. I called upon the Secretary of War, and asked if he would inform me why our work had been stopped. He received me in a very aggressive and offensive manner, swearing that he would be damned if he would let me see or know anything about it, and told me that I could answer if I chose. I made the remark that certainly as a lawyer he must see that if we were accused of anything we must know the nature of the accusation before we could answer; but he said he would not let me know, and that I might find out the best way I could. I asked him if it had been stopped in consequence of Mr. Piatt's allegations, as Piatt had threatened us; and in a very discourteous manner the Secretary refused to give me even that satisfaction. Thereupon, in consultation with my partner, Mr. Cowles, I determined to call upon the President of the United States, and ask him whether we as honest contractors, persons whom the Quartermaster-General said he had every confidence in, and whose work had given satisfaction to him, whether we as such contractors could have our work stopped and not even be told the reason of it; because I thought that by an appeal to the President we would certainly have at least that much justice done us. I went to Long Branch not knowing Mr. Babcock, and called upon him as the private secretary of the President, told him my business, and asked if I could see the President. He said that he was certain there must be some mistake with regard to the Secretary of War acting in that way, and, as the Secretary was coming there in a day or two, if I would wait instead of going at once to the President, he would see the Secretary and tell him that the position he assumed was an untenable one, and ask him to give us a copy of the charges against us or allow us to see a copy of them. I agreed to wait, and in a few days after a copy of the charges was furnished us. That was the reason of my going to see General Babcock, and that was all the business I had with him and all the conversation I had with him. When we saw the copy of the charges that were put in, we prepared a reply which was sworn to by us; I have a copy of it here.

Q. Have you a copy of the charges?—A. I have not. Whether Mr. Cowles has or has not I do not know, but I suppose they are on file in the Department. With your permission I will read our reply:

[Copy.]

"OFFICE OF GEO. A. COWLES & CO.,
"217 *Levant Street, Philadelphia, Pa., August* 17, 1874.

"SIR: With regard to the statements affecting us, made to you on the 19th of July last, and which have just been communicated to us, we beg to submit:

"First. As to Mr. Donn Piatt's statement that he had been "the agent and attorney for Mr. Cowles" in matters connected with our process. We explicitly deny that Mr. Donn Piatt was ever the agent and attorney of either Mr. Cowles or of Geo. A. Cowles & Co. He, Piatt, was simply employed to present such facts as the Quartermaster's Department found to be correct to the attention of the War Deparment and such persons in Congress as he might know. He, the said Piatt, is ignorant of the details of the process, or even the names of the persons forming our company, and his duties were confined to using such influence with his alleged friends in Congress and the War Department, as would induce them to read the official investigations and reports of the Quartermaster-General and his subordinates, and thus comprehend the merits of our process.

"Second. We assert positively that Mr. Donn Piatt has been paid in full for all his services according to the terms of our agreement with him, which it should be stated was a verbal agreement alone. If Mr. Donn Piatt has a just claim against us, which we unequivocally deny, the courts are open to him for relief; and we are a perfectly responsible company. We protest respectfully against his attempt to induce the War Department by misstatements, unsupported by the slightest evidence, to interfere in his behalf.

"Third. We deny explicitly and without reservation, that either Mr. Brega or Mr. Cowles told Mr. Donn Piatt that we could not pay him because we had expended large amounts in procuring the use of the patent, by payments to employés and officers of the War Department in Philadelphia, or elsewhere.

"In the first place Mr. Donn Piatt was informed by Mr. Cowles, as soon as he (Piatt) made a demand for money beyond what he had received—the demand having been made on the 28th day of June last—that he had already been paid in full.

"In the second place Mr. Brega was at that time in Europe, where he had been since July, 1873, and he has not seen or conversed or written to Mr. Piatt since his (Mr. Brega's) return; and because neither Mr. Cowles or any other member of the firm did or could have made an assertion that any money had been paid by the company for services to officers or employés of the War Department at Philadelphia or elsewhere, as it is utterly without foundation in fact,

"Fourth. As to Mr. Donn Piatt's assertion that an employé of our company had informed him that our process was "a fraud," we can only reply that our employés do not know the *rationale* of our process, and that as Mr. Donn Piatt's statement was made on the 19th of July last, with a promise on his part to give the name of his alleged informant, and as up to this time he has failed to give the promised name or produce his alleged witness, it is evident his assertion was baseless. With regard to the re-agents we use and the manner in which the goods are prepared, we refer to General M. C. Meigs, Quartermaster-General, to whom we communicated the information upon his honor as an officer. General Meigs having stated that this expression was inaccurate, we addressed a communication to the Secretary of War changing it, "we communicated the information to the Quartermaster-General in his official capacity," and who on the 5th day of June, 1871, certified to the character of the process; we also refer to the evidence before the Army board, and the mass of sworn testimony contained in Ex. Doc. No. 189, 42d Congress, 3d session.

"As to General Garfield's telegram it contains no evidence whatever, and we can prove that on the 16th or 17th of July last Mr. Cowles heard that Mr. Donn Piatt stated he (Piatt) had telegraphed to General Garfield to telegraph the Secretary of War to suspend our work. General Garfield's telegram is dated the 7th of August. It is evident that General Garfield acted under the misrepresentations of Mr. Donn Piatt.

"In conclusion we distinctly, fully, and emphatically deny all and every allegation made by the said Donn Piatt in any way affecting our honor and integrity, and we refer without fear to the Quartermaster-General—General Meigs—and the officers under him, who have for a period of five years examined and inquired into our process, tested its merits, and who beginning the examination with strong prejudices against the process in consequence of the complete failure of all other processes and plans, which had been submitted for their investigation, for the preservation of clothing and canvas, ended in the adoption of our process as a complete success and a vast saving to the public property. We have depended alone from the first upon the merits of our process, and it requires no statement from us to characterize as it deserves any assertion which would reflect upon the Quartermaster-General and his officers in the examination of our work. To the Quartermaster-General and his Deparment we refer with confidence as to our honesty and integrity in all our transactions with him.

"Under these circumstances, with our sworn denial of the truth of any and all of the charges, and the entire absence of the slightest proofs to sustain them, we beg most respectfully to ask you to revoke your order suspending our work.

"Your obedient servant,

"GEO. A. COWLES & CO.

"Hon. W. W. BELKNAP,
"*Secretary of War, Washington, D. C.*

"Sworn to by G. A. Cowles and G. W. Brega, before a notary public, 31 East Seventeenth Street, New York, on August 17, 1874, and mailed same day to General W. W. Belknap, Secretary of War, Pequot House, New London, Connecticut."

Q. When you were at Long Branch General Babcock said that if you would wait a few days he would get you a copy of the charges and get this order revoked?—A. I have stated that he said he would endeavor to do so.

Q. Then you say that in the summer of 1874 you went to Long Branch and hunted up General Babcock, in order that he might send you to the President of the United States, so that you might make your statement to the President with reference to the manner in which you had been treated by the Secretary of War in respect to this process of yours?—A. Yes.

Q. General Babcock told you that if you could see the Secretary, or make the proper representations to him, he thought it would not be necessary to see the President; that he would furnish you with the charges?—A. Yes, sir.

Q. You were furnished with the charges?—A. We were.

Q. Who furnished them to you?—A. General Babcock sent them to me.

Q. Then you went to New York?—A. I went to New York; and there I wrote this statement which I have read, and we swore to it, and sent it to General Babcock at the Pequot House.

Q. When you were at Long Branch whom did you see in addition to General Babcock, and talk about it?—A. I have no recollection of anybody else.

Q. Did you meet General Ingalls there?—A. General Ingalls may have come down to Long Branch, but I had no conversation with him of any kind with regard to this matter.

Q. Neither at Long Branch nor anywhere else?—A. Nor anywhere else. I never conversed with him on the matter.

Q. You do not know of any member of your firm having done so?—A. I do not.

Q. Did you ever see him elsewhere than at Long Branch about that time?—A. Not to my knowledge.

Q. Did you ever have any conversation elsewhere than at Long Branch about that

time?—A. I have no recollection of it, sir; and I desire to say that almost immediately after this reply was mailed to the Secretary of War, on August 17, I left again for Europe.

Q. How soon after the order suspending the use of your process was revoked did you leave for Europe?—A. It was not revoked. That is what I was going on to explain. The Secretary instead of conceding to our prayer kept it, as I understood, for a month endeavoring to get Mr. Piatt or Mr. Garfield to furnish some evidence of what they had stated. Failing that, the second board was appointed. I was in Europe when that board was appointed. I knew nothing about who the members were to be, and I had no conversation with them then, nor since my return have I had any conversation with General Ingalls, General Van Vliet, or General Saxton with regard to this subject.

Q. Who were your bankers in Philadelphia?—A. I think Drexel & Co., but I am not sure of that, because Mr. Cowles was the one who kept the accounts.

Q. Had you a financial agent in Philadelphia?—A. No, sir.

Q. Then, if any person was your banker in Philadelphia, it was Drexel & Co.?—A. I think so, but Mr. Cowles may have kept an account in another bank.

Q. You do not know of any other?—A. I do not; perhaps the Girard Bank. Mr. Cowles will be able to give you all that information.

Q. You do not know who made your collections and disbursements of the money obtained from the Government?—A. Do you mean in Philadelphia?

Q. Anywhere.—A. I believe that for a time Mr. Fant did here.

Q. Where are the books of your concern?—A. I suppose in Philadelphia.

Q. Do you know whether they are in existence for the period from 1871 to the close of 1875?—A. I suppose they are; but I have no means of knowing at present. Mr. Cowles has had entire charge of them, and I have been out of the country and have not seen them, but I have no reason to suppose that they are not in existence.

Q. In the appropriation bill for the year ending July 1, 1875, there is a provision that no part of this sum shall be paid for the use of any patent process for the preservation of clothing from "moth and mildew." Had you ever any conversation with General Ingalls, General Bingham, Mr. Lyford, or Mr. Crosby, or any of them, in regard to that?—A. I have no recollection of any conversation with any of those gentlemen.

Q. Are you quite certain you never had any conversation with any of them on that subject?—A. I have no recollection of ever having any. On the 25th of May, 1875, we addressed this letter to the Quartermaster-General in which we argued that point.

Q. General Ingalls was then Quartermaster-General?—A. Not on the 25th of May when we addressed this letter to the Quartermaster-General.

Q. He came in right afterward, did not he?—A. I believe so. This letter was addressed to the Quartermaster-General while General Meigs was there. This was an argument asking for a certain appropriation which had been taken out of our special and specific appropriations and showing why we should have that money. There was no decision made upon that question when I again left for Europe, and I left with Mr. Cowles a brief to be sent to the Quartermaster-General with the request that he would give us a decision as to the meaning of that proviso in the law.

Q. You argued, I believe, that the proviso was not only inoperative but that it was really worded so as to favor the use of your process?—A. No, sir; I have here a rough draught of the brief submitted. The ground I took was that that had reference only to royalty, and I not only showed that in the deficiency bill (Forty-second Congress, second session) there was a similar proviso put in at my own suggestion which was *totidem verbis* the same as the succeeding provisio, and which was construed by the accounting officers of the Treasury to refer to royalty alone; but I showed that the language was capable of no other construction and that in the debate in the Senate upon it the following occurred: The committee of the Senate on appropriations desired it struck out on the ground that it might interfere with the proper preservation of clothing by the Quartermaster-General. In the debate, Mr. Thurman expressed the opinion that the proviso would not prevent the Department from using the process, but would prevent them from paying any royalty. I considered Mr. Thurman a very able lawyer, and when he expressed that opinion I was satisfied that it was correct. Mr. Logan also said that the meaning of the proviso was that no money should be used to pay a high price by way of royalty on account of the thing being patented. Mr. Morrill, of Maine, took a similar view. I left for Europe. I understood that that matter was referred to the Secretary of War, and by him to the present Attorney-General, and that the Attorney-General decided that the view taken in that brief was correct, that the law offered no bar to the payment of any money. At the same time I desire to say that we have received no money except balances due us from specific appropriations, as set forth in the argument here.

Q. That was the decision, and you received, notwithstanding that clause in the appropriation bill, the sum of $39,250. Under your argument as it was presented to the Secretary of War and by him to the Attorney-General the decision was that that clause did not prevent the use of your process, that it might still be used, but that the money should be paid, not for the process itself, but for its application; so that you have re-

ceived during this fiscal year the sum of $39,250?—A. I don't know the amount, for I was away; but whatever we received was under this claim which is on file.

Q. Your claim was that the money had been diverted from this fund and applied to other purposes, although the appropriation was of a specific sum for a specific purpose?—A. Yes, sir. I notice that the Quartermaster-General in his last annual report says the Attorney-General has recently given an opinion that it would be lawful to pay for the labor in the application, &c., and therefore it will not be necessary to ask for a special appropriation.

Q. Then you mean to say that of the $360,000 or thereabout that you received prior to the fiscal year ending June 30, 1876, no portion was paid you by reason of your process being a patented process. Did not you charge higher for it than the Government would have had to pay for it if it had not been patented?—A. No, sir. I say that we have done the work much cheaper than the Government itself could have done it.

Q. I am not asking that. I prefer to have an answer to my question; and if you want to make an explanation afterward, I will be glad to have it. My question is, do you mean to say that you furnished it to the Government at a price no greater than the Government would have had to pay if the process had not been patented?—A. I merely say that we furnished it in that way at a price no higher than we would have charged private individuals.

Q. That is not my question. You might have charged private individuals a great deal too much. What I ask is, whether it cost the Government no more than it would have cost if it had not been patented?—A. So far as I have any knowledge there has nothing been charged to the Government directly or indirectly for the patent; that is, we have charged the Government a price which Mr. Cowles, who figured the matter up, thought would give us (provided we got this large amount of work) a fair profit for our labor, and he thought that by great economy and personal management we might make money out of it.

Q. Then in your dealings with the Government prior to the present fiscal year you have never charged them anything by reason of the article being patented?—A. No, sir; we have made no distinction in regard to the Government different from what we submitted to General Meigs originally.

Q. But suppose your process had not been a patented process when you first submitted your proposition to General Meigs, would not you have charged him less than you did?—A. I cannot possibly tell. I cannot imagine a state of things that did not exist. I don't think there was anything charged in connection with the patents.

Q. Suppose the whole world had had access to your process, could not other parties have done the same work for less money than you charged for doing it?—A. I think the reason that we were able to do it cheaper——

Q. I wish you to answer my question categorically and then give your explanation. If the whole world had been aware of the constituents of your process, and if fair competition had been allowed at open bidding, could not other parties have done it for less than you offered to do it for and have made money?—A. Will you permit me to say in answer to that that I am not a practical mechanic; that Mr. Cowles is the one who made out that contract; that my impression is that the charge was made with reference to our work and labor alone; that Mr. Cowles always so represented, and that I have no means of knowing otherwise.

Q. According to your statement, then, the patent was of no value to you at all?—A. I don't think the mere chemical patent is of any particular value, because there is a great deal of manipulation in the working. Mr. Cowles has introduced in the manufacture a vast amount of machinery, and in consequence of that we are able to do the work cheaply.

Q. I have asked you whether, if everybody in the whole world had known the nature of your process, and if the Government had advertised, "We want to preserve so many thousand Army coats and tents, and so many other things, from moths," other parties could not have come in and done this work and have made money out of it at a less price than that at which you agreed to do it for the Government?—A. Mr. Cowles has always given me to understand that they could not.

Q. Therefore, in your judgment and that of Mr. Cowles, the Government has paid nothing whatever for the patent? Thirty-nine thousand two hundred and fifty dollars have been paid you during this fiscal year, notwithstanding the clause in the appropriation bill providing that no part of that appropriation is to be used in paying for any patented process. Now, do you mean to say that this $39,250, if your process had not been patented but had been open to all the world, it would not have served to protect a greater amount of clothing than it did under your patented process?—A. I can only reply, as I did before, that Mr. Cowles has always assured me that in making out this estimate he had reference simply to what we could make out of the matter by a proper application of the process and by economy, without reference at all to any royalty directly or indirectly.

Q. Then you mean to say that this $39,250, or any portion of it, was not paid for the

use of your process, but was paid merely for the labor of applying it?—A. The work and labor of applying it.

Q. Then you charged nothing for your process?—A. We charged nothing whatever to the Government for the patent, according to Mr. Cowles's statement to me.

Q. You are not stating that of your own knowledge?—A. I have told you that I am not a mechanic, and, having no personal knowledge of these mechanical operations, I cannot answer of my own knowledge. I am a professional man, but I have given my time and money to this process. The mechanical and financial part is entirely in Mr. Cowles's hands. The reason why I imagine that the Government could not do the work as cheaply as we do it, is this: In the spring of 1874 I believe, when the appropriation ran out, the Quartermaster-General took from this specific appropriation, with our consent, an amount to pay the arsenal employés for sending the goods to us and taking them back again. The amount of our contract was about $150,000, and of that amount the expenses of the arsenal people in the matter were put down at something like $36,000, and Mr. Cowles has told me that we ourselves could have done the work they did, easily for $10,000.

Q. Could not other private individuals, if your process had been known to the world, have done the work cheaper than you did?—A. Mr. Cowles has assured me that they could not. At the same time, I suppose the question with us as business men was this: The Quartermaster-General asked what we would do the work for. We told him what we would do it for. Now, if we did the work for the sum agreed upon and afterward found that we suffered a loss by it, would Congress or the Government have made up that loss to us?

Q. You did not experience loss, however.—A. Well, we did not, I imagine; but suppose afterward we found that we had made a mistake, would we have had any claim against the Government?

The CHAIRMAN. None in the world, as you well know.

The WITNESS. Therefore I think the question rests with General Meigs whether the amount paid was a proper amount or not.

The CHAIRMAN. On the contrary, it does not rest with him at all. Congress indicated to the Quartermaster-General what his course should be in the matter, and if General Meigs had been here I think he would have seen to it that the patented process in respect to which he thought he had been paying for the patent therefore would not have been used.

The WITNESS. In reply, all I have to say is this, that in the deficiency bill passed by the Forty-second Congress, second session, there was this proviso: "*Provided*, That there shall be no claim upon the United States for the use of any patent for the manner of or material for doing the same."

The CHAIRMAN. That is all right; there shall be no claim against the United States as a matter of course. You have stated that you do not know of any money being paid by you or by Mr. Cowles, or by your firm or by any person for Mr. Cowles, or by any person for any member of your firm, directly or indirectly, either to influence legislation or to secure the contracts from any of the Departments?—A. I say I have no knowledge of any such thing. I have no information of the kind. I never paid, nor do I believe that Mr. Cowles has ever paid anything in that way, nor have I ever heard of it.

Q. You have been about Washington a good deal for a good many years past?—A. Off and on.

Q. Have not you spent the last nine or ten years here?—A. No. I was a newspaper proprietor, editor, and correspondent until 1855, when my connection with the press ceased.

Q. You have been here for the last eight or nine years, have you not?—A. I have not been in the country much during the last four years.

Q. Prior to that you were here most of the time?—A. No, sir; I was here during the war a portion of the time in connection with a banking-house and as an attorney. I was here in 1867-'8-'9.

Q. Have you ever used personal efforts with members of Congress for the adoption of this process?—A. I have not used any personal efforts.

Q. Have you never conversed with members of Congress about it?—A. I do not know that I ever have. I may have spoken to the Committee on Appropriations and asked them to look at these reports, but I do not remember any specific case of that kind.

Q. Had you any other occupation here except in connection with this process since you became connected with it?—A. Well, sir, at the commencement of it I was here in a professional capacity.

Q. Interested for some railroad companies, were you not?—A. No, sir.

Q. You were interested in the reciprocity treaty, I believe?—A. I was employed, and General Caleb Cushing was associate counsel with me in that matter. I believe that is perfectly legitimate professional employment.

The CHAIRMAN. Certainly; I do not pretend to say that it is not.

The WITNESS. I desire to say that in all my experience in Washington I have never been engaged in lobbying any matter through. If I spoke to any member of Congress about this matter I spoke to him as a member of this firm and in relation to a matter which was my own. I have never been employed by any person to assist in legislation of any kind.

Q. What is your interest in this moth matter?—A. I have an equal interest with George A. Cowles.

Q. You and he are the only partners?—A. No, sir. There is a Mr. Varo, who has an interest, whose business is confined to the laboratory, and we have also a silent partner, a gentleman named Bacon, whose capital is in the firm. We four constitute the firm.

Q. Have you equal interests in it?—A. We have, to a certain extent. Mr. Cowles and I have to pay all the expenses connected with the concern. Mr. Cowles's interest and my own are 35 per cent. each.

Q. Do you mean in the profits?—A. In the profits and losses. Mr. Bacon has 20 per cent. and Mr. Varo has 10 per cent.

Q. Do they share in the losses?—A. They share the losses in proportion to their interests.

Q. Have you any knowledge of the amount of money that you have received on your 35 per cent. interest since the process has been adopted by the Government?—A. I cannot tell; I have no means of knowing.

Q. Has it been $50,000?—A. No, sir.

Q. Has it been half of that?—A. It may have been $20,000, but I have no means of knowing.

Q. Do you know enough about your books to state whether your interest in the profits has been lessened by payments made by Mr. Cowles or any one else in order to secure the passage of this appropriation or to have the process adopted?—A. I know enough about the business to know that Mr. Cowles has never made any such charge or intimated that there was any such charge. As I said before, I have paid no particular attention to the books; they are entirely in Mr. Cowles's hands; I do not know that I ever have looked at them.

Q. Have you ever seen from your books what Mr. Donn Piatt was paid?—A. I have not.

Q. Do you know whether he was paid his 5 per cent. on the amount of the appropriation?—A. Mr. Cowles assured me that he was paid his full amount, whether it was 5 per cent. or 10 per cent.; and that he was paid by adopting a scale or estimate that the expense-account would be so much, and that in consequence of adopting that plan he got a great deal more than he should have got otherwise. We found that all the expenses for our machinery, &c., came out of our profits, which expenses ought to have been charged against Mr. Piatt also, but were not.

Q. Has Mr. Cowles ever stated to you any circumstance which enlightened you as to the manner in which what otherwise should have been your profits went? Has he ever told you how he has disposed of them by payments to the people to have your process adopted for the preservation of goods in the Army?—A. No, sir; he has never intimated to me that he made any improper use of money, nor do I believe that he ever did make any improper use of money. I have that confidence in him. I give you, of course, only my opinion.

Q. In your answer to the charges submitted to the Secretary of War by Mr. Piatt you refer to General Garfield and say that he telegraphed to the Secretary of War to hold on. Have you stated the exact words of that telegram?—A. We have stated nothing, but merely referred to it.

Q. How did you come to know that it was in existence?—A. That was furnished to us as a part of the charges. As we got the complaint from the War Department, it was in the shape of a memorandum of conversations, and it also included this telegram from General Garfield.

Q. With whom were the conversations of which you were furnished memoranda held?—A. With Mr. Donn Piatt. It was not a conversation; it was charges made; but they were verbal charges, reduced to writing, as the paper professed to state, by the Secretary of War or by his clerk.

Q. You were furnished copies of those charges in the original?—A. We were not furnished the original undoubtedly; we were furnished a copy; I do not know what has become of it; Mr. Cowles may have it; I have not.

Q. You say there was furnished you with the charges a copy of a telegram from General Garfield, telling the Secretary of War to hold on?—A. Yes. As I recollect the language it was, "Hold firm; don't give way."

Q. Have you ever had any conversation with General Garfield regarding this subject?—A. Regarding this telegram, do you mean?

Q. Regarding the subject generally; this moth business.—A. I think Mr. Cowles or myself may have incidentally had conversations with him, but of a very slight character.

Q. Was he at that time chairman of the Committee on Appropriations?—A. He was

chairman; but this matter of ours was referred at that time to Mr. Dickey, of the committee, and it was he that I saw and explained the matter to.

Q. Why was it that General Garfield should have telegraphed the Secretary of War to hold firm? What induced that telegram from him?—A. I can only tell you the fact; you must draw your own inference; I know nothing beyond what I have stated. I supposed, as we declared under oath, that it was by the influence of Mr. Piatt.

Q. What reason had you to suppose that?—A. Because Mr. Cowles told me that Piatt had threatened that in addition to getting the work stopped he would get Mr. Garfield to assist him in it.

Q. Had you any conversation with General Garfield about this particular telegram?—A. I have not talked to him or seen him since.

Q. Have you ever written to him on the subject?—A. No, sir. We met the question officially.

Q. Then you really have no knowledge of what induced him to send this telegram save the fact that Mr. Cowles told you that Mr. Donn Piatt had threatened to get General Garfield to assist him?—A. No, sir. We have stated that in our sworn reply, which I take for granted the Department communicated to Mr. Garfield, but I do not know whether they did or not.

Q. You do not know of General Garfield having any improper intention in sending that telegram?—A. I don't think he had any improper intention.

Q. You did not intend then by your affidavit to impute any wrong intention to him at all?—A. No, sir. On the contrary, we stated that he had probably been led astray by the representations of Piatt, who is an intimate friend of his. I take it for granted that if Mr. Piatt telegraphed to Mr. Garfield that there was a fraud in this matter, Mr. Garfield would telegraph in the way he did. Mr. Garfield is a gentleman that I have but very little acquaintance with, but I have a great respect for him, and it would take more than a statement of that kind to make me believe anything bad about him.

Q. Does Mr. Piatt claim that there is still an unsettled account between you?—A. I have not seen him to speak to him lately. After the first board Mr. Piatt called once at my room at Wormley's and we had a little conversation, and I don't think I saw him afterward until in the autumn of 1873, when he called one day where I was living in Paris and staid a little time, not talking about business at all. I have had no conversation with him since 1873, nor have I, I believe, ever seen him since.

Q. Does he make any claim, that you know of, against your firm?—A. Beyond this claim I do not know of any.

Q. Has he brought any suit against your firm?—A. No, sir; not to my knowledge.

Q. You have not seen him since you have been in town this week?—A. I have not seen him. With the exception of a nephew of my wife's who is here I have not seen any other person. I called on General Meigs and paid him my respects when I was able to go out on Monday.

WASHINGTON, *April* 21, 1876.

DONN PIATT sworn and examined.

By the CHAIRMAN:

Question. Please state fully and particularly your relations to what is known as the Cowles' process for the destruction of moths in Army clothing.—Answer. Some time in the spring of 1871, I am not positive as to the date, but while I was boarding at the Arlington, Mr. Brega came to me and asked me to see the Secretary of War and request him to take up the papers in the application of Cowles, whose process he said was a very excellent one for the preservation of Army clothing against moths, mold, and mildew, and also for making it water-repellant. I had known Brega, off and on, for twenty years, and I rather liked him. He belongs to that class of gentleman who amuse. He has rather too much intelligence, but then he has no convictions, and he has lived in a rather expensive way upon his wits, (a very small capital, by the way.) He was to me a sort of a Count Fosco, and I found him rather entertaining. However, I did not approve of his schemes, he always had some scheme by which through the subtle alchemy of intellect money was to be abstracted from one place and put in another. I first made his acquaintance in that respect in an attempt to get up a reciprocity treaty. I came to Washington as the correspondent of the Cincinnati Commercial, and at that time, shortly after the inauguration of General Grant, there was a good deal of feeling in the West in behalf of a reciprocity treaty with Canada, and I interested myself in it very much in accordance with the wishes of my journal, and I used to take delegations of Congressmen up to talk to Mr. Fish about it—who, by the way, never could "see" it. In that way, I came in contact with Mr. Brega, who told me that he was an agent of the Canadian government for the same purpose; and he was very active and did us a great deal of harm. He was

altogether too liberal in his promises of money and not careful or able in the performance. I am of the opinion that if the Canadian government had responded to all the obligations that he incurred for them in that way it would have embarrassed that country considerably. But it got out that there was an agent of the Canadian government here, and the report alarmed my honorable friend Pig Iron—I beg pardon, Mr. Kelley—and it was charged that there was British gold being used to corrupt legislation in behalf of a reciprocity treaty. I found also that Mr. Brega was in the habit of getting the information (which was not very much) that our delegation would derive from Mr. Fish and selling it to the New York Herald. Subsequently Mr. Brega undertook to interest me in the St. Croix Railroad land-grant business, but which, recollecting the reciprocity business, I was not favorably impressed with. So when he came to me with this wonderful process for the preservation of Army clothing from moth, mold, mildew, and also for rendering it water-repellant, I dismissed it with the rest of the schemes that I had heard of from him, but Mr. Brega would not take no from me, and he came there every day as regularly as the day itself came and talked about the Cowles process and the necessity of getting the Government interested in it. I had no place to work but the private parlor that I had in the Arlington, and my wife had a mocking-bird hanging in the room, of rather remarkable vocal powers, and whenever Mr. Brega opened on this subject the mocking-bird would join in and between the two I was nearly distracted, and I found at last that I must either murder Brega, commit suicide, or go to see the Secretary of War. I went to see the Secretary of War. I found that General Meigs would not listen to Brega and that General Belknap would not see him. Brega used to wait outside until I would come out from the interview, generally in Lafayette Square, and the beaming and eager way in which he would amble up to me to know the result of my interview was extremely diverting to me at the time. I found, however, on looking into the matter, that a vast amount of clothing had been left over from the war, counting up into the millions, and that this process of Cowles had been put to some very severe tests, running through some eighteen months, by General Meigs, with a satisfactory result, so it struck me that after all Brega had stumbled upon a very useful thing. He brought Mr. Cowles to Washington, and when I saw him he impressed me favorably as being a practical, plain, business man, and I told him that I would do what I could to get them a contract from the War Department, and he then agreed to pay me 5 per cent. upon the gross amount. I went to work and had a good deal of trouble. General Meigs was opposed to it on the ground of its being an innovation, and he is opposed to all innovations. And General Belknap was opposed to it because he didn't know anything about it, and didn't want to know. General Meigs said that the clothes left over from the war ought to be sold at auction. General Belknap said that it ought to be given away; they didn't either of them think it would be worth while to try any process by which textile fabrics could be protected against moth, mold, mildew, and also for rendering it water-repellant. However, as Cowles had been put to a good deal of expense and trouble in connection with these tests, my appeal in his behalf on that ground obtained a contract. General Meigs recommended that $10,000 be paid and the Secretary of War increased it to $20,000. General Meigs consented to that and said that the tests had been satisfactory, and that if the reports from the clothes sent out to the posts on the frontier where they were generally needed were favorable, the contract would probably be a good one for the Government. That was the result; the reports were favorable, and the process seemed really to be an excellent one for the protection of textile fabrics from moth, mold, mildew, and also for rendering it water-repellant. We converted the Quartermaster's Department to such an extent that when Congress met again, General Meigs himself recommended that the appropriation be made for a further contract. There was no trouble whatever about it in Congress; there was no difficulty about getting the appropriation through, except that on one occasion Sunset Cox attacked it in a wild sort of way without knowing anything about it, and upon the recommendation of the Quartermaster-General, backed by the Secretary of War, the appropriation was made. We had, however, a good deal of trouble from the Army itself—from the War Department. There were other processes that were considered very good in opposition to Cowles, but there were all the time charges of fraud being made, and every now and then the works at Philadelphia, which had cost Cowles a considerable amount of money, would be suspended, and we would have to set to work to get them started again. After we got into these larger contracts the Messrs. Cowles took in Mr. Brega, and the two agreed to increase my compensation from 5 to 15 per cent. I never had a written contract with them; I paid but little attention to the details—indeed, I knew nothing about the details. Mr. Fant was their agent and banker here at that time, and he used to report the very gratifying intelligenee to me that I had a balance in bank, (which was a very rare thing for me in those days,) and I never paid any attention to it until some time in 1874, I believe it was, when Mr. Fant suggested to me that these gentlemen were not paying me in accordance with their agreement. I am not certain about this, but, at all events, that fact was called to my attention, and I sent for Mr. Cowles and asked

him about it, and he said that I was being paid strictly in accordance with the contract. I remarked then that it was not so profitable as he had represented, as I was not getting a great deal of money. I do not think I got over $10,000 a year out of the process; it ought to have been twice that. I told him that it could not be so profitable as he had represented. He said no, that the expenses were very heavy. I asked him what expense; I told them I wanted an account; that I never had had one, and that I wanted an account rendered of the receipts and payments. He told me that he could not render that because there had been an expense of money which he and Brega concluded to keep between themselves because it would not bear congressional investigation. When Mr. Cowles told me that I was very much amazed at it, for I had supposed that I had the whole thing in my own hands; they had no standing with the Government here except what I gave them, and I supposed I knew all about the work that was going on; and I told Cowles that from that time I should have nothing to do with it; that I should go to the Secretary of War and tell him that there was a fraud in it; that money was being spent in this way, and should separate from them. I went to the Secretary of War and gave him that information, and that terminated my connection with the process for the better protection of textile fabrics against moth, mold, mildew, and also for making them water-repellant; and that is all I know about it.

Q. Do you know of your own knowledge of any money having been used for the purpose of having this process adopted by the Government?—A. No, sir.

Q. Have you any reason to suppose from any facts in your possession that any money was so used?—A. I can give you the circumstances. I have already given you one instance that makes me believe that money was used. Mr. Cowles did not say that money had been corruptly used, but he did say that the use made of it was of such a character that it was necessary to keep it between Mr. Brega and himself. When I got that information it threw some light upon several mysterious matters connected with the business that I had not understood up to that time. I do not know that I understand them now. I give you merely my own conclusions, which are these: We were opposed bitterly, as I understood it, (I never had any personal intercourse with the gentleman,) by General Rufus Ingalls. It was understood that General Ingalls was in favor of the process called the Burnette or Burnettizing process. While our fight was going on in Philadelphia, I have forgotten the date but the papers will show, Mr. Cowles came to me, I think from New York, and told me that he wished me to go to the Secretary of War and ask to have a commission appointed to investigate these troubles in Philadelphia where the process was being used, and that he wanted General Ingalls at the head of the commission. I told him I thought thatwas a very foolish thing to do; that General Ingalls was our enemy, and it was putting our hand into the lion's mouth. Cowles said no; that he wanted Ingalls put on his honor as an officer and a gentleman and make to look into these facts, and that he would abide the result of the investigation. I said "very well," and went to the Secretary of War and made that request. The Secretary expressed some surprise, but of course complied with the request and the commission was appointed, consisting of General Ingalls, General Marcy, and Colonel Lee, of the Quartermaster's Department. It met in Philadelphia and investigated the matter and made a very strong report in favor of the Cowles process, which General Ingalls signed. The summer of the Vienna exposition I was in Europe, and on coming home Mr. Cowles told me that General Ingalls had taken some of the clothing prepared by this process to the Vienna exposition and had put them on exhibition, and, if I recollect right, had got a report in their favor. I am not certain about that. I said to him that General Ingalls was a very useful friend. He then made the remark casually that he was a very expensive one.

Q. Mr. Cowles made that remark?—A. Yes; that he was rather an expensive one. After the work was stopped through my intervention, Mr. Brega came home from Europe, and instead of coming to Washington to the War Department he spent the summer at Long Branch. When the Secretary of War returned from Long Branch he seemed to have been listening to their side of the case and he notified me (I was at Oakland at the time) to produce any proof that I had of any fraud in the business. I told him I had none; that I had stated simply what had come to my knowledge; that I had no proof; and he said that in that case he would go on with the contract. I told him to go on with the contract if he wanted to; that all I was striving to do was to make a record for myself, because I was afraid there was going to be trouble about this thing, and I wanted to be able to show that my skirts, at least, were clear. After that General Meigs was sent to Europe and General Ingalls put in control of the Quartermaster-General's Office, and I understand that he continued paying for this process in the teeth of the clause that I myself got put into the appropriation bill prohibiting its use. Now, it was as well known to General Ingalls that that clause in the appropriation bill was directed against that process as it was to Mr. Randall, who put it in, and to General Garfield, who sanctioned it, or to any other member of the committee; he knew that it was directed against that process. Yet I am told that some $39,000 has been paid out of the Treasury for that process since that law was passed.

In reference to myself I wish to say further that if Mr. Brega and Mr. Cowles or anybody else says I stopped that work and got out of it because they did not pay me additional compensation that person swears to what is not so; I threw up the income that I had from it, and when you come to look at the profits of that concern you will see that they would very cheerfully have paid me ten or twelve thousand dollars at any time to have withdrawn my opposition; I have never seen these gentlemen since to speak to them; I never saw Mr. Brega at all since, and I saw Mr. Cowles but once at a distance; I have not seen them since nor had any communication with them; I have made no demand upon them; I have never authorized anybody to make a demand for me; I was only too glad to get out of the dirty business as well as I could.

Q. Then the reason of your withdrawal was the information given you by Mr. Cowles that they had used means which would not bear the light of an investigation?—A. Yes.

Q. As soon as you discovered that fact you determined to have nothing more to do with the business?—A. Yes, and I got out of it, and I asked the Secretary of War at the time to please take down my words, because I wanted a record then for my own benefit; I also notified General Garfield, chairman of the Committee on Appropriations; my first determination was to have an investigation of the whole thing, but when I got to think about it afterward I concluded it was not my business, and that the Government was able to take care of itself.

Q. You have said that General Ingalls, in your earlier connection with Brega and in your efforts to have this process adopted by the Department, was hostile to it and in favor of what is known as the Burnetizing process?—A. So I understood.

Q. Had you ever any communication with General Ingalls in regard to the subject?—A. No, sir; I do not know him.

Q. How did you know of his hostility?—A. Simply from the talk in the Department and from Mr. Cowles and Mr. Brega.

Q. They represented to you that he was hostile?—A. Yes.

Q. And when Cowles suggested the name of General Ingalls as one of the commission to report upon this process you were surprised at it because you thought it strange that they would suggest one who had been theretofore opposed to them?—A. Well, Mr. Cowles was, as most inventors are, enthusiastic in behalf of his process, and I thought at the time that he simply was willing to throw it all into the hands of General Ingalls and put him upon his honor as a gentleman and an officer to say in this case whether it was a good thing or not. That was my impression at the time, and so I consented to it.

Q. And you requested the Secretary of War to put General Ingalls on the commission?—A. Yes.

Q. And he did put him on in connection with General Marcy and Colonel Lee?—A. Yes.

Q. Do you know of any witness who could give us any further information in regard to this matter?—A. Mr. Fant, their agent or banker here, I think, could give you a great deal of valuable information in reference to it.

Q. Was he the financial agent here of Cowles & Co.?—A. Yes. He collected the money from the Government and disbursed it.

By Mr. DANFORD:

Q. Your recollection is that you have not received above $10,000 from it?—A. Well, really I cannot tell. Mr. Fant can tell to a cent how much money was paid me; I cannot. At the time I was talking to Cowles I was under the impression that I was getting about $10,000 a year.

Q. I want to call your attention to some papers from the War Department. First, this telegram:

LITTLE MOUNTAIN, OHIO, *August* 7, 1874.

Hon. W. W. BELKNAP,
Secretary of War:

I hope you will stand firmly by your orders suspending further work by Cowles & Brega.

J. A. GARFIELD.

On the 8th of August there is a reply from the Secretary of War to General Garfield in which he says: "On an intimation from one of the parties supposed to be interested in the process that there was fraud therein, I ordered that no more payments should be made at present." That was the information that you speak of having given to the Secretary of War?—A. Yes; that order was the result of my talk with the Secretary of War. The Secretary told me at the time that he had felt all the way through that there was fraud in the matter, and he was very glad to stop it.

Q. Then there is, following this telegram, a letter from General Garfield, dated August 24, 1874, in which, after apologizing for the delay, he says: "The ground on which I recommended you to stand firmly by your order suspending work of Cowles & Brega was this: I heard that these men alleged that they paid money to procure the appropria-

tion for treating Army clothing by their process. If their statement be true, they ought not to be paid a dollar out of the Treasury for any purpose. If it be false, they are slanderers of the Government and ought not to receive any of its favors. I don't believe that they paid anything for any such purpose. If they have not said so, I would withdraw my telegram; but if they have said so, I am in favor of making them prove what they have said. This is all I know on the subject. If you have any further intelligence on the subject, I shall be glad to know it." You had corresponded with General Garfield and told him what Cowles had stated to you about their paying money?—A. Yes. I will say also in that connection that General Garfield is mistaken. I did not say that they told me that money had been expended to procure appropriations. I simply said that they told me that they had expended money in a way that they could not put in an account and that would not bear investigation.

Q. You stated to General Garfield just what Mr. Cowles had told you?—A. I think so. I know that no money could have possibly been spent in Congress, because the thing went through on the recommendation of General Meigs.

Q. And your idea still is that if there was any money expended by them it was after it got through Congress and reached the Department?—A. Yes; that is my impression; to facilitate the contracts there.

Q. The Secretary replies to that letter of General Garfield as follows:

"I have the honor to acknowledge the receipt of your letter of August 24, relative to the Cowles and Brega preserving process, in which you state that you heard that these men alleged that they paid money to procure an appropriation for the treating Army clothing by their process.

"Since that letter was received I have examined into this matter, and Messrs. Cowles & Brega have filed an affidavit denying that they have made any suchstatement. I therefore revoked my former order and substituted the following in its stead."

Then follows the order for the second commission.

The WITNESS. I forget that. That second commission also had General Ingalls at the head of it, and it also reported in favor of the process.

Q. You have stated all the official connection that you had with the matter?—A. Yes; that is all. Those letters and telegrams are new to me, and I would suggest to the committee to call General Garfield. I would like him to produce my letters. I wish to say in that connection, as there has been some talk on the subject among my friendly and impartial friends of the press, that my writing to General Garfield on that occasion was no unusual thing. We have corresponded for years.

The CHAIRMAN. My opinion is that your conduct and that of General Garfield was entirely proper aud creditable so far as I can see.

By Mr. DANFORD:

Q. There is one matter in the statement that Mr. Brega put in here to which I wish to call your attention, with reference to a conversation with you, I think. He says that you had threatened that if they did not pay you the additional sum of money demanded, some ten or twelve thousand dollars, you would interfere and would have General Garfield interfere to stop the payments, or something of that kind. Did anything of that kind occur?—A. No, sir; that is a falsehood. I could have had my ten or twelve thousand dollars if I had wanted it.

Q. You did not make any declaration to Cowles in regard to General Garfield?—A. I never made any such demand upon him, and I never made any declaration to him about General Garfield that I recollect.

By the CHAIRMAN:

Q. As I understand, you never received a dollar from Cowles & Co. from the time when they said they could not appear before an investigating committee and have their accounts examined?—A. No, sir; not a cent.

By Mr. DANFORD:

Q. Mr. Brega thought you had received in all about $20,000. Was he probably correct as to the amount?—A. Well, I would not like to indorse anything that Brega says. But Mr. Fant's accounts will show precisely how much I did receive.

Q. You got all you did receive from that banking-house?—A. Yes.

By the CHAIRMAN:

Q. It was placed to your credit without any agency of your own? As appropriations were applied to the payment of these parties you received your percentage of the gross amount by their placing it to your credit with their banker, Mr. Fant?—A. Yes.

Q. You never received anything from them directly and had no direct money transactions with them?—A. No, sir.

Q. As soon as you discovered that they had made improper use of money you abandoned them?—A. Yes. I will also say that one of the fights that we had in Philadelphia toward the last, before I left them, turned out a man, whose name I have forgotten, who came here to Washington, (I think he was going South,) who

told me that the trick in the concern, or fraud, by which so much money was made, was that instead of using the ingredients called for in the patent they were running these goods through rain-water, which was a cheap article in Philadelphia at that time. I believe, however, that that is a mistake, because the Quartermaster's Department, which I have every confidence in, asserted that this process is really valuable and has been of service in the Army.

Mr. DANFORD. General Meigs said that he was fully converted to it as a moth exterminator, but I think he is still somewhat doubtful as to its water-repellant properties.

The WITNESS. He has no confidence in the water-repellant qualities of it. I recollect telling the Secretary of War about that rain-water story, and he laughed and said that was about the way they managed things at that Bureau; that they ought to have taken the process and used it themselves. But I believe that story was unfounded. I presume the process is really an excellent thing.

WASHINGTON, *April* 26, 1876.

RUFUS INGALLS sworn and examined.

By the CHAIRMAN:

Question. You are Assistant Quartermaster-General of the Army?—Answer. I am.

Q. You are acquainted with what is known as Cowles's process for preserving clothing from the ravages of moths as it has been used by the War Department?—A. I am, to some extent.

Q. You served in 1872 and in 1874 as a member of the commissions by the Secretary of War to report upon that process?—A. I did.

Q. Who composed the commission in 1872?—A. It was composed of General Marcy as president of the board, myself as middle member, and Captain J. G. C. Lee, assistant quartermaster, as recorder.

Q. What was the nature of your report at that time; in favor of the process?—A. The board was in session for a long time and took a great deal of evidence and submitted a report upon the evidence which was favorable, as all the evidence was favorable.

Q. You sat in Philadelphia?—A. In Philadelphia, at the clothing-depot. The substance of the report was that while it was favorable it did not recommend the adoption, but a further trial after subjecting clothes that had been put through this process as well as clothing that had been subjected to test at different places, but mainly at the clothing-depot.

Q. Do you remember whether you examined at that time as a witness Captain Alligood of the Army?—A. We did.

Q. Do you remember what was the character of his testimony?—A. I cannot say now. It is before you, however. I suspect that it was less favorable than that of any other witness.

Q. Do you recollect whether Captain Alligood had been removed from the post at Philadelphia shortly before your board met there?—A. He must have been removed about the time that the board met there. He was still there; whether the order had been issued or not, I do not know, but his successor came while we were there.

Q. His evidence, as I understand it, was adverse to the process. I have a letter from him upon this subject which is as follows:

"In the summer of 1872 I was assigned to duty at the clothing-depot at Schuylkill arsenal, Philadelphia. At that time the firm of George A. Cowles & Co. (afterward known as Cowles & Brega) had a contract for applying their process to Army material and clothing for preserving them from moths and mildew.

I soon discovered that the process was *worthless* as a moth-preventive, and reported the facts and circumstances to the proper authorities. Of course this brought down on me the hostility of the parties interested. The Secretary of War, instead of sustaining me, as I certainly expected he would, removed me and ordered me to South Carolina, although I had been only five months on duty at the arsenal. It is usual to keep officers there some years.

My friends, thinking the Secretary had unjustly treated me, made several efforts to induce him to return me to Philadelphia.

There is no doubt the cause of my removal was my opposition to this process.

After my removal a board of three Army officers convened at the arsenal to examine into the merits of the process. Very much to my surprise, this board recommended a continuance of the process until something better could be discovered as a moth-preventive.

My removal, which took place a few days *before* the board of Army officers convened, had so scared the employés of the arsenal that they were afraid to testify against the

process, well knowing that the power that had me removed would make short work of discharging them.

I do not know your object in asking me for these facts. If it has any reference to appropriations of money for this so-called "moth-proof process," I can assure you that the quarter of a million dollars already spent on this thing has been so much money wasted.

Very respectfully,

C. A. ALLIGOOD,
Captain, United States Army.

Q. Do you know anything about the causes of the removal of Captain Alligood?—A. No. General Meigs, I suppose, could have testified to it directly. I know that the board was of the opinion, after looking into matters there, that it was a good thing that Captain Alligood had been taken away; that he was an unfit person for that situation, on account of some details which other members of the board can testify to as well as myself. It was a thing done; and Captain Rogers, a relative of General Meigs, I believe, was sent there, and is there now. With regard to what he says as to the process, or as to the advisability of the Government doing anything about it, that must be overborne by a great amount of testimony by very much better men, such men as General Marcy, General Van Vliet, General Saxton, Lee, and Rucker, and as many more as you choose to call, to say nothing about the experts at the arsenal, whom he might consider prejudiced.

Q. The second board met in 1874, of which board you were president?—A. Yes, sir.

Q. That board consisted of yourself, General Van Vliet, and General Rufus Saxton?—A. Yes, sir.

Q. You met and took testimony, and your report was confirmatory of the recommendations of the Marcy board. That report you filed November 12, 1874, and you adjourned finally on the 12th November, 1874. Now General Meigs went to Europe about this time last year.—A. He went on the 1st of July, but I took charge of the office on the 1st of June.

Q. You were appointed Acting Quartermaster-General of the Army?—A. Yes, sir.

Q. In the appropriation bill for the fiscal year ending June 30, 1876, there is this clause: "*Provided*, That no part of this sum shall be paid for the use of any patent process for the preservation of clothing from moth and mildew." Did you know anything about the object of the insertion of that clause in the appropriation bill?—A. I did. I knew about the insertion of a clause in the former appropriation bill of the same tenor.

Q. Did you know the object of it? Was it intended to exclude this Cowles process?—A. Whether that was the case or not I did not know. I knew that it was to exclude payment for any royalty or anything of that sort, which I understood had never been paid for this or any other process. With regard to that, if you will permit me to make a statement, when I went into the office as Acting Quartermaster-General I found a lengthy printed argument presented there by Cowles & Co., asking for certain balances that were due them upon specific appropriations years before and diverted to other uses.

Q. Used for transportation, I understand, rather than for the application of the process?—A. Possibly. They asked for these amounts, and made a strong argument, which was referred to the War Department, and I think, after the Judge-Advocate-General's Department had considered it, that it was referred to the Attorney-General before giving an opinion upon the subject. The substance of that opinion, so far as I know, was about this: that not only may money be appropriated to cover those balances, but that any money appropriated for the preservation of clothing could be made use of for the preservation of clothing, for the labor in the application of any substance to the clothing for its preservation, so that there was nothing paid for royalty. I understand that to be the opinion of the Attorney-General, and upon that, when it was sent to me by the Secretary of War authoritatively for my guidance, a requisition was made out in my office for a sum to cover these balances, without going as far as the opinion of the Attorney-General might seem to warrant. It was made out, and forwarded to the War Department with a letter of advice, stating that this sum covered the balances which were known to him, and about which there had been some correspondence. That was thirty-nine thousand and some odd hundred dollars. He approved of that requisition, signed it, and it went through the Treasury in the usual course.

Q. In the letter to Colonel Rucker advising him of the remittance, the following instructions were given by the Acting Quartermaster-General: "This amount when received will be used in the preservation of clothing and equipage from moth and mildew by the process of Cowles & Co. The account will be so made as to show expenditure for the labor of applying the same, as the Attorney-General has given his opinion that nothing can be paid for the use of the process, but that the appropriation may be used for the labor in applying it." Why did you give him instructions that they must use this process, and yet that the account should be made out so as to show that the

expenditure was merely for the labor?—A. Well, it was supposed to be in accordance with the authority of the War Department and with the opinion of the Attorney-General. I did not draw that up myself. It was prepared in the office by Colonel Bingham; the wording of it was his.

Q. Is it usual in instructions to subordinates to direct them to make out an account which shall not really say what was the exact condition of affairs?—A. That was intended to show the precise condition, and the opinion of the Attorney-General and the authority of the Secretary of War was sent with it to be his guidance as well as mine.

Q. My own reading of these instructions is that they are directed to use the process of Cowles & Co., which was a patented process. The Attorney-General had said that you could not use the money for that purpose, but you could use it for the labor of applying that process.—A. Yes, sir.

Q. Now the instructions are first, that they must use this patented process, and then that the account shall be so made out as to show the expenditure for the labor of applying it?—A. Precisely. It was understood perfectly well that the account, the whole of it, must be for labor, no matter what the wording of it, because the opinion of the Attorney-General was to be the guide of Colonel Rucker as well as myself. This mixture or process, or whatever you call it, was the only one in question, and as a matter of course it was the only one that was expected to be made use of.

Q. Mr. Piatt in his testimony the other day before the committee says, speaking of this clause, "I myself got it put into the appropriation bill prohibiting the use of Cowles's process. It was well known to General Ingalls that that clause in the appropriation bill was directed against that process. It was as well known to him as it was to Mr. Randall, who put it in, or to General Garfield, who sanctioned it, or to any other member of the committee; he knew that it was directed against that process." Is that correct?—A. No, sir. He does not state correctly because in the appropriations that were previously made specifically for this process there was a similar proviso put in on purpose to protect the Government against paying for any patent or royalty, as I understood. What I wish to say is that the argument made by these people was submitted to the War Department by me, and the authority came from the Attorney-General and the Secretary of War to me and I transmitted precisely the same to General Rucker at Philadelphia.

Q. That argument made by Mr. Brega was submitted by you to the Secretary of War?—A. Yes, sir.

Q. And then there was an opinion had from the Law Department of the Government stating that while you could not expend any of the money for any patent process, yet you might expend it for the labor in applying the same.—A. Yes, sir.

Q. Of this sum, $39,040.07, which was paid after this prohibition in the appropriation bill, how much do you know was for the mere labor of applying it and how much for the materials?—A. O, I do not know.

Q. Is it your judgment that the whole of it was for labor?—A. It must have been.

Q. Then they charged nothing at all to the Government for materials?—A. Well, it was for the labor of doing this thing.

Q. But the order was that it was to be merely for the labor of applying the same?—A. That is it.

Q. That was the only terms upon which the Attorney-General would allow you to use that unexpended balance?—A. Yes, sir.

Q. Now, is it the fact that Cowles & Co. charged nothing whatever for that material, and that the $39,040.07 were all expended merely for the labor of applying it?—A. It must have been if the orders were carried out.

Q. Do you know whether they were carried out or not?—A. The accounts never came to my office.

Q. Who applied this material to the clothing there; did Brega & Co. or the Government through its employés at the arsenal?—A. I think the company did; but of that I am not positive, because I have never seen the accounts. That could only be told by calling Colonel Rucker or Captain Rogers, who were the officers who executed that order.

Q. Do you suppose they would have refused to allow them anything at all except for the labor?—A. That I cannot tell.

Q. Was not the object of all this to evade the provision of the appropriation bill?—A. No, sir.

Q. Was it because you felt that the material was so necessary for the preservation of goods that notwithstanding what seemed to have been a plain provision of this bill you thought efforts must be made to circumvent it?—A. No. I do not think that would be done. It certainly would not be done by me. I was simply a middle party. I forwarded thier request and it came back authorized by the Secretary of War.

Q. The request went first to the Secretary of War and he submitted it to the Attorney-General. [Reads.] "On the 25th of May last, Cowles & Co., in an argument filed with the Acting Quartermaster-General, stated that there was an unexpended balance of $39,250 of the appropriations made for the preservation of Army clothing by

this process, and asked that the same be applied to the specific use for which it was appropriated." As I understand, that balance arose from the fact that out of former appropriations made that amount of money had been diverted from the specific purpose and used for transportation and other purposes connected with his process, and not for the process itself?—A. It could hardly have been for transportation.

Q. Then you on the 4th of June last submitted the argument to the Secretary of War with the statement that a portion of the specific appropriations made for the process was not used for the purposes stated in the law, but was used to pay expenses of overhauling, &c., but there were certain balances available, and recommended that those balances be applied to re-imbursement of the specific appropriation. Now was this recommendation to the Secretary of War based upon a conviction in your mind that this process was absolutely necessary for the preservation of Government property in its various store-houses and arsenals?—A. Well, yes; you may say so, because the evidence goes to show that there was a very great advantage in it.

Q. Then, as I understand it, the Secretary of War consented that this requisition to cover these balances should be made?—A. He did.

Q. "On the 23d of July the Acting Quartermaster-General submitted a request for remittance of $27,040.07 in favor of Colonel Van Vliet from clothing-appropriation, to be applied for preservation of clothing, &c., and thus re-imburse this specific appropriation." That was refused, was it not?—A. Probably that was not remitted.

Q. "On the 17th of September, 1875, the War Department forwarded to the Acting Quartermaster-General a communication from the Department of Justice, dated August 25, 1875, rendering an opinion that the provision of the appropriation for present fiscal year does not forbid application of any patent process to the preservation of clothing where the use of the same may be obtained without paying or incurring any obligation to pay therefor. The Secretary of War, on the 16th of September, directed that the Quartermaster-General be guided by this opinion." Then, "On the 22d of November, 1875, a request for the remittance of $39,040.07, in favor of Colonel D. H. Rucker, in charge of Philadelphia depot, was forwarded to the Secretary of War with information that this was the amount which was diverted from specific appropriation for preservation of clothing, &c. That $39,000 covers the $27,000?—A. So I understand.

Q. What I want to get at is why it was that so much interest was taken in having this balance, which seemed to be lying around loose in the War Department, used for the purpose of getting this particular appropriation in. Why was it necessary to get an opinion of the Attorney-General and to endeavor to get around what seems to be the plain inhibition contained in the appropriation-bill?—A. Well, if there was an inhibition it must have applied to former appropriations in former years, but in this case you can understand it very well. When they make a long argument and submit it officially to the Quartermaster-General, they ask that this thing shall be done; it starts from the Quartermaster-General and goes through the Secretary of War to the Attorney-General and comes back in that way. As a matter of course that is the only thing that is asked for and that is the thing, apparently, that is granted, and consequently you get at that very exact thing in that way. You could not get at any other process, as a matter of course.

Q. In your judgment, was not the granting of this balance of $39,000 in flat violation of the intention of Congress in putting that clause in the appropriation bill?—A. No, I do not believe it.

Q. Was it not a patented process?—A. They say so.

Q. Now, is it the fact that none of that money went for a patent process and all of it for the labor of applying it?—A. I understand from General Meigs and all officers concerned that not a cent has gone in that way.

Q. When he was on the stand the other day he did not know that a dollar of that money had been used for applying that process.—A. He knew that $400,000 had been used for applying that process.

Q. But when I asked him here whether since the passage of that appropriation bill any of that sum had been used for the purpose of applying Cowles & Co.'s process, he said "no" distinctly and deliberately, and he only discovered it the next day, and wrote me a letter correcting his testimony in that respect, and I think he went further and said that he did not think it was possible that it could be done. You say you did not know that this clause was intended to prohibit the use of the Cowles process when it was put in the appropriation bill.—A. No, sir. The Attorney-General did not seem to consider it so, either. I mean in the way of its application, the labor simply being paid for.

Q. Have you never said to General Bingham or others that this prohibition was directed against the Cowles process?—A. I don't remember ever to have said so. I know that it was directed against the process in a certain way; it was a prohibition against taking it up and paying for it as a patent or a royalty upon it, which I understand never has been paid for from the beginning. The way I understand it to-day is that General Meigs could take $50,000, if he chose, from the appropriation of the Quartermaster's Department for clothing, with the approbation of the War Department,

and apply this same thing. Now, to say nothing of these balances to the labor in the preservation of clothing, if the Attorney-General's opinion means anything it certainly means that.

Q. What clause in the appropriation-bill did you refer to a while ago in which there was a prohibition?—A. I think it was in 1872 or 1873, when about $150,000 was appropriated by Congress, a similar clause was inserted when there was a specific appropriation made by Congress for that purpose, and I understood that its only effect was to prevent the buying or paying royalty for the use of a patent.

Q. When did you first become convinced that this was a good process; was it after your investigations in 1872 as a member of that board?—A. Well, personally, I must say that have not relied upon my own judgment at all. I go upon the testimony of the people who were called before us at the two boards. In 1872 probably I did not form much of an opinion at all, but after the lapse of two years on going back there again and calling up the same people and a great many who had not been called up before, and having reports from officers in different parts of the country showing the condition of the storehouses as to moths, &c., in 1872, and then the condition in 1874, I suppose all this convinced me, as it did General Van Vliet and General Saxton. Whether we would be convinced or not, we had to go by the great body of testimony; so that in direct answer to your question I may say that I did not become fully convinced until after the second board.

Q. Had you at any time prior to the board of 1872 been known as hostile to the application of this Cowles process?—A. Mr. Chairman, you are touching upon the insinuations and that sort of thing contained in Donn Piatt's testimony. You may ask me questions, but if you would let me go on and answer in my own way I will tell you precisely the state of the case.

Q. I will with pleasure. I want you to make your own statement.—A. Before doing that I want to say that whatever there may be in this thing of the remittances or the right of the Quartermaster-General to take out of the appropriation any amount that he might consider necessary in order to preserve the public clothing from destruction, that question I consider beyond me and a question for the War Department or the Attorney-General to settle, and I did nothing in the world except to transmit the orders as they came to me. In this thing there have been a great many insinuations made recently by Donn Piatt through his paper, (he of course can talk a great deal more than I can, for I have no paper,) but I want to say that his statements are unqualifiedly false from beginning to end. He speaks in the first place of a "Burnettizing process." What on earth he means I do not know. Long years ago old General Ward B. Burnett probably mentioned a process which I have forgotten, but it was something or other with regard to the preservation of clothing. He and Mansfield Lovell, an ex-confederate officer whom I knew very well, were interested in it. Their object in coming to me was to get me to give them some letter of recommendation personally. Their process I knew nothing about and I had no earthly interest in it at all. At that time I did not know a solitary thing with regard to this process of Brega or "Cowles and Brega" or "George A. Cowles & Co." I do not think I had ever heard of it. Therefore as a matter of course what he says about my being inimical to it must be false, because I did not know anything about it one way or the other. The first thing I did know I was put upon a board of survey in 1872 to examine into this matter and then instead of, as he says, being put at the head of the board I was put in the middle of it. General Marcy was at the head of it. I was the middle member. There is where I first became acquainted with this process. After that board had sent in its report I had nothing to do with Cowles & Co. at all, never hearing of them, knowing nothing about them, in no possible way situated so that I could aid them at all until I was put upon the board again two years later, without my knowledge and very much against my will. When I was at the head of that board whatever my opinions may have been of the process they certainly were not expressed, but General Van Vliet and General Saxton came there, you may say without any opinion as officers should, prepared to hear evidence. They became convinced and signed a report as a matter of course in favor of it; and in confirmation of what I say with regard to the process I would like very much, if the committee cares to go any further, to have some of these gentlemen examined. That, however, would only touch the value of the process. This brings the matter up to 1874; but he says that before that I had taken some clothing to Vienna to the exposition or that he had heard that I had; no matter which, the thing was utterly false. I not only did not take any clothing there but I had nothing whatever to do with the subject. I did not reach Vienna until September, when I happened to learn that some clothing that the Quartermaster-General had sent there for exposition had received the prize. Whether it was from the excellence of the cloth or from the process having been administered to it, I have no means of knowing. I did not inquire, and did not care, but I suppose it could not have been from the administration of the process, because nothing about that could be told from the look of the clothing. As to his other insinuations after he had made a disagreement with Cowles & Co., I can only say that they are simply as cruel as they are unjust. I have understood always that he was a

soldier and was gentleman enough to appreciate soldierly virtues in other people, but why, without knowing anything about the truth and without any knowledge of the facts, he should attack a man who had been in the public service as long as I have is beyond my comprehension. I can only state to you and to your committee that his insinuations or charges, whatever you call them, are utterly false in every particular.

Q. When you were in Vienna did you have any communications with Mr. Cowles at all?—A. No, sir.

Q. Did you write him no letters?—A. No, sir.

Q. Or communicate with any one of the firm?—A. I saw Mr. Brega in Paris frequently.

Q. Did you subsequently correspond with Mr. Cowles with reference to the condition of the clothing at Vienna?—A. Not to my knowledge. It is probable that I reported the fact from the pamphlet that was issued to the Quartermaster-General, because I was in Europe under orders.

Q. At Paris subsequently you saw Mr. Brega. Did you have any communication with him in reference to the clothing?—A. Nothing in particular; nothing touching the clothing at all.

Q. Nothing with regard to the process at all?—A. No, sir. It may have been a matter of conversation possibly; nothing further.

Q. Nothing with reference to the clothing exhibited at Vienna?—A. Not that I recollect of. I knew of the fact and he knew of it also, and it may have been a matter of conversation; but I don't recollect.

Q. Do you know on whose recommendation you were appointed on the first board?—A. I have not the remotest idea.

Q. Do you know that you were appointed on the recommendation of Mr. Cowles through Piatt?—A. No, sir. I knew nothing of it until the order came to me. I see from Piatt's testimony that he claims the credit of having me appointed.

Q. He says it was at the request of Mr. Cowles.—A. It was not at my request or my knowledge.

Q. You had nothing at all to do with putting this clothing on exhibition; you found it on exhibition?—A. I knew that those things were going; but they were sent by the Quartermaster-General, not by me.

Q. You had no agency in having them sent?—A. Nothing more than as to anything else.

Q. Have you ever had any correspondence at all with Mr. Cowles with regard to his process?—A. I do not know that I have; it is possible. The files of the office will show.

Q. None except official correspondence?—A. No, sir.

Q. None other than that which passed through the Department?—A. No, sir; nothing which should not be regarded as official.

Q. Then you say that in no way or manner, directly or indirectly, were you interested in this process?—A. I say it most positively.

Q. And that your action therein was not instigated by any motives of friendship or any other motives for Mr. Cowles?—A. I say it most positively. I say that the record shows that everything that I have done in it and everything that I appear to have done is simply to have forwarded their request to the Secretary of War and the authority which came back officially from the War Department: and that in everything that I have done or could have done I have not favored them more than any officer should have done in my position. I will state that after this disagreement took place, when I took charge of the office, in conversation with me the Secretary of War said that he had declared this thing a fraud, but that he had got his information from Donn Piatt. When he made that remark, I said that it did a great many officers a great deal of injustice, inasmuch as they had absolutely looked into the thing and had reported favorably upon it, and that I thought it was not very respectful to the judgment of so many officers of rank and intelligence. Then he said that he heard that Donn Piatt had boasted around the city that he could have contracts secured or rejected by his influence over him, and that he had sent for Donn Piatt and had told him that if he had said so it was a fraud and a lie. That was in conversation with me, and he turned to his clerk, Dr. Barnard, and he said, "Did I not say so, Barnard?" and Dr. Barnard said, "Yes." I mention this as showing a great coincidence in time between the indignation which Mr. Piatt felt at the possible use of money and this conversation with the Secretary of War. I mention that for the sole purpose of showing that there did not appear to be any charges against me or anybody else or against the process until after there was a failure to pay more money.

Q. After the Secretary of War had narrated to you what he had said to Colonel Piatt, did he tell you what the reply of Colonel Piatt was?—A. He did not say anything further to my recollection; if Colonel Piatt made any reply he did not tell me. He appeared to tell me this as a justification of his own course. He finally revoked the order stopping the use of their matter without my knowlede or application.

Q. Do you know whether Mr. Cowles ever represented to any one that you were bitterly hostile to their process?—A. I never heard of it until I saw it in Donn Piatt's tes-

timony. I never imagined that the thing could be possible. I never could be said to have been hostile to it. Up to the time when I was on the first board, I knew nothing of it.

Q. You had never heard of the process up to that time?—A. So far as I can remember, I had not.

Q. Then you heard nothing more about it until you were ordered on the second board?—A. Nothing that remains in my memory at all.

Q. You had had no intercourse in the interval with these gentlemen save the official intercourse of which you speak?—A. Nothing. O, of course I must have met them, I presume. I certainly met Mr. Brega at Paris.

Q. Did you ever meet Mr. Brega in the summer of 1874?—A. I think very likely.

Q. Did you meet him at Long Branch?—A. I did not meet him at Long Branch, so far as I can remember. I met him in New York City during that year, but not at Long Branch, so far as I know.

Q. Before you sat on the board in 1874 did Mr. Brega tell you of the difficulties they were in with the War Department and ask your assistance?—A. I don't remember that he did. He may have told me of his difficulties, but as to asking assistance I do not recollect. I was in no condition to render any assistance.

Q. You had no agency, direct or indirect, in having yourself placed upon that board in 1874?—A. I had not the remotest. If I could have avoided it I should have done so.

Q. Had you ever heard from any other source than that of Donn Piatt that Mr. Cowles had spoken of you as having been connected with them in your process or having been an "expensive friend" to them or anything of that kind?—A. No, sir.

Q. Do you understand what are the constituents of this process?—A. They told us on the second board. We went to their establishment and they told us; they did not put it on paper so far as I can remember, and I have forgotten it. General Meigs knows what it is. They have told him, but I understood that they always told it confidentially. They certainly told it to the board.

Q. Is it your recollection that the materials were of an expensive character?—A. Well, not excessively expensive. I don't remember now what they were. I know that glue was one. About the others I do not know anything. The recipe was given to General Meigs a long time before either board met.

Q. Did you know anything about the amount of work done for the appropriations made; did you examine into that when you were on that board?—A. We went to their establishment mainly to inspect the factory and to see the method of application. We went to their establishment and saw the process applied to clothing and the way it was dried and packed, &c. I should say that the idea of their using rain-water would be entirely impossible, if the officers in Philadelphia did their duty, because one part of their duty was to keep watch of this operation to see that the proper materials were used. In the manufacture of clothing the greatest scrutiny is exercised by the officers in charge and their agents, the inspectors, &c., so that I should say that such a thing could not possibly have occurred.

By Mr. BLACKBURN:

Q. Were you not informed by Mr. Cowles or some member of that firm that this process would be valueless in other hands than theirs? Were you ever given to understand by any member of the firm that this process would not be valuable except in the hands of that firm?—A. No, sir.

Q. They made no claim of that sort?—A. No, sir.

Q. As I understand you this second board that you were placed upon was organized with a view of the re-application of this process after its discontinuance by reason of the opinion of the Secretary of War that it was valueless?—A. Well, not altogether. They had got into this complication. They had a disagreement with Mr. Piatt who had gone to the Secretary of War and had the thing stopped. Then they made an appeal to him which I do not know anything about, but I observed it in Colonel Piatt's statement. That resulted, so far as I can understand, in the appointment of this board of which you speak, in order to determine whether the thing possessed merit enough to go on.

Q. It was a trial; an experiment?—A. No, sir. They had had a former board which recommended certain things which should be tried for a certain length of time. Two years had elapsed; this complication came, and in order to ascertain the result of the recommendations by the former board, as well as to settle this matter that was in dispute, the second board was brought about.

Q. Was Colonel Piatt summoned as a witness before that second board?—A. Certainly not. But I do not know why, since you mention it. It never occurred to me before. There was no reason why he should not have been, and I do not know whether there was any reason why he should have been.

Q. It seems that the use of this process had been discontinued because of charges made by Colonel Piatt to the effect that it was worthless. Then the second board was created and charged with the duty of investigating and determining upon its merits.

Does it not seem to have been the most natural course imaginable to have summoned Colonel Piatt himself, upon whose protest it had been discontinued?—A. If you look at the proceedings of the second board his name does not occur. In the order appointing the board it is not pretended that the board is appointed in order to determine anything that he has said or done; and I do not know that any member of the board knew at that moment anything about his connection with it. We got the order as individual officers to go there and examine certain things.

Q. Did you not know then that it was upon Colonel Piatt's protest mainly that the discontinuance had been predicated?—A. I do not say that we did not know, because it is possible that we did; but, if we did, there was no intimation that he wanted to come before the board or that he could testify to anything in case he did come. There was nothing before us to show that he was necessary or needed before the board at all. We went to work by examining experts and people who did absolutely know about this thing. If we gave the matter any consideration, it must have been supposed that he had declared it a fraud in pique, when we knew that he could not have known anything about it. I do not think he pretends that he did know.

Q. Then it does appear, as I understand you, that upon the statements or representations of Colonel Donn Piatt mainly the use of this process had been discontinued and a new board had been created subsequently to pass upon its efficacy or its value, and he, upon whose testimony its use had previously been discontinued, was not before the board and was not called before them at all to give any statement in regard to it?—A. He was not, and I may have given reasons enough why he was not; but the fact is I don't pretend to know myself why. You can understand very readily that if he had made any protest that it was a fraud he could easily have got before the board himself, as I appear here voluntarily.

Q. But the question is whether the board created for the purpose of passing upon the value of this process ought not to have called before it the man upon whose testimony it had been once discontinued.—A. I would not like to say about that, because I can see no reason why he should or should not.

Q. Had you any financial transactions with the members of this firm during the years 1872, 1873, and 1874?—A. None.

Q. There were no financial transactions between you and him of any kind?—A. No, sir.

Q. Would you have any objection to the submission of your bank-account during those three years 1872, 1873, and 1874?—A. I should not have any objection that I know of, certainly not as to anything that would concern them.

Q. I mean looking only to the transfer of moneys between themselves or some member of the firm and yourself during these three years, 1872, 1873, and 1874?—A. I have not the slightest objection.

By Mr. DANFORD:

Q. What did you do, what steps did you take in order to have the $39,000 spoken of by the chairman of the committee applied to this Cowles and Brega process?—A. I did nothing more than what appears upon the record.

Q. Did you do anything outside of your official relations to the Government?—A. No, sir. When I went into the office I found this communication there claiming these balances and making a long argument.

Q. What did you do with the communication?—A. I indorsed it and sent it to the Secretary of War, who had the authority to do what he pleased with it.

Q. His indorsement appears on the record?—A. Yes, sir.

Q. Did you see either the Secretary of War or the Attorney-General in relation to this communication?—A. No. I conversed with the Secretary of War upon the subject a good many times after I came into the office. In conversation he did tell me that he had no objection to the application of this money and that he had no objection to the application of any other amount of money that might be found absolutely necessary to prevent clothing from destruction.

Q. Why were you talking to the Secretary of War about it?—A. Well, generally he introduced these matters. I did not go up to see him about that, but all official matters were subjects of conversation between us.

Q. Was it introduced by him before you sent up this communication?—A. It was, I think, soon after I entered on duty.

Q. Where was that communication sent; to you or directly to the Secretary of War?—A. It came first to the Quartermaster-General, and I think it came while General Meigs was Quartermaster-General; that I do not know, but at all events I got it and forwarded it to the Secretary of War.

Q. Now, were these conversations you had with the Secretary of War prior to the forwarding of this communication of Cowles and Brega or subsequently?—A. Prior, I presume; but I do not know that that conversation was upon the subject of this communication. With the Attorney-General I never had a word at all. I never spoke upon the subject of the process to him or any of the Attorney-General's assistants at all.

Q. Have you had enough knowledge of this process to know of your own knowledge whether it is valuable?—A. I have this amount of knowledge, that if there were no question about the application of money, and if there was not going to be this interminable question about the responsibility for its application, I should not hesitate for a moment to apply it, because the process is really valuable, as the committee can satisfy themselves by calling upon any persons that they please with regard to it. The value of it seems to be perfectly apparent. When we first went to Philadelphia in 1872 and for twenty years before the store-houses had been infested with moths and the destruction of all sorts of woolen clothing had been great, certainly amounted to millions; that we all knew; and you could gather any amount of moths in any of the store-houses. When we went back on the second board, it was with exceeding great difficulty that we could have a moth found, and it was with great difficulty that the officer in charge could get an egg of a moth. Now where this change had occurred within two years one of two things must have been true: either there must have been excessive negligence and filthiness under the former *régime* or else this process must have accomplished something. We know, however, that the officers in charge of that depot for thirty years past have been gentlemen of high rank and of great carefulness.

Q. How was it with the other depots or store-houses?—A. The Jeffersonville depot was the same way. We inspected it in the same way in 1874. There are smaller amounts of clothing there; it is a newer place; but still there were no moths.

By Mr. BLACKBURN:

Q. Had General Meigs prior to his leaving for Europe, to your knowledge refused to apply this money, the $39,000, as you subsequently applied it?—A. I do not know that he had.

Q. You do not know that he had refused to make that application of it for this process?—A. I do not. I suppose that General Meigs must necessarily have done this; he must have refused to apply any money while that order was being revoked by the Secretary of War, whose authority General Meigs was bound to respect. If any application were made in the mean time for this money, either for the application of these balances or any other money, unquestionably he must have refused.

WASHINGTON, *April* 26, 1876.

H. G. FANT sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In Washington.

Q. What is your business?—A. I am not engaged in any business now. I have been a banker.

Q. Were you at any time connected with what is known as this Cowles patent process for the destruction of moths?—A. I was.

Q. During what time?—A. From February or March, 1872, to July, 1874.

Q. Did you keep the accounts of the firm?—A. I did.

Q. You were their financial agent?—A. I was. I am speaking for my firm, Fant, Washington & Co.

Q. Did you draw the several appropriations that were made for that process?—A. Yes, sir.

Q. State what amounts of money passed through your hands between those dates?—A. Yesterday my book-keeper went over the accounts with me, and of the result of that examination I took this memorandum, which can be verified by the books which are here before you.

Amount collected by Fant, Washington & Co., agent of G. A. Cowles & Co., between February or March, 1872, *to July or August,* 1874.

From the Army, Navy, and Ordnance Departments	$403,875 00
Distributed as follows:	
G. A. Cowles & Co., manager, expense account	41,374 18
G. A. Cowles & Co., Army account	63,525 10
G. A. Cowles & Co., individual account	92,570 99
George W. Brega, individual account	92,570 99
L. H. Bacon, of Hartford, Connecticut	57,934 26
Victor Vierow, of Philadelphia	28,967 13
Donn Piatt	22,934 35
Commissions to Fant, Washington & Co., 1 per cent	3,998 00
Making the total amount received from the Government	403,875 00

Q. Who was L. H. Bacon?—A. He was a partner. He lives in Hartford.

Q. And Victor Vierow?—A. He was a partner also. He lives in Philadelphia.

Q. What were the items making up that expense account, $41,374.18?—A. When we received the money under the agreement that we had with Cowles & Co., we were directed to place a certain per cent. of it to that account, which we did. What made up the items I don't know, beyond the cash that we put to the credit of that account.

Q. How was it drawn out?—A. By Cowles & Co., by checks, I think; under their instructions we sent them checks on New York for the amount as the dividends were made, and when we received from the Government the amount of a voucher we would distribute it and send checks to those parties, except in the case of Colonel Donn Piatt. We would place his to his credit on the books.

Q. Did you understand from any source what the checks you sent them were used for?—A. No, sir; except as disclosed in the account, that it was for "expense account."

Q. "George A. Cowles & Co., Army account, $63,525.10;" do you know what the proceeds of that account were applied to?—A. They never disclosed that to me, and I do not know.

Q. Then to these several partners there went to George A. Cowles & Co., $92,570.99; George W. Brega, $92,570.99; L. H. Bacon, $57,934.26; Victor Vierow, $28,967.13; did you understand that those were the profits accruing to each one of those partners?—A. I so understood it.

Q. So that, save the amounts put to the credit of the expense account, and the Army account, and that paid to Donn Piatt, and the sum paid on the commission account, the balance of this money you understood to be profits of the firm's operations?—A. Yes, sir; including the amount paid to Colonel Donn Piatt.

Q. So that the profits were pretty nearly $300,000as shown by your books?—A. The account will show.

Q. By my calculation, made according to your account produced here, the amount was $294,977.82.—A. That is the amount that the different partners got. Of course I do not know how much was profit.

Q. Had you any reason to suppose that any of these sums that seem to have been divided between Cowles and Brega went to anything else than their individual account?—A. No, sir; I had not.

Q. How did they get that money from you?—A. By checks on New York. That was their instruction. They were in Philadelphia, and we would send the checks there to them on the day we received the money.

Q. Do you recollect anything that occurred between you and Colonel Donn Piatt when the work was suspended on this contract in 1874? If so, please state it.—A. That was in the summer of 1874. Colonel Piatt called at my residence, and in conversation he informed me that his agreement with these gentlemen, Cowles & Co., was that he was to receive 15 per cent.; and regarding him as entitled to any information I had, I told him I thought there was a mistake about it; that they were paying him 10 per cent. upon the amount received by George A. Cowles and George W. Brega individually; and he seemed to be somewhat incensed at it, and said he would call upon them for an account. Subsequent to that time he informed me that he had seen Cowles and that he had demanded an account of the items of expenditure, &c., and Cowles had refused to furnish it, alleging that there were some items in it that he did not wish to be exposed or investigated, or something of that kind. Colonel Piatt informed me he would withdraw from this business and would so inform the Secretary. I remonstrated with him, and said I thought it was a mistake, and that if he could see these gentlemen the matter could be satisfactorily explained. Subsequent to that he informed me that he had seen the Secretary and informed him of what had occurred between Cowles and himself, and that he would have nothing more to do with the matter. This I communicated to Messrs. Cowles & Co., and told them I thought they had made a mistake, and that they ought to see Colonel Piatt and try to arrange the matter; that if this process was as represented, the matter I thought could be satisfactorily arranged. They did not seem so disposed, either by letter, or in my interviews with them, nor did Colonel Piatt; and the result was that the matter was suspended and the business withdrawn from me. That was in July or August, 1874. The original agreement was withdrawn and the authority canceled in the Department.

Q. Did Colonel Piatt base his withdrawal from it on the ground that they had said to him that they had used means which would not bear investigation to have this process adopted and applied?—A. At the first that question did not come up, because he seemed to have had no information on the subject. He was then asserting his right. In subsequent interviews he based his withdrawal upon the disclosures made to him by Cowles.

Q. And he declined to have anything more to do with it for that reason and declined to come to an accommodation with them?—A. Yes, sir, he declined. I may add that Messrs. Cowles & Co. averred that the amount they had agreed to pay him was correctly paid. I mention that in justification of those gentlemen.

Q. That he was to have 10 per cent. upon the profits?—A. Not upon the profits. Ten

per cent. upon the amount that Cowles and Brega individually received, and the amount that I give there in that account for them is less 10 per cent. That is, they got the whole amount and then they paid 10 per cent. on that to Colonel Piatt, which made five or six per cent. on the whole.

Q. After this rupture was any more money placed by them to the credit of Donn Piatt?—A. Yes, sir, the colonel was, I think, spending the summer in the mountains, and previous to his going there my firm owed him (he was in Europe at the time my firm suspended) quite a balance, and from time to time I would make payments to him of small amounts, as convenient, and Cowles & Co. sent me a voucher, or probably two or three, certainly one, after this rupture, I think in July, and I remember having placed to his credit with Johnson & Co. a small amount, I think about $209.

Mr. PIATT. Was it not $130?—A. No, I think it was about $209.

By the CHAIRMAN:

Q. Colonel Piatt did not know, as I understand you to say, until lately that any such sum did go to his account in your hands, because it was a suspended account?—A. I think I may have informed him, but I don't know about that. He was away at the time. I think he is a very careless man about his accounts. In all these deposits I seldom have advised him. He went to Europe with $5,000 or $6,000 to his credit, and when he came back he found it still there, but he has really received out of this business in cash not over $15,000. The balance remains to his credit on our books.

Q. Have Cowles or Brega, or either of them, ever stated anything to you about having to spend sums of money to have this process adopted?—A. No, sir, I don't remember that they ever did. I was simply their financial agent to receive and disburse this money among the partners of the concern, and I don't recollect that they ever did.

Q. Did you ever furnish Brega any statement of their account in your bank?—A. No, sir. But on the day on which we received these different amounts we would remit, so they were advised of the amounts as well as we.

Q. But you never gave Brega any statement from your books so as to show the state of his account with the partnership?—A. No, sir.

Q. At the time of the rupture Colonel Piatt was receiving his pay regularly, as the vouchers came to you?—A. He was.

Q. And by his throwing up the business his pay ceased?—A. Yes, sir; and for that reason I remonstrated and told him I thought he made a great mistake.

Q. And that after the first interview he based his action on the ground that he would not be connected with a matter that could not bear investigation?—A. Yes sir, after his interview with Cowles. He told me that Cowles communicated that fact to him as a reason why he would not furnish an account, and he based his action upon that. I communicated with those gentlemen and tried to get them reconciled with the colonel in some way, but it was not done.

Q. Why was it that they withdrew their account from you?—A. I don't know. We had a contract with them to receive 1 per cent., and after this rupture with Colonel Piatt, they withdrew that account and I never heard whether they made any collection or not, afterward, until now.

Q. Did you ever hear from them what they said their agreement was with Colonel Piatt?—A. Yes; they alleged that their agreement was the amount which was paid him.

Q. And he alleged that he was entitled to 15 per cent?—A. When I communicated the fact of what he was getting he seemed to be astonished and said that it was wrong; that their agreement was to pay him 15 per cent.

WASHINGTON, D. C., *April*, 1876.

DONN PIATT again appeared before the committee and made the following statement:

In my former testimony I said I had received no money from Cowles & Brega subsequent to the trouble that I had with them in 1874. I learn, however, from Mr. Fant that subsequent to that there was a small amount put to my credit, which I was not aware of before. At the time of the suspension of Mr. Fant's firm there was a balance due me which Mr. Fant has been paying to me since, and I supposed that this sum was part of it, and did not know until afterward of this additional deposit by Cowles & Brega, which I understand was about $130. As I am on the stand, I will say with reference to General Ingalls that all I know of his good or bad character I learned from my client, Mr. Cowles. I do not know General Ingalls personally; all the facts I have I received through that source.

WASHINGTON, D. C., *April* 21, 1876.

H. C. CROSBY, chief clerk of the War Department appeared and produced the annexed copies of papers in relation to which he testified:

The papers produced by me have been compared with the originals and found to be true copies. They are copies of the only papers that we have from General Garfield relating to Cowles & Co.'s process.

UNITED STATES OF AMERICA:

WAR DEPARTMENT,
Washington City, April 21, 1876.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed are copies of the original papers on file in this Department.

In witness whereof I have hereunto set my hand and caused the seal of the War Department to be affixed on the day and year first above written.

[SEAL.]

ALFONSO TAFT,
Secretary of War.

[Telegram.]

LITTLE MOUNTAIN, *Ohio, August* 7, 1874.

Hon. W. W. BELKNAP, *Secretary of War:*

I hope you will stand firmly by your orders suspending further work by Cowles & Brega.

J. A. GARFIELD.

[Telegram.]

WAR DEPARTMENT,
Washington, D. C., August 8, 1874.

Hon. J. A. GARFIELD,
Little Mountain, Ohio:

On an intimation from one of the parties supposed to be interested in the process that there was fraud therein, I ordered that no more payments should be made at present. Verbal notice of appeal for reconsideration of that decision has been given to me. If you desire me to stand by that decision, please give me such facts as will enable me to do so.

W. W. BELKNAP,
Secretary of War.

Official.

LITTLE MOUNTAIN, OHIO, *August* 24, 1874.

DEAR SIR: I owe you an apology for so long neglecting to answer your request of the 8th instant in reference to subject-matter of my telegram of that date.

The ground on which I recommended you to stand firmly by your order suspending work of Cowles & Brega was this: I heard that these men alleged that they paid money to procure the appropriation for treating Army clothing by their process. If their statement be true they ought not to be paid a dollar out of the Treasury for any purpose. If it be false, they are slanderers of the Government and ought not to receive any of its favors. I don't believe that they paid anything for any such purpose. If they had not said so, I would withdraw my telegram; but if they have said so, I am in favor of making them prove what they have said. This is all I know on the subject. If you have any further intelligence on the subject, I shall be glad to know it.

Very truly, yours,

J. A. GARFIELD.

Hon. W. W. BELKNAP,
Secretary of War.

WAR DEPARTMENT, *September* 8, 1874.

DEAR GENERAL: I have the honor to acknowledge the receipt of your letter of August 24 relative to the Cowles & Brega preserving process, in which you state that you heard that these men alleged that they paid money to procure an appropriation for the preserving Army clothing by their process.

Since that letter was received I have examined into this matter, and Messrs. Cowles & Brega have filed an affidavit denying that they have made any such statement. I therefore revoked my former order, and substituted the following in its stead:

"Respectfully returned to the Quartermaster-General. The order of the 20th of July directing 'that no more money be paid from old or new appropriations on account of what is known as the Cowles process for preservation of cloth, &c., until further orders,' is hereby revoked, and the Quartermaster General is directed to select three officers of his department, to comprise a board for the purpose of inspecting all the materials at the Schuylkill arsenal which have been treated by the process above named; report to be made as to the condition of such materials, and whether the benefits claimed for this process have been fulfilled with respect thereto. No further payments to be made or work done in the various preserving processes until the results of the report of the board are made known. These papers to be returned as soon as practicable."

Yours, truly,

WM. W. BELKNAP,
Secretary of War.

General JAMES A. GARFIELD, M. C.,
Little Mountain, O.

WASHINGTON, D. C., *May* 16, 1876.

M. C. MEIGS, Quartermaster-General, again appeared before the committee and was further examined, as follows:

The CHAIRMAN. You have heard the statement made by the Judge-Advocate-General with reference to the settlement by him of this Kentucky Central Railroad case. If you have any remarks to make in regard to it, the committee would be glad to hear you.

The WITNESS. I do not know that there is any necessity for me to say anything on the subject. All my action on it has been official, and is all on record. I presume you have every scrap of paper I ever wrote on the subject, and every act I ever did on the record.

The CHAIRMAN. I sent for you this morning in relation to another matter. This only came up incidentally in the act of Congress. In the general appropriation bill making appropriations for the fiscal year commencing July 1, 1875, and ending June 30, 1876, there is the following clause, "provided no part of this sum (which was, I think, $50,000) shall be paid for the use of any patent process for the preservation of cloth from moth and mildew." At the time of the passage of that act, you were the Quartermaster-General of the Army?—A. Yes.

Q. What was your understanding of that proviso; was it that it prohibited the use of any patented process whatever, or was that provision, in your judgment, directed against the use of the Cowles process, which had been used previously by the Department?—A. I thought at the time I saw it, that it was directed against the Cowles & Company's process, but was made general to include all patented processes.

Q. But your opinion was that it was directed against the Cowles process particularly?—A. I supposed so. We had been spending money on that, and I supposed the design was to put a stop to it.

Q. Do you recollect the date when General Ingalls succeeded you as Acting Quartermaster-General?—A. On the 1st of June, 1875.

Q. You went to Europe about that time?—A. I left Washington shortly after, and sailed on the 1st of July.

Q. At that time there was an unexpended balance of $39,040.07 from former appropriations, which had been diverted from the appropriation to pay for the transportation and other things, and which might have been used to pay for the application of this Cowles process, if there had not been this inhibition in the appropriation bill?—A. No, sir; I do not think there was any unexpended balance. I think we had expended the money, but we had used it in the preparation and the handling of the goods, which, I thought, was a part of the expense of the process. We had to bring some of the goods from Jeffersonville, and we had to handle and unpack and repack the goods at Philadelphia; and that I considered to be a part of the expense of the application of the process; and therefore the money had been expended, and this law did not apply to that. It applied specially to the appropriation then made.

Q. Was there any application made while you were in the office prior to the 1st of June, 1875, to obtain this sum of $39,040.07, for the application of this process?—A. I do not remember distinctly. About the 1st of June, about the time I left, some papers were filed by Cowles & Brega, but whether I had examined them and taken any action upon them, I do not remember. I think not, however. I think they may have been received, but not taken up. I looked lately, when this question arose, and I found certain papers marked as filed on the 1st of June. I probably had a notice from Cowles & Brega that they were going to file them, and, in that way, I had some cognizance of them.

Q. I find this in your statement: On the 25th of May, 1875, Cowles & Co., in an argument filed with the Acting Quartermaster-General, stated that there was an unexpended balance, and asked that the same be applied for the purchase of their process.—A. Probably

that is explained by that of theirs being dated on the 25th of May, but filed in the office on the 1st of June. You have all the papers in relation to that. The question of date came up lately, and I directed that the indorsements on the backs of these papers should be copied, so as to show the office-marks, the date of receipt, &c.

Q. We have received no such papers here.—A. Well, I sent them to the War Department. My impression is that the argument bears date as having been received in the Quartermaster-General's Office on the 1st of June.

Q. That is the day that General Ingalls became Quartermaster-General?—A. Yes, sir.

Q. Have you any recollection of its having been received there before?—A. I have not; and yet I have some recollection of having notice that it was coming.

Q. The record further says that "the Acting Quartermaster-General submitted the argument above specified in the law—by your opinion &c., and that there were certain balances in the Treasury available." From your statement just made you differed with the Acting Quartermaster-General in that opinion. Your opinion was that it had been expended?—A. I had no knowledge of it at that time.

Q. Have you examined the opinion of the Attorney-General upon this subject?—A. I have read it. I have no objection to putting it on record that my impression with regard to that provision was that the intention was to stop the use of Cowles & Brega's process, and that I remain of that opinion still, and of course I am in the habit of acting on my opinions.

Q. So that if you had been there you would have acted on that opinion?—A. I would, as now advised. I might have been overruled, of course.

Q. Have you any recollection as to what General Ingalls's opinion was in the first inception of the use of the process; whether he was favorably inclined to it or against it?—A. I have no recollection of his ever having expressed or indicated an opinion against it.

Q. Do you remember who suggested General Ingalls's name as one of the commission which sat in Philadelphia on the Cowles process in 1874?—A. I think it is most likely that I did myself.

Q. Had any one suggested his name to you?—A. Not that I remember. He was an officer of rank, and was near.

Q. Have you any records which would show the exact cost of the application of this material to the goods; how that $39,040.07 was really expended?—A. I have no doubt that we have the vouchers for every dollar of it. They would be in the Treasury by this time in the ordinary course.

Q. Under the decision of the Attorney-General the War Department could have paid nothing whatever for the material, as I understand it?—A. I think you are getting this matter a little confounded in regard to the appropriations. They did not get that money. You will find that it appeared that the money had been covered into the Treasury; the fiscal year had ended, and the money could not be drawn out; and it was then proposed that they should have an equal sum out of the new appropriation to which the prohibition applied, and that is the money out of which the $39,040.07 was actually delivered and spent—spent, it is said, in labor, not in royalty. The Attorney-General's opinion is that no money could be spent in royalty, and their argument is that while there was a prohibition against them paying for the process, there was nothing to prevent them taking the goods and handling them by this or any other, and being paid for the labor. It is a nice distinction, which, as the Attorney-General says, is no doubt good in law, but I think it defeated the will of Congress.

Q. Then, under that construction, the material applied to the goods would have to be furnished free of cost by some, one would it not? Did not they, by this argument, attempt to prove that they would have to make a gratuity of whatever the material cost, and that all the Government could pay them for would be the labor of applying it?—A. I do not think they went quite so far as to treat that question. I think that under the Attorney-General's opinion, it might be legal to pay them for the material they used, as well as for the labor of handling, but not for the royalty. The very niceness of those questions appears to me to show that it was injudicious to take that view.

Q. In the former payments made to them, was there anything paid specifically as a royalty on their patent?—A. No, sir. They offered to treat the goods—a coat for so much money, a pair of pantaloons for so much money, whatever the price was.

Q. Do you know whether, in treating articles which were paid for out of that $39,040.07 they charged less per coat or per article than they did for treating articles under the former appropriations?—A. I have not examined that question, but some one has told me that the price remained the same. I don't know whether that is correct or not.

Q. Could that fact be ascertained?—A. O, yes; I can get you that information.

Q. Assuming that it was the same price, then if they were paid for their patent under the former appropriation, they were paid for it under this $39,040.07 appropriation?—A. They would say that they were never paid for it; that the patent gave them a monopoly of the business, and they made their profit out of the monopoly.

Q. Would the records of the Quartermaster's Department show the exact amount of cloth that was treated with this $39,020.07?—A. I presume so. If my office contains no records to show that, the records in Philadelphia will show.

Q. Do you know what the ingredients used in the process were?—A. They told me. I insisted on knowing before I would take any action, for fear it should be injurious to health or to the garments. I made a memorandum of it at the time, but have forgotten it. I was satisfied that they were not things that would be injurious to the men or to the cloth.

Q. Could you give us the amount of clothing on hand in the Army in 1872, when they commenced using this process?—A. That is given in our annual report of that year.

Q. Did you ever know what the opinion of the late Secretary of War was with reference to this process; was he hostile to it?—A. No, sir; I do not know. I asked Mr. Piatt what the Secretary meant by the reference to the Quartermaster's Department, (in Mr. Piatt's testimony he says that the Secretary said, "That is the way they do things in that bureau,") and he said that the Secretary had always rather thought that I was being deceived in regard to this matter, and did not himself much believe in it. He never made any such expression of opinion to me, and it arose out of a statement that they were not using the real material, but were merely passing the goods through rain-water. The Secretary was mistaken in his suggestion that we could apply the process ourselves, for, as I understand, there is a law which forbade our buying a patent in any case without permission from Congress; so that even if it had been economical and proper, we could not have bought it and applied it ourselves.

Q. Previous to this you had been using what?—A. We had used petroleum-paper and had put camphor with the clothing, as all housewives do. We had tried also the Burnett process, but whether before or about the same time, I do not remember As soon as it became known that we used more than one process, there were several people who made offers. There was a very large quantity of clothing that was being injured by moths, and they saw a chance of making a good deal of money.

Q. Do you know who were interested in that Burnettizing process?—A. General Mansfield Lovell appeared as an attorney, or interested person, in it, and General Ward B. Burnett, formerly of the United States Army. I do not remember any other.

Q. Do you know what General Ingalls's opinion in regard to that was?—A. I do not.

Q. You never had any conversation with him in regard to it?—A. We may have spoken of it, but I do not remember. The goods seemed to be injured by it, and we dropped it very soon. It is a very difficult matter to determine the real value of any of these processes. To attempt to ascertain whether any process will preserve woolen cloth for a long time, it is like undertaking to determine, by practical experience, whether a crow will live a hundred years. You have got to live yourself until the end of the time.

Q. Are you using any process now for the preservation of clothing?—A. Nothing more than the ordinary petroleum-paper with which we line our boxes and bales, and the use of camphor.

Q. Have Cowles & Co. made any efforts to have you continue the use of their process since you came home?—A. No; they have been very much engaged with this investigation. I think we have had a statement by some person that they would bring the question up some day.

Q. Your own judgment, as I understood you to say on your prior examination, was at first unfavorable to this process, and you subsequently became satisfied of its efficacy by the reports made after trial at the different depots?—A. I cannot say that my opinion at first was unfavorable. I had not any opinion at first; but I thought it was necessary to be cautious, because I saw it was going to cost a great deal of money. You will find my view very clearly expressed in one or two letters to the Secretary in which I tried to guard against moving too hastily. There seemed to be quite a pressure, and, as a protection to the Government and also to myself, I wrote those letters. I am satisfied that the process is one which conduces very much to the preservation of cloth from the attacks of moths, and to the protection of canvas from mildew. It is much less important to us now than it was then. At that time we had an immense stock of cloth goods which were suffering from the attacks of moths, and the losses were enormous, and we saw that if we could preserve that for some years it would prevent our selling it at auction in a damaged state, and getting almost nothing for it; but that has been mostly disposed of now, and as we buy goods and use them up within a year they are not so much exposed.

By Mr. DANFORD:

Q. In the appropriation bill of 1874-'75 there was a specific appropriation for this purpose for the preservation of clothing, was there not?—A. No, sir. In the previous year there was—in the appropriation bill preceding the one which contained this proviso that has been read here several times.

Q. Of that specific appropriation there remained the sum of $39,040.07 at the close of that fiscal year that had been unappropriated?—A. No, sir. The money had been spent, as I understood it, but we had expended it on the handling of the goods in preparing them to go to the shop of these gentlemen, and in bringing goods from Jeffersonville to Philadelphia, which I looked upon as a part of the expenses of the process. They afterward claimed that they ought to have had the whole of that money for the labor and materials employed in applying the process in their own factory.

Q. Then there was $39,000 of that appropriation that had gone in the handling of the

clothing, or had gone to other parties than those applying the process?—A. Yes, sir, but it had been spent.

Q. Well, it had not been paid to them?—A. No, sir.

Q. In the last bill the proviso was that no patent process should be paid for?—A. Yes, sir.

Q. They have, however, received $39,000 from the appropriation of last year, notwithstanding that proviso?—A. So I understand.

Q. That was paid under the administration of General Ingalls. Now, when they made their argument on that point to him, that argument was referred to the Attorney-General for an opinion?—A. The question went to the Attorney-General.

Q. And he gave an opinion that a portion of the appropriation could be used for applying the process?—A. For labor, &c., and not for royalty.

Q. Who was it that gave that opinion?—A. Mr. Pierrepont.

Q. And after that opinion had been given this money was expended in that direction?—A. It was authorized or directed to be expended, and, I presume, has been expended. It was while I was absent, and personally I have no knowledge on the subject.

Q. Have you any knowledge under whose control the Arlington estate is—is it under your Department?—A. Not the whole of it; only the part inclosing the cemetery.

Q. There is a large portion of it outside?—A. Yes, sir; we took in only about 203 acres in the cemetery, and I think there are 1,000 acres in the estate.

Q. Do you know for what purposes the portions lying outside of the wall are used?—A. They were under the control of the Freedmen's Bureau during and after the war, but since the termination of that bureau I don't know who has charge of them. I have never heard anything about it.

Q. You don't know whether the land is rented to anybody or not?—A. I do not.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., May 16, 1876.

SIR: In reply to your questions this morning—

1. What amount of clothing and equipage was on hand when the use of Cowles & Co.'s process commenced, and what was its cost?

I inclose the annual report of the Quartermaster-General for 1872, which contains, at pages 51–57, a table showing the quantity of clothing and equipage of all kinds on hand on 30th June, 1871, and also on 30th June, 1872.

The use of the process began in the calendar year 1871.

The original cost of this clothing is given in the annual official price-list for 1865. The price at which it was, in 1872, issued to the soldiers is given in the official price-list for 1872. Copies of both are herewith.

It will be observed that the Secretary of War, under advice of military commanders, had very much reduced the valuation of this material, the issue-price being not quite one-half the original cost.

The following table giving in succinct form the quantities on hand, and the original cost of such articles as were considered fit subjects for the application of the preservative process, were prepared in this office. The slip is cut from pamphlet printed by Cowles & Co., already in hands of the committee.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., December 30, 1872.

Statement of woolen clothing and cotton tents (except shelter-tents) on hand June 30, 1872, *the cost of which is shown in General Orders No.* 2, *A. G. O., January* 7, 1865, *except of* 42,000 *blankets since purchased at* $3 *each.*

252,121 uniform-coats, $12.50	$3,151,512 50
395,608 uniform-jackets, $9.25	3,659,374 00
201,726 uniform-trousers, (foot,) $4.75	958,198 50
87,092 uniform-trousers, (mounted,) $5.90	513,842 80
298,997 flannel sack-coats, lined, $4.80	1,435,185 60
344,492 flannel sack-coats, unlined, $4	1,377,968 00
369,724 flannel shirts, $2.32	857,759 68
215,809 pairs stockings, 48 cents	103,588 32
116,217 mounted great-coats, $14.50	1,685,146 50
256,726 foot great-coats, $12	3,080,712 00
73,648 wool blankets, $7	515,536 00
42,000 wool blankets, $3.10	130,200 00
172,805 yards dark blue $\frac{6}{4}$ blue cloth, $5.98	1,033,373 90
1,242 yards dark-blue $\frac{8}{4}$ cloth, $2.09	2,595 78
32,691 yards sky-blue kersey $\frac{6}{4}$ cloth, $2.35	76,823 85

666,016 yards sky-blue kersey ¾ cloth, $1.09	$725,957 44
79,312 yards ¾ flannel, $2	158,624 00
1,107.521 yards ¾ flannel, 90 cents	996,768 90
5,329 hospital-tents, $175	932,575 00
4,815 hospital-tent flies, $60	288,900 00
7,505 wall-tents and flies, $75	562,875 00
6,166 wall-tent flies, $29	178,872 00
26,219 common tents, $38.50	1,009,431 50
	23,435,821 27

Official:

J. D. BINGHAM,
Quartermaster United States Army.

And the following table is a list of the articles of clothing injured by moths and sold in the years 1869, 1870, and 1871, with their cost:

Statement showing, as far as can be ascertained from the records of the clothing supply branch, the quantities of motheaten woolen garments sold at the depots at Philadelphia and Jeffersonville in 1869, 1870, *and* 1871, *and the original cost of the same.*

1869.

At Jeffersonville:

1,260 yards blue lace	
849 sack-coats, lined, $4.80	$4,075 20
1,494 sack-coats, unlined, $4	5,976 00
62 uniform-jackets, cavalry, $9.25	573 50
38 uniform-jackets, artillery, $9.25	351 50
136 great-coats, foot, $12	1,632 00
575 great-coats mounted, $14 50	8,337 50
49 pairs trousers, foot, $4.75	232 75
634 pairs trousers, mounted, $5.90	3,740 60
254 pairs stockings, 48 cents	121 92
17,750 wool blankets, $7	124,250 00
72 sashes, $2.60	187 20
Total	149,478 17

At Philadelphia:

21,268 blankets, woolen, $7	148,876 00
89 forage-caps, $1	89 00
50 sack-coats, all kinds, $4.80	240 00
44,972 uniform-coats, all kinds, $12.50	562,150 00
409 great-coats, mounted, $14.50	58,130 50
11 great-coats foot, $12	132 00
2,146 pairs trousers, foot, $4.75	10,193 50
82 pairs trousers, mounted	
92 uniform-jackets, $9.25	483 80
24,376 pairs stockings, 48 cents	11,700 48
Total	791,995 28

1870.

At Jeffersonville:

6,449 woolen blankets, $7	45,143 00
499 forage-caps, $1	499 00
59 uniform-jackets, all kinds, $9.25	545 75
1,269 uniform-coats, all kinds, $12.50	15,862 50
1,506 great-coats, $14.50	23,142 00
918 pairs trousers, foot, $4 75	4,360 50
324 pairs trousers, mounted, $5.90	1,911 60
13 shirts, flannel, $2.32	30 16
64 pairs stockings, 48 cents	30 72
450 chevrons	
Total	91,525 23

At Philadelphia:

1,587 wool-blankets, $7	$11,109 00
1,156 uniform-coats, all kinds, $12.50	14,450 00
59 great-coats, mounted, $14.50	855 50
29 great-coats, foot, $12	348 00
441 sack-coats, lined, $4.80	2,116 80
4 sack-coats, unlined, $4	16 00
211 forage-caps, $1	211 00
24 cords and tassels, all kinds	.....
15,011 uniform jackets, all kinds, $9.25	138,851 75
1,049 shirts, flannel, $2.32	2,433 68
145 pairs trousers, mounted, $5.90	855 50
4,167 pairs trousers, foot, 4.75	19,793 25
Total	191,040 48

1871

At Jeffersonville:

254 forage caps, $1	254 00
127 uniform coats, $12.50	1,587 50
61 uniform jackets, $9.25	564 25
300 great-coats, all kinds, $14.50	4,350 00
924 sack-coats, lined. $4.80	4,435 20
78 sack-coats, unlined, $4	312 00
1,888 pairs trousers, foot, $4.75	8,968 00
1,596 pairs trousers, mounted, $590	9,416 40
2,762 shirts, flannel, $2.32	6,407 84
1 knit shirt, $2.25	2 25
11 sashes, $2.60	28 60
22,092 pairs stockings, 48 cents	10,604 16
500 chevrons, all kinds	.....
2,013 blankets, wool, $7,	14,091 00
53 cords and tassels, all kinds	.....
Total	61,021 20

At Philadelphia:

3,672 uniform coats, all kinds, $12.50	45,900 00
2,193 pairs trousers, foot, $4.75	10,416 75
1,139 pairs trousers, mounted, $5.90	6,720 10
1,300 uniform jackets, all kinds, $9.25	12,025 00
2,819 flannel shirts, $2.32	6,540 08
206 great-coats, mounted, $14.50	2,987 00
4,277 great-coats, foot, $12	51,324 00
2,959 sack-coats, lined, $4.80	14,203 20
94 sack-coats, unlined, $4	376 00
76 artillery caps, $1	76 00
30,000 pairs of stockings, 48 cents	14,400 00
Total	164,968 13

The percentage of moth-eaten stockings cannot be given: 300,000 were sold in all.

1872.

The proportion of moth-eaten clothing sold at the depots at Philadelphia and Jeffersonville cannot be ascertained from the inspection reports, but it is probably the same as in 1871.

Respectfully submitted.

CHAS. EBERT, *Clerk.*

QUARTERMASTER-GENERAL'S OFFICE, *December* 30, 1872.

RECAPITULATION.

	Jeffersonville.	Philadelphia.	Total.
1869	$149,478 17	$791,995 28	$941,473 45
1870	91,525 23	191,040 48	282,565 71
1871	61,021 20	164,968 13	225,989 33
	302,024 60	1,148,003 89	1,450,028 49

J. G. C. LEE, A. Q. M., U. S. A.,
Recorder of the Board.

2d. What articles had been treated by the Cowles & Co. process prior to the 30th of June, 1875?

The following table from executive document 17, Forty-third Congress, second session, House of Representatives, pages 66 and 67, is a statement of the articles treated by Cowles & Co.'s process up to 30th June, 1874.

C.

Statement showing articles of clothing and equipage and materials submitted to the process of Geo. A. Cowles & Co. during the periods specified below.

Period during the fiscal year ending June 30.	Quantities and articles.	Price.
1874	145,160¾ yards ¾ sky-blue kersey, at 10	$14,516 04
	22,964¼ yards ⅘ sky-blue kersey, at 20	4,592 85
	892,528¾ yards ¾ dark-blue flannel, at 6	53,551 67
	39,129 yards ⅘ dark-blue flannel, at 12	4,695 48
	49,094¼ yards ⅘ dark-blue cloth, at 20	9,818 85
	88,409 great-coats, at $1	88,409 00
	Total	175,583 89
	Cost of transportation, labor, &c	24,416 11
	Total fiscal year ending June 30, 1874	200,000 00

In addition to the foregoing, the Quartermaster's Department authorized the treatment of the following specified articles of clothing, equipage, and materials. But it is not known whether all the articles on the list thus authorized were prepared during the fiscal years, no report thereof having yet been received. The money appropriated therefor has, however, been expended upon these or their equivalents.

Period during the fiscal year ending June 30.	Quantities and articles.	Price.
1871	2,600 great-coats, foot 2,500 uniform-coats 2,500 pairs trousers 2,550 sack-coats 16,000 yards ¾ sky-blue kersey 21,600 yards cotton webbing 25 wall tents 25 common tents	$10,050 00
1872	140,000 yards ¾ sky-blue kersey 25,000 great-coats, mounted 10,000 uniform-coats	50,000 00
1873	100,000 yards ⅘ dark-blue cloth 100,000 yards ¾ sky-blue kersey 50,000 yards ¾ dark-blue flannel All the new cotton, hospital, wall, and common tents, the new canvas, and sufficient dark-blue cloth and flannel and sky-blue kersey, to absorb the appropriation	150,000 00

RECAPITULATION.

Fiscal year ending June 30, 1871	$10,050 00
Fiscal year ending June 30, 1872	50,000 00
Fiscal year ending June 30, 1873	150,000 00
Fiscal year ending June 30, 1874	200,000 00
Grand total	410,050 00

And the following from the annual report of the Quartermaster-General's Office for 1875, page 60, relates to the use of the appropriation of $30,000 made by Congress for this purpose for the fiscal year ending June 30, 1875.

C.—*Statement of expenditures on account of preservation of clothing, equipage, and materials from moth and mildew by the process of George A. Cowles & Co., during the fiscal year ending June* 30, 1875.

Quantity.	Subjected to process.	Price.	Amount.
18,268	Great-coats	$1 00	$18,268 00
964	Wall-tents	5 20	5,012 80
2,175	Wall-tents, flies	2 13⅓	4,640 00
355	Common tents	3 06⅔	1,088 66
1	Common tents (special rate)	2 65	2 65
3,244½	Yards sky-blue kersey, 3-4	10	324 45
32	Yards sky-blue kersey, 6-4	20	6 40
4,245	Yards dark-blue flannel, 3-4	6	254 70
4,023.4	Yards dark-blue cloth, 3-4	10	402 34
	Total		30,000 00

Respectfully submittéd.

J. D. BINGHAM,
Deputy Quartermaster-General, U. S. A.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., September 20, 1875.

3. What articles were treated with the remittance of $39,040.07 from the appropriation for clothing and equipage of the year 1875–'76, and were the prices the same as before the passage of this appropriation bill and its proviso? The following were so treated;

25,689¾ yards 3-4 dark-blue cloth, at 10 cents	$2,568 98
65,531⅜ yards 6-4 dark-blue cloth, at 20 cents	13,106 27
14,842⅜ yards 6-4 kersey, at 20 cents	2,988 47
8,343¼ yards 3-4 kersey, at 10 cents	834 33
5,10 wall-tents, at $5.20	2,652 00
1,611 common tents, at $3.06⅔	4,940 40
17,099 shelter-tents, at 70 cents	11,969 30
1 shelter-tent, at 32 cents	32
Total	39,040 07

The prices paid are the same as in previous years except that, as no shelter-tents had been subjected to the process until after June 1, 1875, a price was made for the 17,100 shelter-tents treated. It was 70 cents per tent, $11,969.30.

4th. What are the ingredients used by Cowles & Co. in their process?

The following extract from Executive Document 17, Forty-third Congress, second session, House of Representatives, page 64, is a portion of a letter from Cowles & Co., and gives the names of the ingredients. The whole letter will be found in the document already in the hands of the committee:

WASHINGTON, *May* 29, 1871.

SIR: In compliance with your request that we should present a statement in writing of the merits of Cowles's case, and Vilrow's patent for water-proofing and preserving fibrous material, we beg to submit the following:

"Our patent was issued September 20, 1864, and since that time we have been engaged in applying the process to woolen and cotton goods. The composition of our process is thus stated: 16 ounces albumen or gelatine; 8 ounces olive-oil soap; 28 ounces alum; 20 ounces sulphate of copper or chloride of zinc in different proportions, or bichloride of mercury; 16 gallons of water.

"The albumen or gelatine is coagulated by the astringent; the oil keeps it pliable; the alum acts as a mordant. The ingredients are mixed in one solution There is no precipitation or coagulation while in solution, and the whole can be filtered through paper without leaving any sediment or residuum whatever. The articles are thoroughly saturated, and, when dried, the composition is insoluble in water."

I was asked this morning who designated Colonel Rufus Ingalls as a member of the board of officers who investigated the matter in 1874.

I was not able to answer this question positively, but replied that it was quite likely that I had done so. I have inquired in the office and find no record that I suggested any of the names on the board appointed by the Secretary of War, and I have no recollection of having done so. Still, it is quite possible that I may have designated the officers available. Colonel Ingalls had been a member of the first board which examined this subject in 1872.

I also inclose a statement containing a history of the appropriations made by Congress for the process.

I remain, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, Brevet Major-General, U. S. A.

Hon. HIESTER CLYMER,
Chairman of Committee on Expenditures of the War Department.

4 inclosures. 637. Q. M. G. O., 1876.

Statement showing amounts of money appropriated by Congress, and set aside from regular appropriations, for the preservation of clothing and equipage by the process of Cowles & Co.

June 15, 1871. The Secretary of War directed expenditure of $20,000 from appropriation for clothing for fiscal year ending June 30, 1871, instead of $10,000, as recommended by the Quartermaster-General	$20,000 00
February 19, 1872. The Hon. Mr. Dickey informed the War Department that $50,000 had been inserted in the deficiency appropriation bill, and asked if anything should be placed in the regular bill; and, if so, how much? The language of the law is as follows: "For the preservation of Army clothing and equipage, fifty thousand dollars: *Provided*, That there shall be no claim upon the United States for the use of any patent, for the manner of, or material for doing the same."	50,000 00
February 21, 1872. The Quartermaster-General, in compliance with instructions of the Secretary of War, recommended that $150,000 be appropriated for the preservation of clothing during the next fiscal year 1872–73. The amount was not specifically appropriated, but was added to the regular appropriation. The following is the language of the law: "For purchase and manufacture of clothing, camp and garrison equipage, and for preserving and repacking stock of clothing, camp and garrison equipage, and material on hand at the Schuylkill arsenal and other depots, $770,000."	150,000 00
February 10, 1873. The Quartermaster-General attended a meeting of the Committee on Appropriations of the House of Representatives, in relation to the process, being called by the committee, but made no recommendation in his annual estimate for an appropriation of money for the process for the fiscal year ending June 30, 1874. Congress in making the appropriation for said fiscal year, specially provided for the preservation of clothing and equipage by the process. The following is the language of the law: "For preservation of clothing and equipage from moth and mildew, two hundred thousand dollars, which shall be available for immediate use."	200,000 00
In 1874. At the time the Quartermaster-General made his annual estimates, he inserted therein the item of $100,000 "for preservation of clothing and equipage from moth and mildew by the process of Cowles & Co., heretofore adopted and now in use." Congress, however, appropriated only $30,000. The following is the language of the law: "For preservation of clothing and equipage from moth and mildew, $30,000."	30,000 00
In 1875 the Quartermaster-General inserted in his annual estimates the item of $100,000 for the process, but it was stricken out by the Secretary of War.	
Total amount appropriated and expended for the process	*450,000 00

Respectfully submitted.

J. D. BINGHAM,
Deputy Quartermaster-General, U. S. A.

QUARTERMASTER-GENERAL'S OFFICE, *May* 16, 1876.

*The foregoing is exclusive of the $39,040.07 expended from appropriation for the fiscal year ending June 30, 1876.

No. 5.

STATEMENT

OF

HON. B. H. BRISTOW.

No. 5.

STATEMENT OF HON. B. H. BRISTOW.

WASHINGTON, D. C., *March* 20, 1876.

Hon. B. H. BRISTOW, Secretary of the Treasury, appeared voluntarily before the committee and was sworn.

The CHAIRMAN. I understand, Mr. Secretary, that you desire to make a statement with reference to a letter published in the New York Herald on Saturday last, purporting to come from Louisville, Kentucky.

Mr. BRISTOW. Yes, sir; I want to say at the outset that, though I am not prepared to offer proof of the fact, I have strong reason to believe that that letter did not come from Louisville at all, but was made up here in Washington. At all events, I have been advised for some weeks past that such a statement was being prepared, and would be published wherever they could get a newspaper to publish it. Of course I ought to say that I do not esteem it any part of my duty, nor do I think that the gentlemen interested would thank me to undertake the defense of that claim, with which I had no other than a professional connection. I have, on that subject, only to say that I have never had the slightest reason to suspect the perfect fairness of the claim, nor the integrity of the parties in whose name it was prosecuted. They are citizens of my State, living in a part of it remote from my own residence. I believe they were all citizens of Clark County, Kentucky. With one of them, who died before the case was tried, I had quite pleasant and somewhat intimate personal relations, having served with him in the senate of my State, Mr. Harrison Thompson. His son-in-law, Mr. Groome, was the active claimant here. Some time in the late spring or ear y summer of 1873, I was here in Washington on professional business, having no connection with the Government service, having resigned the office of Solicitor-General in the autumn of 1872. Mr. Groome came to me to employ me to argue a case in the Court of Claims, which, he said, had been referred there by the War Department. He gave me a statement of the case, and said to me, among other things, that his firm, composed of stock-raisers and farmers, had borrowed the money to purchase these mules in the emergency, and that, on account of the sudden and great depreciation in value of the stock by the collapse of the rebellion and the failure of the Government to receive them, they had sustained very heavy loss. My recollection is that he stated their loss at nearly $200,000, and said that they had been carrying in bank a large amount of paper arising from the borrowing of the money to purchase the mules; that it was a matter of great importance to all of them, and that unless they succeeded in procuring judgment, they would be able to pay me no fee at all, or a very small one; that they could perhaps pay my expenses with a very small fee. I said to him that it was not my habit to accept contingent fees; that, although that was regarded as legitimate practice in the West, much more generally than in the East, I believe, yet it was not my habit to accept contingent fees, but that in this case, in view of what seemed to be the dilemma in which the firm found themselves, and their desire to have my professional services, I would argue the case for them in the Court of Claims and in the Supreme Court, if it should go there, or wherever it should go, upon his agreeing to pay me the expenses which would be incurred in coming here, with such compensation as he could pay if he lost the case, or in the event of success, to pay me ten per cent. on the amount of the judgment. That he agreed to. I then saw, I do not remember at what time, Mr. T. J. D. Fuller, who was a resident attorney in Washington, and who, I am sorry on more accounts than one to say, died a few weeks ago. He had been formerly, I understand, a member of Congress from Maine, and subsequently one of the Auditors or Comptrollers of the Treasury, perhaps under Mr. Buchanan's administration. I do not know about that. I had known him here a little. I took his brief of the case, (he having conducted entirely the making up of the proofs, so far as I know, and I, never having been employed in the matter, except as counsel,) and upon that brief I prepared my legal argument. The case is reported in the 9th volume of the Court of Claims Reports, and if the committee see fit to turn to it they will find that the only questions raised were questions of law. The Assistant Attorney-General, Mr. Goforth, who represented the Government, made no question whatever on the facts. The proof of them seemed to be entirely conclusive, the fact that these parties had the mules at proper points ready to be shipped; the fact that part of the mules were on the train at the time notice came from the Government that they would not received; the fact of the sudden depreciation in value of the mules; the fact of the price at which these parties had been able

to sell them, all seemed to be uncontroverted. Even Judge Drake, who delivered a dissenting opinion in the case, raised no question as to the good faith of the claim, or the facts of the case; his dissent being solely on questions of law. There were involved in the case two interesting questions of law. I suppose it is not necessary for me to state what they were. The majority of the court gave the claimants a judgment for $108,750. I believed at the time, and yet believe, that the judgment was right. Perhaps I ought to state here that, on examining the records, I find that I argued the case on the 29th of October, 1873. The judgment was rendered on the 5th January, 1874; that court having taken the intervening time to consider it, so there seems to have been no great haste there. The case having been referred to the Court of Claims by the War Department, it appears that payment was made out of a fund in the control of that Department. I should have said that I had no more to do with the case after the argument in the Court of Claims. I remember very well to have introduced my client, Mr. Groome, to the Assistant Attorney-General in the court-room on the day of the argument, and I have an impression (about which, however, I cannot be positive) that I also at some time introduced him to the Attorney-General as a gentleman of character and standing in the State. I had nothing more to do with the case until, I think, some time in February; my memory is not distinct about the date. I was in Washington again then, and Mr. Groome called upon me and told me that he had collected his judgment and was prepared to pay my fee, and he did pay me $10,870, or ten per cent. on the amount of the judgment. Since this publication has appeared, I have sent down to the Third Auditor's Office and to the Treasurer's Office, and procured the official papers on which the payment was made. You will bear in mind, Mr. Chairman and gentlemen, that I have already stated that the judgment was rendered on the 5th of January, 1874. On the 14th February, 1874, Mr. T. J. D. Fuller, the attorney of record in the case, writes this letter to the Secretary of War:

"WASHINGTON, *February* 4, 1874.

"To the honorable SECRETARY OF WAR:

"SIR: I herewith present the transcript of the judgment of the Court of Claims in the case of John Thompson *et als.* against the United States, for the sum of $108,750. The Attorney-General, after due consideration, deems it not necessary further to delay and litigate the claim. It will be recollected that you transmitted this matter to the Court of Claims for judicial investigation and determination. The judgment is payable not out of moneys appropriated to pay the judgments of the Court of Claims, but out of appropriations for the support of the quartermasters' division. I have respectfully to request that you will transmit the transcript by letter to the Second Comptroller of the Treasury, with the further request that he take the necessary steps to have the matter speedily adjusted by stating an amount for the payment of the judgment.

"Very respectfully,

"T. J. D. FULLER."

On that letter is this indorsement: "Respectfully referred to the accounting-offic of the Treasury, and attention invited to the inclosed copy of letter of the Attorney-General. Payment of the judgment is approved.

"W. W. BELKNAP,
"*Secretary of War.*

"WAR DEPARTMENT, *February* 4, 1874."

Also, this indorsement:

"Respectfully referred to the Third Auditor of the Treasury to state an amount in conformity with the judgment of the court. The claimants, or one of them, is now in town awaiting the action of the accounting-officers, and the Auditor is requested to act upon it at his earliest convenience.

"J. M. BRODHEAD,
"*Comptroller.*

"FEBRUARY 4, 1874."

With that was transmitted a transcript of the judgment, attested by the clerk of the Court of Claims. I presume that I have in my hand a copy of the letter referred to in the indorsement of the Secretary of War. It is as follows:

"DEPARTMENT OF JUSTICE,
"*Washington, February* 4, 1874.

"SIR: I have received your letter of this date relative to the case of John A. Thompson *et als.* against the United States, judgment in the Court of Claims, and have to inform you that no appeal will be taken in the case of the United States.

"Very respectfully,

"GEO. H. WILLIAMS,
"*Attorney-General.*

"Hon. W. W. BELKNAP,
"*Secretary of War.*"

The letter from the Attorney-General to the Secretary of War refers to a letter received from the Secretary of War, which, of course, is not here.

Then the case having been made "special" by Comptroller Brodhead's indorsement, seems to have gone into the form of a warrant, which also was made "special" by Mr. Sawyer, Assistant Secretary of the Treasury. This warrant was issued on the 6th day of February, two days after that indorsement. It was made special by Mr. Sawyer, and drawn by the other Assistant Secretary, Mr. Hartley. To that was attached a draft (No. 39263) upon which the judgment was paid.

"*War-warrant* 531.

"TREASURY OF THE UNITED STATES,
"*Washington, February*, 6, 1874.

"Pay to the order of Harrison P. Thompson, William B. Moore, John A. Thompson, Ben. B. Groome, under the firm-name of John A. Thompson & Co., one hundred and eight thousand seven hundred and fifty ($108,750) dollars.

"Registered February 6, 1874.

"JOHN ALLISON,
"*Register of the Treasury.*

"Paid by assistant treasurer, New York.

"L. G. TUTTLE."

On that warrant are these indorsements:

"This draft may be paid on the indorsement of the firm-name or either member of it.

"R. W. TAYLER,
"*Comptroller.*

"FEBRUARY 6, 1874."

"Pay to Riggs & Co., or order.

"JOHN A. THOMPSON,
"Per BEN. B. GROOME."

"Pay Bank America or order.

"RIGGS & CO.,
"Per ——."

I had no knowledge of the manner in which the claim was paid. I knew nothing about it. I never spoke with any officer of the War Department or of the Treasury Department about the claim. My whole connection with it was in the argument in the Court of Claims. I say this not at all by way of reflecting upon the claim, for I have no reason to believe, and never had, otherwise than that it was a perfectly just and honest one. I have never heard its fairness questioned until this publication, or until within a few weeks past, when I have heard rumors that something of this sort was to be sprung against the Secretary of the Treasury. I speak of it only by way of illustrating my own connection with the case, to show that I had no connection with it other than a professional one, for which I received the compensation I have stated. It is rather a delicate thing for a gentleman to state before the public what he gets from a client as a fee, but I suppose that under the circumstances it would be hardly a full response to the charge if I did not state it.

The CHAIRMAN. Your fee was paid you?

Mr. BRISTOW. O, yes; my fee was paid by a check on Riggs & Co., with whom the money was deposited, as the draft shows; just when it was paid I do not know, but I think it was in February of that year. I know I was here during that month on other business, and it may have been only a day or two after this collection. I know that the first knowledge I had of the collection was when Mr. Groome, my client, came to my room at the hotel, and told me that he had collected his judgment and was ready to pay my fee. What Mr. Fuller got in the case I do not know. It was not my business to inquire, and I never did. I ought to say further, explicitly, that the statement in this publication as to my receiving half the claim, or any other part of it, except as I have stated, is absolutely and unqualifiedly false; nor have I any knowledge at all of where the money went to other than as this warrant and the draft show.

The CHAIRMAN. You have stated, I believe, that you had no communication with the Attorney-General or his assistant, or with the Secretary of War, or any one in either of those Departments, with reference to the refusal to take an appeal?

Mr. BRISTOW. I have an impression on my mind that at some time in the progress of the case, before or after the judgment—I think, perhaps, it was after the argument and before the judgment—I introduced my client to the Attorney-General, but whether anything was said about an appeal at that time or not I have no recollection, but I do not think anything was said on the subject.

The CHAIRMAN. You have no recollection that you had any conversation on that subject?

Mr. BRISTOW. None at all. I only remember that my agreement with Mr. Groome was, that I should argue the case in the Supreme Court, or wherever it went, in whatever court

it went to—nowhere else. I am very sure that I never spoke to the Secretary of War at all on the subject. These papers show that the Attorney-General conferred with the Secretary of War about the question of an appeal, and acted in pursuance of his recommendation, but I am very sure that I never spoke with him on the subject, nor with any official of the Treasury Department; nor did I ever know till last Saturday afternoon, until I looked into these papers, how the claim was paid, or who collected it.

Mr. BASS. Do you recollect what the date of the order was upon which those mules were purchased?

Mr. BRISTOW. I cannot state that.

Mr. BASS. Is it stated correctly in the Herald?

Mr. BRISTOW. I do not know whether it is correctly stated there or not. I have not looked at the record at all. I remember generally that it was claimed to have been given after the battle of Nashville, at the time when General Thomas's army was preparing to move in concert with General Grant's and General Sherman's armies.

Mr. BASS. It was a short time before the war closed?

Mr. BRISTOW. Yes; it was a short time before the final collapse of the rebellion.

Mr. BASS. I understand, then, that the limit of time within which the mules were to be delivered to the United States had expired when the rebellion was overthrown? There was, then, no longer any necessity for any more mules to be delivered to the United States?

Mr. BRISTOW. [Referring to the Herald article.] I do not know that this a correct transcript of the records at all. I have not compared it, but it seems by this that the mules were to be delivered on or before the 20th of April.

Mr. ROBBINS. The 3rd. I know something about that.

Mr. BRISTOW. My recollection is that the contract was very promptly executed, notwithstanding the great scarcity of mules at the time.

Mr. BASS. All the preliminary testimony, with regard to the value of the mules before the war ceased, and as to their depreciation in value after the end of the war, when the country was flooded with mules, had been taken before you came into the case.

Mr. BRISTOW. Yes; but there seemed to have been no question made about that at all.

Mr. BASS. According to the practice in the Court of Claims, as I understand it, in taking that preliminary testimony which was presented to the court, and on which your arguments were based, both sides were represented, the United States by its proper counsel, and claimants by theirs.

Mr. BRISTOW. Yes.

Mr. BASS. So that there was a full opportunity of taking all the testimony that existed on the subject.

Mr. BRISTOW. Yes; that is the way that the testimony was taken. I cannot say that I ever read the whole of the testimony; I argued the case on the brief made by Mr. Fuller. It seemed to be a very full brief. I learned that the Attorney-General made no question on the facts, and I followed Mr. Fuller's brief of the facts so far as I argued on the facts, but my argument was mainly on questions of law.

Mr. BASS. One of those questions of law, I understand, was as to the validity of that order, and the action that had been taken under it, as to whether that constituted a contract by which the United States was bound.

Mr. BRISTOW. Yes; this publication fails to state the fact that these parties, my clients, accepted this order verbally, and by verbal arrangement with the quartermaster completed the contract. It was not claimed that this order itself was a complete contract. One of the questions raised in the case was whether a contract might be partly in writing and partly oral; that question, of course, did not last very long; it was soon disposed of on authority. Another question raised in the case was whether Taylor, the agent, having failed to disclose the name of his principal at the time, that vitiated the contract; upon that question also authorities are very abundant. It has been held both in this country and in England that an agent need not disclose the name of his principal to make the contract valid.

Mr. BASS. At the time of your connection with this cause you were holding no office whatever under the Government?

Mr. BRISTOW. No office whatever; I was fortunately out of Government office at the time of my employment, and for some months before. The case was concluded, and my fee paid in February, 1874, I think, and I went into the Treasury in June, 1874.

Mr. BASS. Please state when you resigned your office of Solicitor-General.

Mr. BRISTOW. It was in the autumn of 1872, after the presidential election; although it was known to the President before that I proposed to go out.

Mr. BASS. And this argument was not made until the autumn of the following year?

Mr. BRISTOW. On the 29th of October, 1873, I argued the case.

Mr. BASS. After you argued the case did you remain in Washington?

Mr. BRISTOW. No, sir; I went away. I was not here when the case was decided.

Mr. BASS. Did you have any further connection with the case after the argument, except to receive your fee?

Mr. BRISTOW. None whatever, except that it is possible—and I have an impression that between the time of the argument and the time I received the fee I introduced my client to the Attorney-General, and it was probably at the very time of the argument. I know I in-

troduced him to Mr. Goforth, at the time of the argument, in the court-room, and Mr. Groome desired me to present him to the Attorney-General, and I think I did so before I went home. I not only introduced him, but I indorsed him as a gentleman of character and standing.

Mr. BASS. You were appointed Secretary of the Treasury at what time?

Mr. BRISTOW. It was either on the 3d or the 5th of January, 1874.

Mr. BASS. That was some time after this claim had been disposed of?

Mr. BRISTOW. Yes, sir.

Mr. BASS. Did you, or do you, regard the fee received as at all an unusual one?

Mr. BRISTOW. That is the only case I have ever argued in the Court of Claims. I have been told by gentlemen who have been in the habit of arguing cases there that the fee was not up to the maximum; but it was an unusual fee for me, in this, that I was not accustomed to take contingent fees in any case, although, as I said before, the practice has been more common in the West than in the East.

Mr. BASS. If the court had happened to have beaten you, you did not expect to get any particular compensation?

Mr. BRISTOW. No, sir; I suppose I should have had nothing at all.

Mr. BASS. Do you know anything as to why no appeal was taken?

Mr. BRISTOW. Nothing at all.

Mr. BASS. When and where did you first learn that no appeal was taken or to be taken?

Mr. BRISTOW. I first learned it when Mr. Groome called at the Arlington to say that he was ready to pay my fee. I ought to say this, that the case had impressed me as so entirely meritorious and just, that I was not at all surprised when I heard that the Government had determined to take no appeal.

Mr. BASS. These gentlemen were very much embarrassed in their circumstances by this unsettled claim, you say?

Mr. BRISTOW. They so represented to me; that they were carrying the debt at a high rate of interest, and that great delay would embarrass them very seriously. Of course, I have no personal knowledge of this case; I only know it as it is found of record.

The CHAIRMAN. You had nothing whatever to do with getting up the facts in the case?

Mr. BRISTOW. Nothing at all.

The CHAIRMAN. They were prepared by Mr. Fuller, and all you did was to argue the case?

Mr. BRISTOW. That is all. My impression is that I never even read all the proofs in the case, but argued it on his brief.

The CHAIRMAN. There seemed to be, you say, no dispute as to the facts, but one or two questions of law were involved, and those the court decided in your favor; and there your connection with the case ceased?

Mr. BRISTOW. Yes, sir. I venture to call your attention, gentlemen, to another point. I do not want to vex the committee, or to make any request that is improper, but I should like to intimate to them that if in the course of their duties they can ascertain how such stories as this are put in circulation, and who is responsible for it, I should be very glad indeed to have them do so.

The CHAIRMAN. We have so much that is pressing us at present that we cannot do it now, but we do propose before we close this examination to try to discover something about that.

Mr. BRISTOW. I propose to give some of my own energies to that matter, and if I can ascertain the facts I will be very glad to lay them before the committee. . There is one other suggestion that I ought, perhaps, to make. I have made inquiry as to where Mr. Groome, the active claimant in this case, is, and I am informed that he is, abroad. He is a stock-raiser and an importer of blooded stock, and I understood that he went abroad some time during the last autumn and has not yet returned.

No. 6.

TESTIMONY

REGARDING THE

CHARGES AGAINST HON. M. C. KERR.

No. 6.

TESTIMONY REGARDING THE CHARGES AGAINST HON. M. C. KERR.

[House report No. 654. Forty-fourth Congress, first session.]

CHARGES AGAINST HON. MICHAEL C. KERR.

JUNE 12, 1876.—Ordered to be printed with accompanying testimony.

Mr. CLYMER, from the Committee on Expenditures in the War Department, submitted the following report:

The Committee on Expenditures in the War Department, after full investigation into the charges made against Hon. M. C. Kerr, to the effect that the said Kerr, while a member of the Thirty-ninth Congress of the United States, in 1866, had nominated one Augustus P. Greene, of New York, to an appointment in the Regular Army of the United States, and, in consideration of such appointment, had received the sum of four hundred and fifty dollars, would submit, that upon a thorough inquiry into the facts, after full examination of Lawrence Harney, (the only witness making the charge,) also of Augustus P. Greene and divers other witnesses, it appears that in 1866, while he was a member of the House of Representatives in the Thirty-ninth Congress, Mr. Kerr did, in the exercise of his right or privilege as such Representative, nominate the said Augustus P. Greene for an appointment in the Regular Army; that such nomination was made upon the application of said Greene, several Representatives from New York, including the member from his own district, being unable to present his name by reason of their engagements in that regard to other persons desirous of securing such appointment; that said Greene was furnished with, and showed to Mr. Kerr, letters of commendation and indorsements from many worthy and prominent citizens of New York, together with letters of indorsement from divers officers of the United States Army; that additional indorsements from parties in New York, with whom he was personally acquainted, were required by Mr. Kerr; that such additional vouchers of Greene's worth and fitness were secured and presented; that Hon. Morgan Jones, at that time a member of Congress from New York, made application in person to Mr. Kerr, soliciting at his hands the appointment of Greene; that no application for the place had been or ever was made to Mr. Kerr by any citizen or resident of his own district; that the time within which such right of appointment could be exercised was about to expire; that the appointment had been tendered by Mr. Kerr to several of his constituency, at least two, and by each of these gentlemen it had been declined. It was under these circumstances that Mr. Kerr conferred upon Greene the nomination for an appointment in the Regular Army, which, after examination before the proper board, was given him, and your committee most emphatically declare their conviction of the perfect and absolute propriety of the action taken by Mr. Kerr in the premises. It does appear from the testimony that the money, $450, was paid by Greene to Lawrence Harney upon assurance given by Harney that for the sum of five hundred dollars he (Harney) could secure the appointment; that Harney did receive the money from Greene, and reported to him that he had paid the same to Mr. Kerr.

This statement stands alone and unsupported. From the testimony of Greene it appears that he knows nothing of the transaction, beyond the payment of the money by him to Harney. From the whole of the testimony, in the face of other and conflicting statements made by Harney to divers persons in relation to the transaction, coupled with the counter-statements of other witnesses and the circumstances attending the transaction, your committee have found no difficulty in reaching the conclusion that the charge, as made by Harney, as to the payment of the amount of money stated, or any other sum, to Mr. Kerr, for the object and purpose named, is unqualifiedly false; that Mr. Kerr stands fully exonerated from all implication in any wise affecting his personal honor or official integrity.

Your committee find nothing throughout the whole progress of this investigation to impair or detract from the well-established reputation that he enjoys for unquestioned personal integrity and unsullied purity of official record. All of which, together with the testimony taken, is herewith respectfully submitted as the unanimous action of all the members present.

HIESTER CLYMER.
WM. M. ROBBINS.
JO. C. S. BLACKBURN.
L. DANFORD.

TESTIMONY.

WASHINGTON, D. C., *May* 27, 1876.

AUGUSTUS P. GREENE sworn and examined.

By Mr. BASS.

Question. How are you called, captain or colonel?—Answer. I am called colonel. I was brevetted colonel by the governor of the State of New York.

Q. Where do you reside?—A. 29 Madison street, New York City.

Q. How long have you resided there?—A. I have resided there forty-eight years. I was born in the house.

Q. What is your present occupation?—A. I have no occupation at present. I have an income that is sufficient to sustain me moderately.

Q. State whether or not you were formerly appointed to a second lieutenancy in the Army?—A. I was.

Q. When was that?—A. Some time in 1866. My rank dated the 20th of July, 1866. That is the date of my commission.

Q. State whether or not you came on to Washington with reference to your appointment?—A. I was on here several times, I think, from December, 1865, up to May or some time in June, as I had made an application before a board of Army officers convened November, 1865, which those recommendations spoken of in that paper enumerate.

Q. State what steps you took from that time with reference to securing that appointment?—A. I saw by the papers that there was a board of Army officers about being convened in Washington to examine applicants for appointments in the Army, and that board requested applicants to forward their testimonials, which I did; and I think I understood I had the co-operation of Senator Harris, of New York, in the matter. It appears that the action of the board never resulted in anything, as appointments then were given to the Representatives; as I understood it, each Representative had one appointment. I went to my Representative, and he had already nominated a man, a one-armed arm, he said; which I told him was perfectly satisfactory. I was glad that such men should be taken care of. I came on to Washington to see what I could do myself, and Mr. Harney, who was at that time an assistant door-keeper of the House of Representatives——

Q. Were you acquainted with him?—A. Yes, sir.

Q. Did you have some talk with him as to your motives in coming here—what you desired?—A. Yes, sir; he knew it perfectly well; and he stated that he could procure a nomination for a consideration; which I agreed to.

Q. State fully what that talk was.—A. Well, he said that he could get me a nomination for a certain amount of money.

Q. How much money?—A. It was either three or four hundred dollars, I could not tell which, it is so long ago; and I agreed to it, and the nomination was procured.

Q. Where did you meet Mr. Harney?—A. I met him here in Washington.

Q. At the Capitol, or elsewhere?—A. I think likely it was in the Capitol building.

Q. Can you testify now with any greater certainty the sum of money that was to be paid to secure this nomination?—A. No, sir; I cannot. It was somewhere about three or four hundred dollars. It is so long ago that the exact amount has escaped my memory.

Q. After that first interview you had with Mr. Harney, to which you have just referred, state what was done in reference to carrying out this arrangement.—A. I agreed to the proposition, and was introduced to a Representative, Hon. Mr. Kerr; I think it was outside of the Chamber of the House of Representatives. I was introduced by Mr. Harney, stating that I was the worthy young man that he had spoken of that was very desirous of having an appointment in the Army. Some conversation took place there, and I think Mr. Kerr said that he had not time to talk to me then, but he would see me some other time; and I am not positive but at the time of introduction he invited me to call at his house where he could talk with me more fully.

Q. Did you send in your card, or how was the introduction brought about? State exactly how it occurred that you met Mr. Kerr.—A. I was introduced by Mr. Harney.

Q. Where was it?—A. It was outside of the Chamber of the House. My impression is that it was just outside of the door on the left.

Q. Do you know how it happened that Mr. Kerr went out there?—A. My impression is that Mr. Harney went in and spoke to him. Mr. Harney was on duty at the time at the door, as near as I can recollect.

Q. Go on and state what occurred from that time forward.—A. I have stated that Mr. Harney introduced me as Mr. Greene, the applicant for an appointment of whom he had spoken. From that I took it for granted that he had already mentioned the subject to Mr. Kerr, and some general talk took place. I think Mr. Kerr told me that he had not time to talk to me then, and I believe that he invited me down to his rooms where he could talk to me more fully, but whether it was that night or some other night I do not know. I cannot say whether it was that same evening when the introduction took place or on some subsequent evening. I know I staid in Washington about a week at that time.

Q. What was the next thing that took place in this business?—A. The next thing that occurs to me now is that I called on Mr. Kerr at his room, and I think I remained about half an hour, as near as I can recollect. I staid there some time, and Mr. Kerr talked with me upon my military services and so on, and about the testimonials that I had, and from that I think the conversation took a turn upon other subjects—subjects of the day. I do not know now what they were, and I made up my mind that he was endeavoring to investigate as to the amount of my intelligence or something of that kind, whether I could fill the position creditably, whether he would be justified in nominating me for appointment. He said that my record was very creditable, and he thought that I was entitled to some consideration; that he had not made any appointment yet; that he had nominated a man from his district, but the man had refused to go before the examining-board, and he asked me if I was prepared to go before the board. I told him I had been studying pretty hard for the last three or four months with that view, and I thought I could pass; he said he thought I could, also. Then he said he would like to have some letters from prominent men in New York, where I lived, addressed to him personally requesting the appointment. I told him I would endeavor to get them, and I did go on to New York.

Q. Tell further what was said on that occasion before going to New York.—A. Well, that was about the last thing said, about getting those letters.

Q. Was there anything said with reference to going to the War Department with you?—A. I cannot say that there was anything; there might have been. I know that we did go to the War Department together.

Q. Was that the next thing that was done?—A. I do not know whether it was the next thing or whether it was when I returned from New York after additional recommendations had been procured from individuals in New York.

Q. Tell, then, as near as you can recollect, what did transpire next after the interview you had that evening.—A. I would like to say that it is so long ago, and my life has been such a busy one since then, and having no memoranda or anything of that kind, it is extremely difficult for me to recollect. However, I will try to do the best I can. The only thing that I know after that interview at Mr. Kerr's is that probably I returned to the boarding-house where Mr. Harney and I were stopping. It was his boarding-house.

Q. Did you have an interview with Mr. Harney there?—A. It is most likely I did.

Q. Did you go back to New York at some subsequent time to get further recommendations?—A. I did go back to New York and get further recommendations; about that time I went to New York and succeeded in getting those recommendations and then returned. The further events I cannot recollect exactly—the exact succession.

Q. Well, state it as near as you can.—A. I think it was after Mr. Kerr had received those recommendations that he went with me to the War Department, and there my name was entered for an appointment.

Q. Do you recollect signing an application at the War Department?—A. Yes, sir.

Q. Do you recollect whether or not he signed a recommendation at the same time?—A. That I cannot say; I don't recollect that part of it. I know there was a form which I signed. I recollect that, and I recollect another circumstance: that I was told that the artillery was full or the cavalry was full, I do not know; however, I selected the infantry. I signed an application.

Q. Was that in the presence of Mr. Kerr?—A. I think it was.

Q. What else took place there, if anything?—A. Well, that was about the last of it with Mr. Kerr.

Q. What did you do then?—A. I had paid, or rather I transferred, some money to Mr. Harney, but whether it took place before that or after I am not positive; at what time I transferred this money to him I cannot tell.

Q. That was in accordance with your arrangement with Mr. Harney?—A. According to my arrangement with Mr. Harney. Then I went home, and, if my recollection serves me, I sent the balance from New York to Mr. Harney.

Q. How did you send it?—A. That I cannot tell; whether by an ordinary letter in the post, or by a registered letter, or by a money-order. It was sent, however.

Q. How much money did you give Mr. Harney the first time?—A. That I don't recollect.

Q. What kind of money was that?—A. I think I handed him some money; I am pretty sure that he got it in that way, that I handed it to him; I do not think it was done by check or anything of that kind; I think it was in bills of various denominations.

Q. Do you recollect where you handed that to him?—A. No, sir; I do not. I think it was in the park in front of the Capitol building.

Q. Do you recollect where you got this money, and when, with reference to this transaction, you got it?—A. I got it from home.

Q. Do you recollect whether you brought it here with you or whether you received it afterward?—A. My impression is that the money I had with me I brought from New York and handed it to Mr. Harney, and, as I said before, there was a balance which I think I sent by some conveyance from New York.

Q. But the amount you cannot tell?—A. No, sir; it was somewhere in the vicinity of $300 or $400, say $400. It is impossible for me to recollect exactly.

Q. Where did you get the first installment of that money that you paid to Mr. Harney?—A. I either got that money from my mother or my brother. I had none myself.

Q. Where did you get the money that you sent by this other conveyance?—A. Probably from the same source.

Q. Can you now recollect from which source it was?—A. No, sir; I could not say positively.

Q. Now, to go back a little, had you ever known Mr. Kerr before that time?—A. No, sir.

Q. Was he a member of Congress at the time?—A. Yes, sir.

Q. Which Mr. Kerr was it?—A. This was the Hon. M. C. Kerr, Representative from Indiana.

Q. The present Speaker of the House?—A. The present Speaker I presume it is, if that is the Hon. M. C. Kerr, from the New Albany district of Indiana.

Q. Do you recollect how long it was after you had the first interview with Mr. Harney, in which he said he thought he could help you for a consideration, that you were introduced to Mr. Kerr?—A. I could not say exactly; it must have been a short time after.

Q. If you have any recollection on that subject, or any conviction or impression on your mind as to the length of time, please state it.—A. My impression is that it was done right away after I had agreed to the proposition. I agreed to the proposition, and I think the introduction took place soon afterward; I could not say how soon afterward—within twenty-four or it may have been within two hours. I think it was done very soon afterward; there was no time lost in the matter.

Q. But nearer than that you do not now recollect?—A. No, sir; I cannot.

Q. At this first interview between you and Mr. Harney did Mr. Harney make any reference to any particular member of Congress whose influence he could get for you?—A. Yes, sir; he spoke of Hon. M. C. Kerr.

Q. What did he say?—A. He said, as near as I can recollect, that Mr. Kerr had not made his appointment yet, had not made his nomination, and that he could get it and it would cost a certain amount, and he specified the amount. What that amount was I cannot recollect exactly. It was the amount paid anyhow. I agreed to that immediately. It was either three or four hundred dollars; some such sum.

Q. How long after that was it, do you think, that you went to New York to get these additional recommendations?—A. My impression is that I started immediately, within a day or two.

Q. How long were you absent in New York to get the recommendations?—A. I could not say. I should think if I went on business of that kind I ought to consummate it within eight or ten days. I know I lost no time.

Q. Did Mr. Kerr, in his interview with you, specify any particular recommendations he wanted from New York?—A. No, sir; he said from some prominent men there.

Q. General letters in your behalf?—A. Yes, sir; requesting him to make the appointment.

Q. How many such letters did you get?—A. Probably two or three, I cannot remember exactly, from prominent men.

Q. What were the other recommendations that you had originally?—A. They were on file in the War Department, because I had sent them there to be used before that Army board in November, 1863. They were there with the recommendation of Senator Harris.

Q. Those papers had reference to your military record?—A. Yes, sir; to my military record and so on, and alluding to my character as a gentleman.

Q. During any of these interviews with Mr. Kerr did you have any conversation with him about money or your paying for this?—A. No, sir.

Q. In no way at all?—A. No, sir.

Q. Or did you advise him or say anything to him with reference to your arrangement with Mr. Harney?—A. Not at all, sir.

Q. So that, so far as anything passed between you and Mr. Kerr, there was no such talk or understanding?—A. No, sir; not a word.

Q. I understood you to say that Mr. Harney and you stopped at the same boarding-house?—A. Yes, sir; the house where he was boarding; and, if I recollect right, Mr. Harney had also spoken about some other Congressman through whom he was in hopes of getting me an appointment, but I forget who it was. Previous to being introduced to Mr. Kerr I was introduced to this other Representative, but that did not amount to anything. That was the same week I was here.

Q. State in what regiment you served and in what capacity during the war.—A. I served in the Fifteenth New York Volunteer Engineers. As this is bearing on my military record,

I wou'd say that when a boy I enlisted for the Mexican war, and one week after Fort Sumter was fired on I commenced raising a company myself.

Q. That was in New York, and not in Indiana?—A. In New York. Then I went out as first lieutenant. I put in another man as captain, because I thought he had more military knowledge. Then I served my time in the Fifteenth New York and was promoted to captain, and afterward I was brevetted by the governor of the State of New York major, lieutenant-colonel, and colonel, but the real rank in the volunteer service was captain.

Q. This service of yours, then, was in New York regiments?—A. Yes, sir.

Q. Did you at that time have any association or any particular acquaintanceship in Mr. Kerr's district or in Indiana that aided you with reference to this appointment?—A. None at all, sir.

Q. Do you recollect when and where you received your commission?—A. I received it in New York. It was sent by mail; it was somewhere in the latter part of August that I received my commission as second lieutenant.

Q. How long did you serve in the Regular Army?—A. From 1866 to 1873.

Q. You resigned, did you?—A. No, sir.

Q. You are out of the service, now?—A. I am out of the service.

Q. To whom, if any one, since this appointment was first secured to you, have you disclosed the circumstances of your appointment before coming before this board?—A. I have never disclosed it to any one. I have never breathed it, nor ever hardly thought of the manner or mode.

Q. Have you ever seen Mr. Kerr or had any conversation with him since your original appointment?—A. I have seen Mr. Kerr, but I have never had any conversation with him in reference to this appointment.

Q. How many times have you seen him since?—A. I was returning from the Pacific coast in 1869. I had been out there three years, and I was coming up the Ohio River, and the boat stopped at New Albany, and I went ashore to pay my respects to Mr. Kerr.

Q. He was at home and you saw him?—A. Yes, sir; it was late, too, and I woke him up and told him I was passing, and the boat stopped there, and I could not leave without paying my respects to him.

Q. Since that time have you met him?—A. I do not know. I am not positive about that; I am not positive whether I ever called upon him here in Washington or not. If I did, it was in the Chamber there. I once stopped there, I know, to pay my respects to a Congressman from my district. Whether I got the two matters mixed up I do not know. I really am not positive whether I stopped here or not, but I know I called at New Albany in 1869. I have a kind of impression that I did stop once here on passing through Washington.

Q. If you did, when was it; some time ago or recently?—A. O, it was some years ago.

Q. State whether or not you have been approached within the last two or three months with reference to this appointment of yours by any individuals seeking to have interviews with you.—A. The first time it was called to my attention was that Mr. Harney called to see me. I had not seen him for six or eight months. I know that when I first returned he called upon me and I hesitated about going over to the appraiser's office. I told him, "If I do not call over there you must not think it is any neglect on my part; it is because I know it is not right to interfere with a man in business." I had not seen him for six or eight months, and he called to see me, and after the usual compliments passed he alluded to something or other about that matter. I said, "I don't recollect anything at all about it, sir; it is so long ago." "Well," he says, "I want to tell you there is something going on; they are endeavoring to get me to move in that matter," and so on, and I said I did not wish to talk about it at all. That was the first intimation I had.

Q. State when that was, as near as you can recollect?—A. I should think that probably was about eight or ten weeks or two months ago, as near as I can recollect.

Q. Have you seen Mr. Harney since that time?—A. Yes, sir.

Q. What occurred then?—A. I think it was two or three weeks after that a man came to my rooms and wanted to know if this was Mr. Greene. I told him it was, and he said, "I have come to have some private conversation with you in relation to a rumor that is afloat that you have paid Mr. Kerr money for your appointment." I said, "Do you come from the appraiser's office?" Said he, "I do." I said, "There is not a word of truth in it" Then he commenced asking me about my rank and military record. I said, "I have no objection to telling you that, because you can find from other sources. It is a matter of record of the State of New York and also in Washington, and I told him; then he commenced on other subjects relating to this affair about Mr. Kerr, and I declined to answer any questions at all. That man came again, and wanted me—— well, after I had asked him if he came from the appraiser's office, I said to him, "Is Mr. Darling in the appraiser's office yet?" and he said he was. I knew from the report in the paper Mr. Darling had been superseded by some one else, and then suspected something immediately. Then he called again and wanted me to go to some law-firm in Nassau street and make an affidavit to what I had said, that there was no truth in it. Of course I declined to do anything of the sort; then I think it was the next day he called again and had a gentleman with him. At that time I was laid up with chronic rheumatism. I was in bed, (it was in the morning,) and he wanted me to make a deposition. I asked who this man was, and he said a notary public,

and he wanted me to make an affidavit to what I had said to him, and that I declined. Then I asked him, "Please give me your name and what firm you are from." He wrote, as near as I can recollect, that his name was Van Rance or Van Zandt, but I think it was Van Rance; he was a young man. He wrote on a card the name of a law-firm in Nassau street, and I asked him in whose favor this law-firm was whom he represented, and he said they represented Mr. Kerr. That is all that took place, because I declined to answer any questions or anything at all about it.

Q. Can you tell the name of the law-firm?—A. No, sir; I could not. It was on the card, and I merely looked at it. I think I would know the firm if I heard of it.

Q. Was it 132 Nassau street?—A. I think so; I think I have that card at home.

Q. Is there any one in custody of your house or rooms?—A. No, sir; I live there alone.

Q. Could you not write and get that card?—A. No, sir. I have a brother who goes down there to feed some pet birds that I have. I live alone. I think I can get it, but he could not find it. It is on the back of some business-card, I think. I have no doubt I could put my hand on it.

Q. Did anything further take place?—A. I believe your original question was whom I had seen and talked with?

Q. Yes —A. Well, that is about all of that. When I got my subpœna it was on the 23d of this month, and I told the man I would obey it immediately and start that night; but before I started I went up to let Mr. Harney know. He was not in. I left word that I would be there at 6 o'clock, and I did not get up there until about 8 o'clock, and he left a card that he would meet me at a certain place at about half past 8, and I went down and saw him, and we had a talk there; nothing in particular, because I did not feel disposed to talk much about it, and I left him; and when I left he said that in the morning he would consult advice about it. That is the last talk I had with any one except in this room.

By Mr. DANFORD:

Q. How often did Mr. Van Rance visit you; twice or three times?—A. Three times.

Q. There was some little time which intervened between his first visit, when he represented himself to be from the appraiser's office, and his second visit?—A. No, sir; I think the first interview took place in the morning. That is, the time of the first visit, when I asked him if he was from the appraiser's office, and he said he was; and that is the time that I said "there was not a word of truth in it."

Q. When was the second visit?—A. If my memory serves me right, I think he came the same afternoon, and wanted me to go down and make affidavit to what I had said. I think it was the same afternoon or the next morning. Then I think he came the next day with a man, and when I asked, "Who is this gentleman?" he said, "He is a notary public."

Q. On what day of the week was this last visit?—A. That I could not say. I think it was on Sunday.

Q. Do you feel pretty sure that either one of the visits was on Sunday?—A. That is my impression.

Q. By thinking back, can you tell about how many Sundays ago that was?—A. I should think four or five weeks.

Q. How much talk did you have with Mr. Harney about this thing at the last interview you had with him?—A. I had very little talk with him upon the subject, because I refused to enter into the subject at all.

Q. Did you refuse to talk to him or he to you?—A. I refused to talk to him on the subject about the money because——

Q. When Mr. Harney gave you an introduction to Mr. Kerr, what did he say to you about mentioning any money matters to Mr. Kerr? Did he make any remarks upon the subject?—A. Not that I know of. He had told me that this money was for Mr. Kerr.

Q. But what did he tell you about speaking to Mr. Kerr about it?—A. He did not say anything.

Q. Did he warn you against talking to Mr. Kerr about it?—A. No, sir.

Q. But you did not mention the matter to Mr. Kerr?—A. No, sir; as I was desirous of an appointment, if I should have indicated anything of that kind, even if the gentleman felt favorably disposed toward me, of course that would kill it, and if there was any truth in it that would have killed it also; and as I was after the appointment and anxious for it, I was in a position where I could not say anything.

Q. Did you give Mr. Harney all the money he asked?—A. Yes, sir; that was agreed to.

Q. Did Mr. Harney make any report to you after you gave him the money what he had done with it?—A. He told me shortly afterward, before I left Washington, that he had paid the money to Mr. Kerr.

Q. Was that after he had received all the money or just that part of it that you paid him first?—A. That I could not say, but I know he told me that he did give the money to Mr. Kerr.

Q. Were you in Washington after you sent this money by post or registered letter prior to receiving your appointment?—A. That I could not say; at that time I would come to Washington by a sleeping-car, and get here fresh, and do what business I had or could do,

and go right back again. I make that explanation, because if I had stopped at a hotel I could have consulted the register and refreshed my memory, because I have no memoranda of any of these things.

By Mr. BASS:

Q. Did you state whether you saw Mr. Kerr or took any additional steps with reference to getting your appointment after he went to the War Department with you?—A. To get any more influence?

Q. Yes.—A. No, sir.

Q. That was the last step, then, you took before your appointment?—A. Yes, sir; that was the last step.

By the CHAIRMAN:

Q. Were you examined?—A. No, sir. There were no steps taken at all as regards additional influence or anything of that kind. I was satisfied in my own mind that all that would be necessary was the nomination. I was satisfied that the appointment after I was nominated would be placed on those testimonials which I thought were sufficient, and I am pretty sure I took no additional steps at all; there was no necessity for it.

Q. You did not see anybody with reference to it; you did not see Mr. Kerr with reference to it again?—A. No, sir.

Q. You went home and attended to your affairs there?—A. Yes, sir. I might have been here afterward; I cannot tell; but I went home, and if my memory serves me right, I think I sent some more money to Mr. Harney.

By Mr. DANFORD:

Q. Do I understand you to say that you were not required to go before any board at all?—A. I was not.

By Mr. BASS:

Q. What was your understanding then of the right given to members of Congress, either by law or courtesy, to nominate a man for a second lieutenancy?—A. I understood that Congressmen had a right to nominate, but in my mind that did not carry an appointment, because the appointment was based on the sufficiency of the tes imonials.

Q. Did you ever have any other money transactions with Mr. Harney?—A. Yes, sir.

Q. Before that time?—A. Yes, sir.

Q. How long had you known him at that time?—A. Probably eight or ten years. It is one of those acquaintances that you cannot fix the date of.

Q Well, were you very friendly with him or was it an incidental acquaintance?—A. It was not an accidental acquaintance. That is to say, we were well acquainted.

Q. And you had had dealings or transactions before that?—A. We had had money transactions before, sir.

By Mr. ROBBINS:

Q. How is it that you are out of the Army?—A. I was court-martialed and dismissed. I made an unfortunate step, and was snapped up like a meat-worm by a mocking-bird when it is hungry. I had considerable rank in the artillery, which is considered a West Point corps, and I did something and laid myself liable; there is no doubt about it; but other men did the same thing, and nothing was done about it. I did it, and was gobbled right up.

Q. What was the animus of Mr. Harney, apparently, when he first came to you in the interview two months ago to tell you about this thing; in what spirit did he seem to come?—A. In the first place, he evidently wanted me to know what was going on. Then he appeared to be somewhat distressed about it; he said they had been trying to crowd him, and everything of that kind, and that they had a meeting in the appraiser's office about this matter, and Bliss had been talking to him, and he had said, "Gentlemen, if you want my place you can have it."

Q. Trying to crowd him in what way; to get him out of the place?—A. Well, it was in relation to this matter, I suppose.

Q. Did he tell you anything about how this matter had ever got to be known by anybody so that they could crowd him?—A. Yes, sir; I think he told me it was Mr. Darling's brother-in-law who was urging this matter.

Q. Did he tell you how Mr. Darling's brother-in-law knew anything about it?—A. I think he said something or other that he was foolish enough to commit himself; to say something about it.

Q. That he therefore had said something about it first?—A. Yes; I suppose that was so.

Q. He gave you to understand that he first said something about it to some one and that it had got out in that way?—A. Yes, sir; I took it that he had said something or other to Mr. Darling's brother-in-law.

Q. Who is Mr. Darling, and who is his brother-in-law?—A. I do not know who the brother-in-law is. Mr. Darling was the appraiser. I do not know whether he was appraiser at the time when the meeting to which I have alluded to took place. He had been appraiser.

By the CHAIRMAN:

Q. You say you knew Mr. Harney possibly ten years before you came on here to Washington in 1866, and that you saw a great deal of him while you were seeking this appointment?—A. Well, I don't suppose that I ever came to Washington but what I stopped to see him. He was an assistant door-keeper.

Q. You say that Mr. Harney said to you that if you would pay him either three or four hundred dollars he could secure you the nomination from some member of Congress?—A. No, sir; I did not say that. He said, as far as I can recollect, words to this effect: that the nomination could be secured for a certain amount of money. That is it; that the nomination could be secured, not to pay him, but that it could be secured for a certain amount of money.

Q. Did he at that time tell you from whom it could be secured?—A. Yes, sir.

Q. He told you at that time it could be procured?—A. Yes, sir; that Mr. Kerr had an appointment at his disposal.

Q. Did he tell you this in the House here?—A. I do not know whether he told it to me in the House or in the inclosure opposite the east front here; or whether it was in the boarding-house.

Q. Then shortly after, that day or the next day, he introduced you to Mr. Kerr?—A. Yes, sir.

Q. He sent in for Mr. Kerr?—A. That is my recollection.

Q. And he brought him out in the hall or lobby?—A. Yes, sir; into the lobby.

Q. Was the lobby behind the Speaker's chair?—A. No, sir; I think the democratic members at that time were on the left, and Mr. Harney was an assistant door-keeper at that side.

Q. Where did you stand when you were introduced by Mr. Harney to Mr. Kerr? Was it at the door?—A. I could not say. To the best of my belief it was in the lobby; but where I stood, or the position I stood in, I could not recollect.

Q. Do you recollect any other person than yourself and Harney being present?—A. No, sir.

Q. Was any person present?—A. No, sir.

Q. You have stated that Mr. Harney introduced you as the young man who desired the appointment?—A. Yes, sir. I think he said a "worthy young man."

Q. The worthy young man who desired the appointment as second lieutenant?—A. An appointment in the Army.

Q. Did Mr. Harney know of your recommendations and your testimonials that you have spoken of?—A. He knew the general character of them.

Q. You are quite positive, then, that he introduced you to Mr. Kerr?—A. The House was in session at the time, and to the best of my recollection it was outside of the Chamber that the introduction took place. I cannot say whether it was inside the door or not, but my impression is it was outside, in the lobby.

Q. Either that evening or an evening soon afterward you went to Mr. Kerr's room?—A. Yes, sir.

Q. Did you then tell him of the nature of the recommendations you had, or had you copies of them?—A. I told him of the nature of them, and everything of that kind.

Q. Did you narrate your service and experience to him?—A. I did in detail, of course.

Q. Did he examine you carefully with reference to this?—A. Yes; he was very particular about it and on other subjects. He was very particular.

Q. Did that particularity arise from what you supposed to be his anxiety to know your fitness for the appointment?—A. It struck me at the time that the honorable gentleman was endeavoring to find out what my capacity was, or something of that kind, to know whether I was a fit man to nominate, one who would not bring any discredit upon him as the party nominating.

Q. Then, after he had satisfied himself with reference to your personal fitness for the place, he told you that he desired letters from persons of his acquaintance in New York as to your standing as a gentleman and a man?—A. I do not know that he said of his acquaintance. The way it came about was this: he said my record was very creditable, or honorable, or some word to that effect, and he thought I was entitled to consideration; that he had nominated a man from his district, but the man had refused to be examined, and he did not know any one in particular who wanted it, and he thought that as I was entitled to consideration, my record was good, or something like that, he would do all he could for me, or something like that, and then he requested that I should bring letters from prominent men in New York addressed to him personally.

Q. And those letters you either did bring or sent on?—A. I brought or sent them on. Mr. Kerr got them, anyhow.

Q. You say that Mr. Kerr went with you to the War Department; was that before or after you sent him those letters?—A. That was after I sent the letters, I think.

Q. Do you remember whom you saw at the War Department?—A. I think I saw some officer there; my impression is it was General Kelton.

Q. Did you see the Secretary of War, Mr. Stanton?—A. I do not think I was introduced to Secretary Stanton. I think I saw him there. I never thought of that before.

Q. Are you certain that Mr. Kerr went with you to the War Department, or did he send you there to get the form of application for yourself and the usual form of application on the part of the member of Congress, and did you come to his room with this formal application, and did he then put his indorsement upon your application there in his room? Are you positive that he was at the War Department with you?—A. I think I went up and got a recommendation, or something about a recommendation; but I feel quite sure that he went up to the War Department with me.

Q. On some occasion he went there with you?—A. At the time I signed the application and intimated what Army service I desired to do.

Q. What fact, if any, caused you to to remember that he went to the War Department with you?—A. Well, I have nothing particular to associate it with, only that he went up with me.

Q. You say you do not remember having seen Mr. Kerr subsequent to that until you called to pay your respects to him three years later, on your return, when the boat stopped late at night at New Albany?—A. That is the only time I had seen him, because I was sent off on the frontier, Arizona and elsewhere.

Q. How long did you remain in New Albany?—A. Probably half or three-quarters of an hour.

Q. Did the boat delay an unusual time there?—A. Not particularly. I presume that I said something to the captain, that I hoped he would wait until I returned, or not to go until I came, or something of that kind.

Q. Well, you did go up to his house from the wharf?—A. I went up.

Q. And saw him late at night and paid your respects to him?—A. Yes, sir.

Q. State now whether, from all your intercourse with Mr. Kerr at the time you got your appointment and his conduct in relation thereto, it is your belief that Mr. Kerr ever got one dollar of money for this appointment?—A. Well, when I was at Mr. Kerr's (room) house there it occurred to me that for a man who was selling his influence or parting with his influence for a consideration he acted in a very strange manner. It occurred to me that he need not be so very particular about these things.

Q. About what things?—A. Well, questioning me about my record and talking to me about so many different subjects. It occurred to me as being very strange if there was a money consideration at stake. I thought it very strange. I had some little doubts about the matter, but with me it was a business transaction. My transaction with Harney was purely a business one, and it was not for me to say anything.

Q. Let me ask you this question: You profess to be a gentleman of honor?—A. Yes, sir.

Q. And of personal rectitude?—A. Yes, sir.

Q. Would you have called to pay your respects to Mr. Kerr had you believed him capable of receiving money for a thing of that kind?—A. Well, I do not know. I hardly think I should, sir; that is to say, if I had been satisfied that such was the case I do not think I should.

Q. You would not have called to see him?—A. I do not think I should, sir.

Q. You called there from a motive of gratitude, as I understand you?—A. Yes, sir; gratitude and respect. The man's manner toward me in these conversations that took place was so kind and courteous that I could not do any other way than respect him; and there is where I say it occurred to me to be remarkably strange that a man who was doing this act for a consideration should be so particular about questioning me, and everything of that sort. It was different from what a man would naturally do, I thought; but, as I say, it was purely a business transaction, in my mind, between myself and Harney. The portion of the contract in which I was interested was fulfilled. I got my nomination.

Q. Have you any reasonable belief that Mr. Kerr ever got any part of this money?—A. I never had any means of knowing, sir.

Q. Did you believe and do you believe now that Mr. Harney ever paid Mr. Kerr any money?—A. I never had any means of knowing whether Harney paid that money or not.

Q. If Mr. Harney had not said so to you would you have had any suspicion that there was any money consideration on the part of Mr. Kerr, from the way in which he behaved toward you?—A. No, sir; no, sir.

Q. Did he seem to exhaust every means of information as to your capacity?—A. He did. He was very severe—well, not severe, but he was very particular indeed in going over the whole details of my record, and so on. I took particular pains, of course, to make as full and ample an account of what I had done, and everything of that kind, as I could, and claimed that I had worked so hard and was liable to lose this chance, which might be the last, as I was satisfied there were not many more appointments to be made.

Q. When you went to the War Department were the papers in your case produced?—A. No, sir.

Q. You do not recollect that they were?—A. No, sir; but I presume that Mr. Kerr had seen those papers, or I had told him about them.

Q. You gave him an account of your military record, and possibly referred him to the War Department for it?—A. Yes, sir.

Q. Now, you say that some eight or ten weeks ago Mr. Harney came to you and wanted

to talk to you about this appointment?—A. He wanted to talk to me about the money transaction.

Q. He told you then that he was "crowded?"—A. He said "crowded," or "under pressure," or something. He said that they had a meeting at the appraiser's office.

Q. Did he say who was present at that meeting?—A. No, sir.

Q. Did he mention Bliss's name?—A. I think he said that Bliss had had a talk with him.

Q. Who is Mr. Bliss?—A. I do not know.

Q. Is he United States district attorney in New York?—A. He is some public official, I presume.

Q. Mr. Darling has been the appraiser; he spoke of him, too, did he not?—A. Not particularly; he menttoned his brother-in-law.

Q. And he said that he had said if they wanted his place they could have it?—A. That is what he told me.

Q. Why was that; was it that if he did not swear to this thing they would turn him out of the office?—A. I do not know.

Q. Why did he say that if they wanted his place they could have it?—A. I do not know why he did say it.

Q. But he did say that there had been a meeting about the matter in the appraiser's office?—A. Yes.

Q. And he did say that he was "crowded?"—A. It was something like that, or that he was "under pressure."

Q. What did you understand him to mean by saying that he was "under pressure?"—A. The only thing that I could understand was that it was something in relation to this money transaction between Harney and myself; that was my understanding of it. I do not know that I can explain any further than that.

Q. What kind of pressure was it; did he tell you?—A. No, sir.

Q. But he said there had been a meeting about it?—A. I understood him to say there had been a meeting in the custom-house, at which they had him present, about this matter.

Q. And that a "pressure" was brought to bear upon him, and that if they wanted his place they could have it?—A. Yes; if they wanted his place or position they could have it.

Q. And that was about six or eight weeks ago?—A. Yes, sir; somewhere along there; when he first called to see me.

Q. I wish you would detail fully and accurately all he said at that interview?—A. I think I have already told everything. I don't recollect anything more. In the first place, I did not want to talk on the subject at all; in fact I shut him off, and these remarks he made himself, and made them in a disconnected manner to a certain extent; but the man appeared to me to feel somewhat embarrassed about it and unpleasant, and it was evident to my mind that there was something going on that he wanted to give me an intimation of; and then I said that the thing was disgraceful, and that just as soon as a public man fell from grace the great object was to pull down another public man of the opposite party, and I was really ashamed, in the face of the nations of Europe, to see it, and it was time that that thing should be stopped, and I said, "I do not wish to talk on the subject; and, furthermore, it is so many years ago that I have forgotten all about it." He said, "You know thus and so about giving some money." I said, "I do not know anything about it; it is so long ago I have forgotten." A great many of these things have come to my mind since I have been before this committee. I have forgotten a great deal about it, but I know very well that that money passed.

Q. Did he mention any other names than those of Bliss and Darling, and Darling's brother-in-law?—A. I did not say that he mentioned Mr. Darling's name. He mentioned Mr. Darling's brother-in-law. He did not mention the brother-in-law's name.

Q. Do you recollect where Mr. Kerr's lodgings were in this city in 1866?—A. No, sir; I don't recollect at all. It is so long ago that I could not tell where it was. It was certainly in the city, and I found it then, but at the present time I have not the least recollection of what part of the city it was in. I know I was there, though.

Q. Did you ever at any other time except that once on the floor of the House or in the lobbies of the House speak to Mr. Kerr upon that subject?—A. Not to my recollection.

Q. And at your first and only interview when Harney introduced you he told you that he had not time to discuss the matter, that he was engaged, and that he would see you at his rooms. That was all that transpired on that occasion?—A. Yes, sir; and I went to his rooms.

Q. And your impression is that this money was paid to Mr. Harney after you had been to Mr. Kerr's rooms?—A. Yes, sir; that is my impression.

Q. And that you then paid a portion of the money, and that you subsequently went to New York and sent him the balance in some way?—A. Yes, sir; that is my impression.

Q. Did you write him a letter when you sent him that money?—A. That I could not say. I think it is likely that during these transactions I must have written some letters, and probably those letters are in existence.

By Mr. BASS:

Q. After going over this interview between you and Mr. Harney, which you have been very fully examined about, and these statements that Mr. Harney made to you to the effect,

as I understand, that it was disgraceful and disreputable that when one man was pulled down the first thing was to attempt to pull down another man of the opposite party, can you recollect whether it was in reference to that that he said he was "crowded?" I want to get at your understanding of what it was that he was "crowded" to do; was he being crowded to tell this story or to tell some falsehood, or what was it?—A. Well, that I can explain very easily. He said—now I can recollect it—that the papers had pitched into Darling so about that Third Avenue Savings-Bank that Darling's brother-in-law had taken hold of this matter. When I spoke about a public man falling from grace, of course I could not help associate Harney with Darling, because it is very well known that Harney has been Darling's right-hand man for years. It was Darling that got him his position here as assistant doorkeeper, and when Darling was appointed appraiser in New York, Mr. Harney took, I suppose, a confidential position, and of course Mr. Darling had lost his position of appraiser, and that made such a hue and cry, and that probably will explain why I made that remark.

Q. What was it that he was being crowded to do then?—A. That is the remark he made. Well, I suppose it was in reference to this money matter.

Q. But to do what in reference to it; to lie about it or to tell the truth?—A. That I could not say.

WASHINGTON, D. C., *May* 29, 1876.

LAWRENCE HARNEY sworn and examined.

By Mr. BASS:

Question. Where do you reside?—Answer. I live at 804 Sixth avenue, New York City.

Q. How long have you resided there?—A. About eight years in the same house.

Q. What is your present employment?—A. I have no employment as I know of at present. I resigned my position on the 29th of April last.

Q. What position was that?—A. I held a position in the appraiser's office in New York City, as chief clerk of the stationery department.

Q. How long did you hold that position?—A. Five years and six days.

Q. What was your occupation in 1866?—A. In the spring of 1866 I was employed as an assistant doorkeeper of the House of Representatives.

Q. How long did you continue in that employment?—A. Two sessions of Congress.

Q. State whether or not at that time you knew Mr. Augustus P. Greene, of New York City.—A. I did.

Q. How long have you known him?—A. I have known him thirty years.

Q. State whether or not you saw him during the sessions of Congress in 1866.—A. I did frequently.

Q. Did you have any conversation or interview with him with reference to securing for him an appointment as a second lieutenant in the Army?—A. I did.

Q. When and where for the first time?—A. In the spring of 1866.

Q. Where did it occur?—A. In the House of Representatives.

Q. Do you recollect what took place between you at that time?—A. Well, he wanted a position in the Army, and I interested myself as a personal friend to have him appointed, and he was appointed through my exertions, I suppose.

Q. Tell what took place to your own knowledge with reference to securing that appointment. In the first place, if you had any conversation or any arrangement with Greene on that subject, state what it was.—A. I will tell anything but what is confidential, but my confidential relation with gentlemen I do not feel at liberty to state, unless I am forced to expose it.

Mr. BASS. I suppose the committee will require you to answer the question.

The CHAIRMAN. I want the witness to answer directly and fully.

The WITNESS. I do not know how I can do so. It is ten years ago, and I do not see what jurisdiction this Congress has over anything that took place ten years ago. It is decidedly a confidential transaction; my friend was taken care of, and I am sure, for myself personally, I want to vindicate my reputation in the matter.

The CHAIRMAN. A member of the committee has asked you a question in accordance with the uniform custom of the committee, and I certainly desire to have the question answered fully.

The WITNESS. Please put the question, then, in some form that I can understand it.

By Mr. BASS:

Q. State, if you recollect, what conversation took place at the first interview you had with Mr. Greene with reference to securing this appointment.—A. Well, he wanted the appointment, and I got it for him.

Q. Can you tell what was said between you and him?—A. There was a good many things said.

Q. Tell what they were, as nearly as you can.—A. I can't hardly trace my memory back so far now to what took place at that period of time. Mr. Greene wanted the position, and he was nominated by a gentleman very kindly.

Q. State what was said, as near as you can recollect it, if you can recollect anything about it, with reference to any arrangement between you and Greene.—A. Really, Mr. Chairman, we said so much, and we had such long talks about it, that I forget almost everything.

Q. Repeat what was said as near as you can; if you cannot tell the exact words, tell the substance.—A. He waited upon me and desired the appointment.

Q. What did you say to him, if anything?—A. I told him I would try to secure him the position.

Q. What did he say?—A. He said that he would be very happy to get it through my influence, so I exerted myself. The result, of course, you are aware of.

Q. Never mind the result now; confine yourself to the interviews with him. Was there anything said in that conversation with reference to any money being used?—A. Mr. Chairman, all that was said in relation to money matters and things of that kind was entirely confidential, and I cannot, under the present circumstances—I do not think I am doing justice to any gentleman to break confidence.

The CHAIRMAN. It is your duty to answer the question.

The WITNESS. I hope the committee will excuse me individually from answering any questions about confidential matters. I beg the committee to excuse me.

The CHAIRMAN. The gentleman who asks you the question is entitled to have a fair and full answer.

Mr. BASS. Was there any conversation had with reference to using money? If so, state what it was.

The WITNESS. I hope, gentlemen, you will excuse me answering any question of that kind in relation to money matters. Certainly all conversation of that kind that took place was a matter of confidence between me and Mr. Greene; and I do not think it is honorable in me appearing before a committee to make any statement of confidential matters that took place ten years ago.

The CHAIRMAN. Do you decline to answer?

The WITNESS. I do not want to be impertinent, and I do not want to do anything to be censured; but I do not think I am doing my friends justice who interested themselves——

The CHAIRMAN. That is a matter of which we are to be the judges; not you. It is your duty to answer the question put to you.

Mr. BASS. I insist upon the question, and upon an answer to it.

The WITNESS. Has this committee power, Mr. Chairman?

The CHAIRMAN. We are armed with full power, or, if not, we can obtain it, and we are entitled to have your answer.

The WITNESS. Please answer me this: What course will you take, supposing I do not answer?

The CHAIRMAN. That is for the committee to determine hereafter.

The WITNESS. Every citizen has his rights, you know.

The CHAIRMAN. That is a matter for subsequent determination by the committee. It is for you to determine now whether you will or will not answer; and when you have determined that, we will announce our determination.

The WITNESS. Well, Mr. Chairman, I desire you to give me a little longer time. I didn't suppose that this question was going to be put directly to me, and I think, under the circumstances, in justice to my own feelings, I would like to take a little longer time to prepare to answer any questions, particularly about money matters.

Mr. KERR. Mr. Chairman, I desire to say to the committee that if this witness's remarks have any relation to anything that ever transpired between him and me as being confidential, he must not so regard it here. I want that distinctly understood. I expect him, at his own pleasure, to tell the truth.

The WITNESS. Does Mr. Kerr want me to tell the truth?

Mr. KERR. Yes; and nothing but the truth.

The WITNESS. Then I will tell the truth.

Mr. BASS. Answer the question that I asked.

The WITNESS, [standing.] I would rather make the statement myself, and then you can cross-question me after.

Mr. BASS. You will have to be seated and answer the questions of the committee. State what took place between you and Greene, if anything, with reference to any money transaction concerning this appointment.

A. Yes. Mr. Greene told me that if I could procure him a commission he would pay me; that he would give me money to pay for it.

Q. What further?—A. Will I go on?

Q. Yes; we want the entire story.—A. Well, I told Greene that I thought it would be impossible for me at that period of time to get him a commission, but I would search in the House of Representatives and see if any vacancy existed as a lieutenant in the Army. I found no vacancy until I came across the Hon. Mr. Kerr, now present Speaker of the House. I spoke to him about the circumstances. He said he had made a nomination of a gentleman from his district, but that he hadn't come forward to qualify. I stated to Mr. Kerr that

I had a friend from New York City, Captain Greene, who stood well, and that if he would give me the appointment I would pay him for it. Mr. Kerr told me to come to his house that evening or the next evening. I called at Mr. Kerr's house and I had a conversation with him. Mr. Kerr asked me where I come from. I told him New York City. He asked me what member of Congress I was in company with. I told him the Hon. William A. Darling, and that I was a personal friend of the Hon. Henry J. Raymond. He asked my politics. I told him I was a republican. I told him Greene was a republican, but not an active republican. He told me that he had already made a nomination, but the gentleman hadn't qualified for the position, and he was getting tired of waiting for him to qualify. He asked about the references of Greene. I told him he had good references—first rate. Mr. Kerr appointed an interview with Greene and myself. That interview took place. Mr. Kerr seemed to be pleased with Greene and his references—the letters of recommendation that he had in his possession. Mr. Kerr knows that we was, the whole three of us, at his house down here the second night after that. Then he told me to stop in again and see him about the matter. I stopped in. He told me that he wanted Greene to get some recommendations from some of his democratic friends in New York City, so that your friends [speaking to Mr. Kerr] in Indiana, if they would ask you why you appointed this man, you would have the papers to show that he was recommended by some democratic influence in New York. I asked Greene if he could get those papers, and he said he would try; and he got them and handed them to me in the House of Representatives. Next evening I went and had an interview with Mr. Kerr at his residence. I asked him how much money. Mr. Kerr said if it was worth anything it was worth $500. I stated to Mr. Kerr that I thought Mr. Greene hadn't $500; that he was pretty poor, but I thought he could raise may be $400 or something like that amount. Mr. Kerr didn't seem to be pleased with the small amount of money; it was not enough; but he didn't say anything more about the money matter. I saw Captain Greene that evening and told him that Mr. Kerr wanted $500, and he said, "What will I do? I have not got $500 in my possession; all the money I can raise is $400." Says I, "I will make up the deficiency; we will make it $450; I will make up the deficiency." Mr. Greene counted out $400 to me in fives and tens and twenties; he found that he could spare $10 more, because he was going home that night, and he gave me $410. I took the $410 and put it in my pocket. I went over to my room and added $40 more to it. Greene told me he would forward me the $40 when he got to New York. I kept the money in my possession for about three or four days. One afternoon about 2 o'clock Mr. Kerr came out to me when I was on duty at the east door of the House of Representatives, and called me one side to the steps leading down the hallway, and says he, "Harney, I will take that money now." I had it in a roll this way, [illustrating.] I took out the roll of money and handed it into Mr. Kerr's hand, and he put it in his pocket. Says he, "I will go up to the War Department this afternoon and I will fix this matter of Greene's." In about six or eight days after that I received, through the post-office, a registered letter with $40, making up the deficiency of the money that I had advanced for Captain Greene. I am prepared now, gentlemen, to be cross-examined.

By Mr. BASS:

Q. How many times did you go to see Mr. Kerr in relation to this matter?—A. Three times altogether to his house. Of course I had spoken to him about the matter, because I was deeply interested in the matter previously.

Q. Did Greene accompany you?—A. One time, to Mr. Kerr's house.

Q. Where did Greene stop at that time?—A. At a private boarding-house over here; a cheap boarding-house, you know, because he was poor.

Q. Where did you stop?—A. I stopped over here in a house near the depot, with an old lady, Mrs. Murray.

Q. Were you and Greene stopping at the same place?—A. No, sir.

Q. Did you have anything to do concerning the introduction of Greene to Mr. Kerr?—A. O, yes; certainly. Mr. Greene was a stranger to Mr. Kerr until I introduced him.

Q. When and where did that take place?—A. I introduced him, I think, in the hall somewhere around the door; a slight introduction; but there was no talk about any of this business done around there at all.

Q. After the introduction, when did you make the first visit to Mr. Kerr?—A. It was all done, to my best recollection, inside of ten days; the whole thing.

Q. On the evening that you went with Greene to Mr. Kerr's room, was anything said with reference to money?—A. Not in the presence of Mr. Greene. Mr. Kerr never spoke to Mr. Greene about money matters, to my knowledge.

Q. Where did Mr. Kerr live at that time?—A. He lived in the street running the same way as Pennsylvania avenue, on the left; the street next to Pennsylvania avenue on the left. I forget the name now. He occupied a large back room.

Q. Was that where your interview took place with him?—A. Yes, sir; about that business matter.

Q. When did you first disclose these circumstances?—A. Well, I didn't disclose it. I don't know how it got out; it got out somehow or other. I was in the appraiser's office, and the appraiser, one of the most honest men that ever lived on earth, William A. Darling—

the papers, as everybody knows, ran him down and said he was dishonest; and they made a personal attack on me in the discharge of my duties there, and ridiculed me, and things of that kind; and I stated then that I was proud to say that the Hon. William A. Darling had never sold a commission, nor ever received any money for any appointments that he had ever made in the Departments; because, if he did, I would have known it; and then, I suppose, by making those remarks, which a person would do through excitement, somebody catched it up.

Q. Did you say anything upon that occasion with reference to this transaction which you have detailed here?—A. I did. I made an allusion that the democrats in Washington was making attack on the republicans when they were more guilty than the republicans. I said they ought to cover their own tracks and let the republican party alone.

Q. Do you know a Mr. Moore, of New York?—A. I do. I saw him once or twice.

Q. State whether or not you had an interview with Mr. Moore in relation to this matter.—A. There is a gentleman named Moore who called to see me one morning in the appraiser's office.

Q. When was that?—A. I could not tell you when it was.

Q. Tell as near as you can.—A. I left the office on the 29th of April, and I suppose it was two months ago fully. He showed me a copy of a letter that he said was wrote to Mr. Kerr in Washington. He read it to me. I told Moore that I knew nothing of the author of the letter, directly or indirectly.

Q. What else, if anything, took place between you?—A. There was nothing more. He spoke about it; that Mr. Kerr was Speaker of the House of Representatives. I told him I knew he was, and he was a very fine gentleman, and I was glad to see he was there. He said he would have a committee to investigate the matter, and I said "The sooner the better." I treated Moore, I thought, gentlemanly. There was nothing more transpired about it. It was wrote out, you know; a copy of a letter that he said was wrote to Mr. Kerr. It stated in there that I didn't want to come before the committee, and I am sure I didn't want to come before the committee. I have avoided all I possibly could of this thing. That is the reason I have come before the committee now, because the newspapers have slandered me shamefully, and said I was hiding and bought up.

Cross-examination by Mr. ELLIOTT:

Q. Where were you born?—A. In Westchester County, New York.

Q. What is your age?—A. I will be forty-eight next year.

Q. What is your business?—A. I have not any business now.

Q. What business have you followed since you reached your majority?—A. I will tell you. I was in the comptroller's office in New York City for four years, under Comptroller Howes, in the finance department. From the comptroller's office I was in the custom-house, under the Hon. Abram Wakeman. Then I came to Washington and spent a year. Then, when I left Washington, I was appointed assistant assessor of internal revenue, and I remained there until Mr. Darling was appointed collector, and he made me the outside deputy; and after he was made appraiser, he appointed me to the position I resigned a few weeks ago.

Q. What period of time do those various employments embrace?—A. About twenty years; since the republican party has had power.

Q. Have you been a republican since the party came into power;—A. Yes, sir.

Q. What were you before that?—A. Always a republican; I was a whig before.

Q. You were brought to Washington by Mr. Darling?—A. Mr. Darling had me appointed in Washington for a change.

Q. During what year and what month was it that you had the first interview with Mr. Kerr in respect to the appointment of Greene?—A. It was about ten days prior to the making of the appointment.

Q. When was that?—A. You can get the record in the War Department.

Q. I want your testimony on that point.—A. I don't know, sir; I can't tell. I have not kept a record of these matters at all, because I didn't suppose it would ever be needed.

Q. Can you not tell us what year it was?—A. It was in the spring of 1866. Mr. Greene was commissioned on the 20th of July.

Q. And it was about ten days before that that you had that interview?—A. No, sir; it was not ten days before that; it was ten days before he was nominated or recommended by Mr. Kerr.

Q. How long before he was nominated was it that you had this first interview with Mr. Kerr respecting his appointment?—A. Do you mean how long after my interview was the appointment made?

Q. Yes.—A. O, I suppose ten days or two weeks.

Q. Then, between the first interview that you had with Mr. Kerr and the date of Greene's appointment there was a period of two weeks?—A. I should think so; of course I don't recollect the time exactly.

Q. What is your best recollection?—A. I should think it was that. He did not get his appointment until the 20th of July, and——

Q. Do not argue the matter, but give me the best of your recollection,—A. Well, I don't understand the question.

Q. I want the best of your recollection as to how long it was from the date of your first interview with Mr. Kerr until the date of Greene's appointment.—A. Do you mean the date of Mr. Kerr's nomination of him?

Q. Yes.—A. I should think it could not be over ten or fourteen days.

Q. So that the whole business was concluded in ten or fourteen days?—A. Yes; there was not much time.

Q. Who introduced you to Mr. Kerr?—A. Myself.

Q. You introduced yourself?—A. Yes, sir.

Q. Did you tell him your name?—A. He knowed my name. I was attached to the House.

Q. How do you know that he knew your name?—A. He called me by name.

Q. Had you ever had an interview with him before on any subject?—A. Never.

Q. Did you ever approach him for an appointment or anything else?—A. No, sir; nothing else.

Q. Were you on intimate terms with Mr. Kerr?—A. Yes, sir; the best of terms.

Q. What do you mean by that?—A. I mean kind; friendly regard for him.

Q. Did you ever visit him?—A. Not until I had business. I visited him altogether three times; never on any other business than this.

Q. You never were at his room before?—A. No, sir.

Q. And never had any conversation with him before?—A. No, sir; only on this business.

Q. Did Mr. Kerr know your antecedents?—A. He did.

Q. Who communicated them to him?—A. He asked me, and I told him.

Q. Did you tell him what you have stated here as to where you were born and where you had been employed?—A. He didn't ask me any questions of that kind; he asked me what my politics was, and he knew where I came from.

Q. You told him your politics?—A. Yes.

Q. Your first interview with him occurred in the House of Representatives?—A. Yes, sir.

Q. You went to his seat?—A. I don't know as I did; I can't recollect anything about that.

Q. He said that he had nominated a man first from his own district?—A. Yes.

Q. What was the name of the man?—A. I don't know.

Q. For what position?—A. Second lieutenant in the Regular Army.

Q. Did you offer to pay him at the time you spoke to him?—A. I told him of course I would pay him.

Q. At the first interview?—A. Yes. I told him it was a matter of business.

Q. What did he say?—A. He didn't make any reply then; he told me to come and see him at his room.

Q. Did he demand pay of you?—A. He did not; not at that time.

Q. Then your next interview took place where?—A. In his room.

Q. Where was that room?—A. Up the street here somewhere; I don't know exactly—in Washington.

Q. Was it a first or second story room; front or back?—A. A couple of steps up, and level with the walk, I think. I am not positive about it. My recollection is not distinct about the room.

Q. Was it a front or back room?—A. I think it was a back room.

Q. Whom did you meet at Mr. Kerr's room?—A. Only Mr. Kerr himself.

Q. You never met any one else?—A. No, sir.

Q. Did you go there by appointment?—A. Yes, sir; I went there on that business.

Q. When you went there what did you say to Mr. Kerr?—A. Well, what I have said here already. We talked on the subject.

Q. State what you said.—A. We talked about the appointment of Greene, and I told him that Greene had good letters of recommendation in the volunteer army, and that it would be entirely satisfactory.

Q. Had you made an arrangement at that time with Greene to pay for this commission?—A. Greene knowed that he had to pay for the place before he got it.

Q. He "knowed" he would have to pay for it?—A. Yes, sir; who would give him a place without paying for it?

Q. Was that your rule, to obtain places for pay?—A. It was in that case, for I could not get it in any other way; all the other nominations were made.

Q. How did you know about all the other nominations?—A. I did not say about any other; I said about this place.

Q. What reason had you to believe that you would be obliged to pay for the place?—A. Because I had no claim on Mr. Kerr. What claim had I on Mr. Kerr to get a position for my friend in New York City when Mr. Kerr lived away off in Indiana?

Q. Why did you go to Mr. Kerr?—A. Because I wanted to get a place for my friend the best way I could.

Q. How many other members of the House of Representatives did you know personally in 1866?—A. I knew a great many,

Q. Did you know them intimately?—A. O, yes, sir.

Q. Did you apply to any other one?—A. No, sir; because I understood the vacancies were all filled, with the exception of this place.

Q. At this interview at Mr. Kerr's room, did you mention money to him?—A. I mentioned money when I first spoke to him.

Q. I understand that. Now, did you mention it at the first interview at his room?—A. A. No; nothing was said on the subject.

Q. What did he say at that time?—A. There was nothing said on the subject of money. We talked about the references and other matters.

Q. Did he make any inquiry as to your motive in seeking this appointment?—A. Well, he did not suppose that I was going to tell that. It was a matter of confidence. It is a confidential transaction, as I notified you when I first came into this room.

Q. Did you state to Mr. Kerr why you were seeking this appointment?—A. Yes, sir; I stated that I wanted to take care of my friend.

Q. Did you state to Mr. Kerr that you could not get this place without money, as you had stated to Mr. Greene?—A. No; I had no occasion to state that, because I notified Mr. Kerr that I would pay him for his trouble.

Q. In advance?—A. Certainly, sir.

Q. Did you tell him the amount?—A. No; that was the last thing fixed.

Q. That was fixed after the appointment was obtained?—A. No, sir; the amount was the last thing; I had three interviews with him: first, talking on the subject; next, with Greene; and next, finally, myself, about money matters.

Q. How long after the last interview was it before the nomination was made?—A. I cannot recollect.

Q. Had the appointment been made when you paid Mr. Kerr?—A. No, sir; not until after I paid him.

Q. How long after that was it before the appointment was made?—A. Mr. Kerr said he was going up to the War Department; going to make the nomination right away.

Q. No matter what he said; how long was it before the nomination was made?—A. I cannot recollect.

Q. What was the date of the appointment?—A. Greene was commissioned on the 20th of July.

Q. How many days elapsed between the date of the appointment and the date of his commission?—A. There must have been, I guess, two months; I don't know, but a long time, anyhow; I should think it was two months.

Q. Then you paid the money two months before Greene was commissioned?—A. Yes; you see he had to be nominated first; you understand the regular course.

Q. Did you see Mr. Kerr in the mean time?—A. I saw him frequently and spoke to him about the matter, and he said it was all right.

Q. Where did you see him?—A. In the House of Representatives.

Q. At his seat?—A. Yes, sir; at his seat, or any other part of the House.

Q. Did you ever see him in company with any one else?—A. No, sir.

Q. Did you speak to him in the House of Representatives while he was at his seat upon this subject?—A. I do not recollect.

Q. Who sat next to Mr. Kerr?—A. I do not know.

Q. To whom did you first make the statement which you have made in this committee today?—A. I do not recollect that, either.

Q. Did you ever make it to any one?—A. Yes, sir; I made it in the appraiser's office; I stated in the appraiser's office the circumstances which I have mentioned before.

Q. When did you state that?—A. The time the papers were abusing me.

Q. When were the papers abusing you?—A. About three months ago, I guess.

Q. For what were they abusing you?—A. Well, in relation to certain matters. It was not me personally, but other individuals in the department.

Q. I thought you said they were abusing you?—A. They were abusing me politically.

Q. What papers?—A. The Sun, Herald, and Tribune.

Q. Of what dates?—A. I don't recollect the dates.

Q. How long ago?—A. About three months, I guess.

Q. How long is it since you resigned?—A. I sent in my resignation dated the 29th of April.

Q. Why did you resign?—A. Well, because there was a change in the department.

Q. What change in the department?—A. Another gentleman took charge of he office, and I thought I——

Q. Who were your superior officers during your service in that office?—A. William A. Darling.

Q. Who else?—A. That is all.

Q. Had you no other superior officer but William A. Darling?—A. I had no other.

Q. What relation existed between you and William A. Darling?—A. Honesty and friendship.

Q. How long has the friendship prevailed?—A. Twenty-five years.

Q. How long has the honesty prevailed?—A. Always.

Q. You and William A. Darling are both honest men?—A. I think so; yes, sir.

Q. Did you state to William A. Darling what you have stated to this committee?—A. No, sir.

Q. To whom did you state it?—A. I stated it to this committee.

Q. To whom else before the committee?—A. I have not stated it to anybody in particular.

Q. To whom in general, then?—A. Well, nobody.

Q. You have not stated it at all?—A. Yes, sir; I have made remarks outside since this scandalous transaction had come up, the impeachment, that people ought to clear their own skirts.

Q. Have you made any affidavits on the subject?—A. No, sir.

Q. Were you ever solicited to do so by anybody?—A. No, sir; I refused every controversy on the subject.

Q. Who applied to you to get up a controversy?—A. I do not know.

Q. Then how did you refuse it?—A. Because individuals approached me, and I said I would not talk about it.

Q. Who approached you?—A. Individuals in New York City.

Q. Name some of them.—A. I cannot name them.

Q. You do not know them?—A. No, sir.

Q. Would a man you did not know approach you on this subject?—A. Yes, sir; they do, for gossip's sake.

Q. How would they know anything about it unless you had mentioned it?—A. I do not know. I understood that Captain Greene——

Q. Did you treat it as a confidential matter?—A. I did, sir.

Q. Did you not decline to tell this committee the story because of its confidential character?—A. I did, until they forced me to.

Q. If it was confidential as to the committee this morning, was it not equally confidential before you came before the committee?—A. I considered it confidential, but the committee would not excuse me.

Q. That is not the question. I ask you if you made this statement to any other person before you came before the committee. What is your answer to that?—A. There was an allusion made about it, but not any open statement.

Q. What was the extent of the allusion?—A. Well, there was always a mystery hanging over how Greene got his appointment through me.

Q. How was there a mystery about that?—A. Because Greene, I understood, made some remarks about it.

Q. Who knew that he had got it through you?—A. Everybody in New York knew it.

Q. How did they know it?—Because Greene told them.

Q Did you ever tell them?—A. No, sir; Greene told them.

Q. Well, you were a republican, Greene was a republican, the House was republican, the Administration was republican; now, why was there any mystery about it at that time or since? You were a friend of Darling and a friend of the Administration and a friend of the House; why, then, was there any mystery about Greene's appointment?—A. Well, I don't know as there was any mystery.

Q. Did not you say there was?—A. Some people said there was a mystery.

Q. Who said so?—A. Some individuals in New York; I could not name them.

Q. Give us one name.—A. I cannot recollect the names now.

Q. Give us the name of some person to whom you have told or alluded to the fact that you had procured this appointment through Mr. Kerr.—A. I don't recollect at present about anything of the kind.

Q. I will pause a moment and allow you to refresh your recollection.—A. [After a pause.] I think I mentioned the fact to William A. Darling; I think so, but I am not positive.

Q. Where?—A. In the appraiser's office.

Q. When?—A. Well, inside of a year.

Q. What led you to mention that to Darling?—A. A newspaper scandal.

Q. Was there any newspaper scandal about this appointment?—A. No, sir; not lately.

Q. Has there ever been any newspaper scandal about it?—A. Not that I know of.

Q. And yet you say newspaper scandal induced you to mention it to Darling; is that true?—A. Yes; newspaper scandal in New York personally to him and me.

Q. Was Mr. Kerr's name connected with it in any way?—A. Not that I know of.

Q. Then what induced you to mention it to Mr. Darling?—A. Well, I mentioned it as a matter of confidence.

Q. Did Darling receive it in confidence?—A. I think he did, sir.

Q. Whom else did you mention it to?—A. Nobody else that I know of.

Q. How was the story traced to you then?—A. I don't know.

Q. You do not know how it was traced to you?—A. No; I don't understand your question.

Q. You had mentioned it to no one but Mr. Darling, and that was in confidence. How, then, was the story traced to you outside?—A. I suppose he mentioned it outside.

Q. Who did?—A. Mr. Darling.

Q. You are certain you did not mention it?—A. I did not mention it outside.

Q. Tell us to whom you mentioned it to inside.—A. In the appraiser's office?

Q. Yes, and when you mentioned it.—A. I don't recollect mentioning it to anybody.

Q. Do you recollect that you did not mention it to anybody?—A. No, I do not.

Q. Then you may have mentioned it?—A. I may have mentioned it.

Q. What induced you to mention it?—A. Well, that is a matter that I cannot explain—the reason I mentioned it.

Q. How long had you been on intimate terms with Mr. Kerr before you approached him on the subject of this appointment?—A. Well, I was always intimate with Mr. Kerr in the House.

Q. Describe what you mean by intimate.—A. To pass the time of day.

Q. Is that the extent of your intimacy?—A. Yes, sir.

Q. When you undertook this business of procuring this appointment for Greene, did you and Greene agree upon any particular sum of money that you were to receive?—A. No; because Greene did not know how much it was going to cost.

Q. Who fixed the quantum of funds necessary to carry the matter through, you or Greene?—A. Greene paid me the money.

Q. Who fixed the amount?—A. I paid Mr. Kerr all the money that I received.

Q. Who fixed the amount of money?—A. I did not pay Mr. Kerr the amount that he wanted, because I hadn't it.

Q. State distinctly what amount he wanted.—A. He wanted $500; he said if it was worth anything it was worth $500.

Q. And Mr. Kerr made that demand of you at the first interview?—A. No, sir; at the third interview.

Q. You said a while ago that you had arranged in the beginning to pay him.—A. Well, I did not arrange to pay a certain amount; I said that my friend would pay what he could.

Q. You then adjusted the matter with Greene afterward?—A. Yes, sir.

Q. And Greene paid you $410 and you added $40 to it, and you paid Mr. Kerr $450; is that the statement you have made?—A. Yes.

Q. Is that true?—A. It is, as far as my knowledge goes.

Q. Well, how far does your knowledge go?—A. Well, I think my knowledge is correct to trace it back to that time.

Q. You cannot be mistaken about it?—A. I don't think hardly that I can.

Q. Your memory is good, is it?—A. Pretty good; it has been so far.

Q. And you recollect what you have done and how you have been employed and where you have lived during the past twenty years?—A. Yes, sir.

Q. How old are you?—A. Going on forty-eight.

Q. Then you ran through twenty-seven years a while ago in your answer?—A. Yes, sir.

Q. Do you remember everything that has transpired during that period?—A. Yes; I recollect since I was nine years old, ten years old, eleven years old; and I always worked for my living all my life-time, hard.

Q. Yes, it seems you did. Now you think you cannot be mistaken about what you have stated to the committee?—A. No, sir; I know I aint mistaken about the money, for I made up the deficiency.

Q. What were your duties in the House of Representatives?—A. Assistant doorkeeper on the east side of the House.

Q. Tell us what that means.—A. Excuse me, but I think you have been so long here you ought to know what a doorkeeper's duty is.

Q. Well, I do not know. I have never filled a place of that kind. I want to get some idea of what your duty was. You stood at the door and went in and out with messages, did you not?—A. No; I had a page to carry messages.

Q. Your duties commenced at 12 o'clock and ended with the adjournment of the House each day?—A. Yes; only when we had night sessions.

Q. Where did you spend your evenings?—A. Around Washington.

Q. Where?—A. Everywhere.

Q. Tell us some particular place.—A. Well, some nights, Sunday nights, I went to church, and some nights up to Willard's.

Q. What church do you attend?—A. I attend the Episcopal Church; and some nights around in society, male and female society.

Q. Whom did you know in Washington?—A. I don't know anybody now.

Q. Whom did you know at that time?—A. Well, I knew those that I came in contact with.

Q. Name some persons whom you knew.—A. Do you mean members of Congress?

Q. Yes, or anybody else.—A. They are all out and dead now, the members of Congress.

Q. That does not make any difference; I want some of their names.—A. Well, the delegation from my own district; Mr. Darling was a member and Mr. Raymond was a member.

Q. Did they both represent your district?—A. No, sir; they were in separate districts.

Q. Whom else did you know?—A. I knew Mr. Kerr, and I knew Mr. Niblack, his friend, by sight.

Q. Were you intimate with Mr. Niblack?—A. Only sociably, just to pass the time of day.

Q. Just as you were with Mr. Kerr?—A. Yes, sir.

Q. Whom else did you know?—A. I don't recollect now.

Q. You lived here a whole Congress, did you not?—A. Yes, two sessions.

Q. And you passed your evenings at Willard's and at church and elsewhere?—A. I passed my evenings around the same as any other gentleman.

Q. I do not doubt that. Whom did you know in Washington at that time?—A. Those that I knew then I forget all about them now.

Q. You do not remember at all?—A. No, sir; I cannot.

Q. Did you know many persons in this city?—A. Not a great many.

Q. About how many?—A. It is impossible for me to tell.

Q. Where did you board during the time that you lived in Washington?—A. I boarded down this street here, near the depot, part of the time, and then I boarded up in another place; I forget where.

Q. What was the name of your landlord?—A. I cannot tell.

Q. You cannot tell the name of your landlord?—A. No, not now. I had a room and took my meals at a restaurant.

Q. What was the number of the house?—A. They did not have any numbers in Washington.

Q. What was the street?—A. North Capitol street.

Q. Was it at this side of the depot or the other side?—A. I boarded up there one spell, and then another spell clear back here; I don't know the street.

Q. Whom did you board with there?—A. I forget his name.

Q. What members of Congress did you visit while you were living in Washington?—A. I did not visit any members of Congress.

Q. But you testified awhile ago that you knew a great many of them?—A. Well, that does not mean that I visited them at their houses.

Q. I merely want to know what particular members you visited. Did you visit any?—A. Never, unless I had business.

Q. Whom did you visit on business?—A. I don't recollect.

Q. Did you visit Mr. Niblack?—A. No, sir.

Q. You visited Mr. Raymond, did you?—A. Yes, I visited Raymond.

Q. Raymond is dead, is he not?—A. Yes, sir.

Q. You visited Mr. Darling, of course; now name some others.—A. I cannot recollect any others.

Q. What prominent persons do you know in the city of New York, without distinction of party, race, or color?—A. I cannot recollect, sir. I can make up a list to-morrow and furnish it.

Q. I do not want your list to-morrow. I want your testimony now.

No answer.

Q. When did you leave New York?—A. Last night.

Q. Did you come in obedience to a subpœna?—A. Yes.

Q. Where were you subpœnaed?—A. There was a subpœna left at my house a week ago, I think.

Q. When and where did you last see Mr. Greene?—A. I saw him in New York City.

Q. When?—A. I guess about a week or ten days ago.

Q. Did you have any conversation with Greene on this subject then?—A. Yes.

Q. What did you say to him?—A. I told him that I hoped I would not have to come before the committee.

Q. Why did you tell him that?—A. Because I did not want to come.

Q. Was there anything said about the committee at that time?—A. Yes. Greene said that parties had been to his house getting affidavits and statements.

Q. Did you tell Greene that you had paid Mr. Kerr money?—A. Greene knew that I had paid Mr. Kerr money.

Q. How did he know it?—A. Because he had confidence in my word.

Q. Did you tell Greene that you had paid Mr. Kerr money?—A. Yes, sir; I told Greene—I notified him that I paid Mr. Kerr the money that he gave me immediately after I received it.

Q. When you applied to Greene for the money you told him you wanted to pay Mr. Kerr for the commission?—A. Mr. Greene had the money to get the commission.

Q. When you applied to Mr. Greene for the money, did not you tell him you wanted it for Mr. Kerr?—A. I didn't apply to Greene for the money. He handed me the money in advance.

Q. Why did he hand you the money?—A. Because he knew that I had to pay for the commission—to buy a commission for him.

Q. Did you have any conversation with Greene by which he was informed that you would be obliged to buy the commission?—A. O, yes.

Q. You told him you would be obliged to buy it?—A. No, I didn't tell him; he told me; he authorized me to buy a commission.

Q. That was before you approached Mr. Kerr?—A. He said that he would be willing to pay a reasonable amount, if I could get it.

Q. Coming back to your previous statement, you say that Greene authorized you to buy a commission?—A. Yes, sir.

Q. What sum did he authorize you to pay for it?—A. He didn't know how much it would cost. He said to find out how much it was.

Q. And you undertook the job of buying a commission?—A. I undertook the job to get the commission and pay for it.

Q. Did you tell Greene that you had paid Mr. Kerr the $410 which he gave you?—A. Yes, sir; $450.

Q. You told Greene that?—A. Yes.

Q. Before he gave you the $410 did you tell him you wanted $450?—A. I told him I could not get it any less, I didn't think; that Mr. Kerr wanted $500, and that I hoped we could raise the money.

Q. Had Mr. Kerr fixed the amount at that time?—A. Mr. Kerr said if it was worth anything it was worth $500.

Q. But back of that, when you first told Mr. Kerr that you would pay for it, did he fix the amount?—A. No; there was nothing said about the amount at that time.

Q. How long had you this money in your pocket before you paid it over to Mr. Kerr?—A. I could not recollect. I didn't have it very long anyhow.

Q. Did you give Mr. Greene a receipt for it?—A. No, sir.

Q. Did you have a receipt when you paid it out?—A. No, sir.

Q. When next after paying the money did you see Greene, and where?—A. Well, I think probably in a week.

Q. Where?—A. He came to Washington again.

Q. Where did he stop?—A. He stopped at a cheap lodging-house over there.

Q. Where was it?—A. I don't know.

Q. Did you visit him?—A. He visited me.

Q. Did Greene know where you stopped?—A. He had no occasion; he found me on duty.

Q. He always visited you here?—A. Yes, sir.

Q. Then in about a week he came over from New York, and you told him you had paid Mr. Kerr?—A. I told him I had given Mr. Kerr the money, and that he was nominated; and then he went home and forwarded me $40 through a post-office letter, which is now on record in the post-office.

Q. When did you next see Greene, and where?—A. I saw him frequently for two or three weeks.

Q. Did you ever have any further conversations with him about paying money?—A. No; there was no need of that, because he was nominated, and Mr. Kerr was doing the best he could for his interest.

Q. I am not asking for your logic; I am asking for an answer. When did you see him next, and where?—A. In Washington.

Q. Did you say anything to him then about paying Mr. Kerr the money?—A. There was no more conversation about it, because it was finished.

Q. This was ten years ago?—A. Ten years ago.

Q. Come down to the exact date, the first time since that appointment was made or tendered, when you made the statement that you had paid Mr. Kerr.—A. I can't do that.

Q. Was it in the year 1867?—A. I don't recollect.

Q. Eighteen hundred and sixty-eight?—A. I can't tell.

Q. Eighteen hundred and sixty-nine?—A. You mean when I mentioned the fact?

Q. Yes, the first time you made the statement, after you made it to Mr. Greene, that you had paid the money to Mr. Kerr.—A. I can't recollect.

Q. Was it in the present year?—A. In the present year I have mentioned the fact, as I have already stated.

Q. Had you ever stated it before?—A. Not to my recollection.

Q. Going back again, what induced you to mention the fact at all?—A. Because the papers have made a personal attack on me as an individual. I didn't make any particular allusions to the fact publicly, and I didn't expect that the matter was going to become public at that period.

Q. Had the attack of the newspapers upon you any connection with this transaction of yours with Mr. Greene?—A. It had, because it said we were dishonest, that the republicans were all dishonest, and that the republicans in the administration of the appraiser's department of the port of New York were also dishonest, and that I was aiding the dishonesty. That was in the papers I have mentioned.

Q. And you stated the fact that you had bribed a member of Congress, to prove that you were not dishonest?—A. I didn't say anything about bribing a member of Congress.

Q. What did you say?—A. I mentioned the fact to a gentleman that he hadn't sold any commissions.

Q. That who had not?—A. The gentleman that I have spoken of.

Q. Who was that gentleman?—A. The gentleman I have already named—Mr. Darling.

Q. Did you say who had sold commissions?—A. Yes, sir; I said that Mr. Kerr had sold me a commission for Captain Greene.

Q. Tell us when you said that.—A. I don't know; inside of three months.

Q. Where were you?—A. In the appraiser's office.

Q. Who was present?—A. Nobody but Mr. Darling and me. I suppose it leaked out outside somewhere.

Q. Can you give me the name or names of any prominent republicans in the city of New York with whom you are on intimate terms?—A. Every one of them, sir.

Q. Do you mean by that in the city, or in the State, or in both?—A. I mean almost every prominent gentleman in the city of New York knows me since I was a boy—every prominent gentleman in the republican party.

Q. Give me the names of a dozen of them.—A. The Hon. Abraham Wakeman, the Hon. William A. Darling, Edwin B. Morgan, the collector of the port.

Q. Who is he?—A. I know him, I guess—Chester C. Arthur. Is that enough?

Q. No; name some more.—A. Col. C. M. Merserole.

Q. Give me the names of any prominent men of the other political party with whom you were intimate in the city of New York.—A. I cannot, sir.

Q. Do you know any of them?—A. O, yes; I know them, but I do not associate much in the men's company.

Q. You treated this matter between Mr. Kerr and you as confidential, you say. Did Mr. Kerr enjoin confidence upon you?—A. Certainly he did. It was a confidential matter.

Q. Did he say that it was?—A. Yes, sir; he said of course it was a confidential matter between him and me; and that is the reason to-day that I said I did not want to disclose it. I would rather have went to jail, unless Mr. Kerr demanded me to state the facts.

Q. But you did state the facts to Darling?—A. I did; but that has got nothing to do with here, before a committee. A good many things are talked of privately that are not made public.

Q. You enjoined confidence upon Darling, did you not?—A. Yes, sir.

Q. And you stated this matter to no one else?—A. Not that I recollect of. I did not wish to. I was very sorry to have the thing get outside.

Q. Have you, since the date of your last interview with Mr. Kerr which you have stated, ever met him or had any interview with him?—A. No, sir.

Q. At any time or place?—A. No, sir; the only time I ever saw him since was about nine years ago. I saw him and Mr. Niblack on the steps of the Astor House.

Q. You never had but the one transaction with him?—A. No, sir; that was the last of it.

Q. And you then commenced by offering him pay for an Army commission?—A. Yes, sir; I told him I would pay him for his trouble.

Q. That was the first transaction you ever had with him, and you have never had one since?—A. I have not had any occasion.

Q. Have you ever visited Mr. Kerr's room?—A. Not after that.

Q. How long did you remain in Washington after that?—A. I left after Mr. Darling's time in Congress expired, at the coming in of the new Congress.

Q. That was on the 4th of March, 1867, was it not?—A. I think it was.

Q. You remained, then, from May or June, 1866, down to the 4th of March, 1867?—A. I remained two sessions.

Q. Did you ever approach Mr. Kerr's seat in respect to any business after that?—A. No, sir.

Q. You never held any conversation with him after that?—A. No; there was no need of it. Greene was nominated, and that satisfied all parties.

Q. I mean any conversation on that or any other subject?—A. No, sir.

Q. You were a stranger to Mr. Kerr?—A. Yes, sir; I was in one sense of the word.

Q. Who first introduced you by name to Mr. Kerr?—A. Nobody.

Q. Did you tell him your name?—A. No. He asked me my name, and I told him at his room.

Q. That was the first time you mentioned your name to him?—A. Yes; I told him my name, and that I was from the city.

Q. Then when you spoke to Mr. Kerr at his seat he did not know your name?—A. I do not recollect whether it was at his seat or where it was.

Q. It was in the Capitol?—A. Yes, sir; in the House of Representatives.

Q. Who accompanied you in this visit to Mr. Kerr?—A. I went first alone, next with Captain Greene, and then the last time alone.

Q. Who was your associate door-keeper at the door?—A. I had not any, I think.

Q. You had no associate door-keeper?—A. No, I do not think I had. There might have been a man there to help me occasionally.

Q. Did you stand at the same door during the entire Congress?—A. Yes; the east door.

Q. And you stood there alone?—A. Yes, sir.

Q. Who was at the door when you went in to see Mr. Kerr on this subject?—A. O, we always went in when we had business to call us in and out.

Q. How long did this interview at Mr. Kerr's seat last?—A. Not very long. It did not take long for interviews.

Q. Why did you state to the committee a moment ago that you decline to answer the question put to you by Mr. Bass as to the transactions attending this appointment?—A. Because I had a delicacy in doing so. I did not want to injure Mr. Kerr's good name with his associates in the position that he occupies.

Q. Is that the reason that you made the statement?—A. Yes, sir; that is the delicacy, sir.

Q. Did you ever have any delicacy before on any subject?—A. Yes.

Q. When?—A. You can get witnesses to prove that.

Q. You had no delicacy in approaching Mr. Kerr and offering him money for a commission in the Army?—A. Not as long as he was willing to accept it.

Q. But you made the offer?—A. I did, but of course he could have refused it if he wished.

Q. Are you a man of delicacy of feeling?—A. Well, occasionally. It depends altogether upon the society that I am in.

Q. What society are you generally in?—A. I try to get in the best I can.

Q. Will you give us the names of some of the best society that you are intimate with?—A. Yes, sir; gentlemen in New York City.

Q. Who are they?—A. Well, I mentioned some of them before.

Q. Are those the gentlemen that you are intimate with?—A. I am acquainted with those gentlemen. I think those are gentlemen of good standing.

Q. You had no delicacy in mentioning this matter to William A. Darling?—A. Yes, sir.

Q. You volunteered the statement to Darling, did you not?—A. I cannot recollect whether it was a volunteer statement or not.

Q. What did Darling know about it? I understood you to say that no one knew anything about it except yourself.—A. I do not know what he did know about it.

Q. Then how did you come to make the statement to Darling?—A. I cannot recollect, unless Darling was here to prompt me.

Q. No doubt that would be very desirable. Now tell the committee what reason operated upon your mind to induce you to make the statement which you made a moment ago, that you did not like to disclose this transaction because it was confidential.—A. I have already stated that fact twice. I stated to the committee distinctly that I did not want to expose a private transaction until Mr. Kerr, who is present, wanted me to go on and make the statement.

Q. Whom have you talked with about this case since you were subpœnaed?—A. No one at all. I have kept out of the way of everybody on the subject.

Q. Have you had any conversation with any newspaper reporter?—A. No, sir.

Q. Never with one?—A. On my honor.

Q. Do you know any?—A. I do not.

Q. Are you acquainted with the New York editors, or any of them?—A. No, sir.

Q. And you never have mentioned this subject to them?—A. I never mentioned the subject to them.

Q. Refresh your recollection and see whether you have ever mentioned the subject to any one except Mr. Darling.—A. I do not recollect that I ever did.

Q. Did you know when you were subpœnaed for what purpose you came?—A. Yes, sir.

Q. How did you know it?—A. Well, I knew it because a gentleman had sent for me in New York City, and notified me that I would be subpœnaed to Washington to testify.

Q. What gentleman?—A. District Attorney Bliss.

Q. When did he send for you?—A. He sent for me when I was in the appraiser's office.

Q. Did he tell you for what purpose?—A. He said in relation to this matter of Mr. Kerr. I declined to have any conversation with Bliss on the subject. I told him that I did not want to say anything, and did not want to be brought into this matter.

Q. Who was present when you saw Bliss?—A. I do not think there was anybody.

Q. Did he show you any paper or writing?—A. No, sir.

Q. He merely said that you would be called to testify?—A. Yes; that I would be required at a future time.

Q. Then, as I understand your testimony, you are the only living person cognizant of the alleged fact of the payment of this money to Mr. Kerr?—A. The only one in that transaction we are talking about.

Q. Is there any other transaction?—A. No, sir; and I am sorry there is that.

Q. But you are the only person cognizant of that?—A. Yes.

Q. Greene derived his information from you; Darling derived his information from you?—A. O, no; Greene knowed it; Greene knowed all about the circumstance when it took place.

Q. Tell us what you mean by that remark.—A. Mr. Greene was aware, of course, that I paid the money that he gave me to pay for the position.

Q. You told him you had paid it?—A. I told Mr. Greene I had paid it, and I know he was satisfied that I did pay it.

Q. This money was in currency, I understand you?—A. Yes.

Q. In currency of the United States?—A. Yes, sir.

Q. Fives and tens?—A. Yes; fives, tens, and twenties, I think, because it made quite a roll.

Q. You remember the denominations, do you not?—A. Not distinctly.

Q. There were no hundred-dollar bills?—A. I do not think there was.

Q. And no fifty-dollar bills?—A. I don't think it.

Q. No one-dollar bills?—A. Indeed, I could not say.

Q. Where was Greene when he counted you the money?—A. He counted it to me over in the Capitol; he did not count it; he just handed me $400, and told me to count that when I got home, and, said he, "I have got money enough to go home with, and here is $10 for you."

Q. Did he take it from his pocket?—A. Yes, sir.

Q. And you put it in your pocket?—A. Yes, sir; and then Mr. Kerr put it in his pocket.

Q. I understand that, and $40 more?—A. Yes.

Q. Do you know where Greene obtained this money?—A. O, Greene's family have got property; he got it from his brother.

Q. His family are wealthy, are they not?—A. I do not know anything about their circumstances, but he had the money anyway.

Q. Where does his brother live?—A. He kept a store at that time at 29 Madison street.

Q You and Greene were very intimate?—A. Yes, sir; before he went into the Army we were more so.

Q. Were you very intimate with him in the spring of 1866, when this transaction occurred?—A. Yes, sir; I was friendly. I appreciated the act very much.

Q. Appreciated what act? His giving you the $410?—A. I appreciated the act of Mr. Kerr in nominating Greene.

Q. Where is Greene now located?—A. I do not know. I think he is in Washington.

Q. Is he still in the Army?—A. He is not, sir. I am very sorry to say he got cashiered, and disgraced the gentleman that nominated him.

Q. I did not ask you about that.—A. I thought I would give you a little information.

Q. Did you not tell Greene that you wanted the money to buy his commission; and if Greene gave it to you, did not you put it in your own pocket and tell Greene that you had paid it to Mr. Kerr?—A. Now, you know what I swore to!

Q. I do, distinctly.—A. I swore to the truth, and, as God is in heaven, nothing but the truth, and Mr. Kerr knows that I gave him the money right at the door on the east side of the House. Let us drop that subject.

Q. Now, you have stated that Mr. Kerr said to you that this appointment was worth $500?—A. He said if it was worth anything it was worth that.

Q. That was the only figure mentioned?—A. Yes, sir. Well, he said if it was worth anything it was worth $500.

Q. He did not say it was worth anything?—A. Well, he said if it was worth anything it was worth $500.

Q. And after that remark of Mr. Kerr you put $450 in your pocket, and handed it to him on the steps leading from the east door of the hall. Is that the statement?—A. I do not think it was on the steps; in the turn there.

Q. In the lobby?—A. Yes, sir.

Q. Did you count out the money to Mr. Kerr?—A. I did not.

Q. Did you tell him what the roll contained?—A. I did not.

Q. Did you tell him what it was for?—A. I did not. I had no occasion for that.

Q. I ask you whether you did tell him?—A. I did not.

Q. Did you tell him whom it was from?—A. I did not.

Q. Please describe particularly the room or rooms occupied by Mr. Kerr at the time o your call upon him in 1866.—A. I have given you all the description that I am capable o giving.

Q. Were they in the first story or the second?—A. On the first floor, I think.

Q. Front or back?—A. I do not know whether he had the whole floor or not.

Q. Was his room in which you saw him a front or a back room?—A. My impression was that it was a back room.

Q. I do not want your impression; I want your statement.—A. Well, we will say it was a back room.

Q. When you approached that house, how did you enter?—A. By the door.

Q. Did you ring the bell?—A. I suppose so. I do not know. I do not recollect about that, ten years ago.

Q. You have stated that you are a man of very good memory?—A. Yes, sir.

Q. You rang the bell, did you?—A. I do not recollect.

Q. Did you go into a house that you had never visited before without ringing the bell?—A. I was invited to come there.

Q. Did you go straight to Mr. Kerr's room?—A. Mr. Kerr was at home and received me.

Q. Did you go from the door straight to his room?—A. I think I did.

Q. Did you see any person about the house?—A. Not that I recollect of.

Q. What time of day was it?—A. It was in the evening.

Q. What time?—A. I do not know; between the hours of 7 and 9, I suppose.

Q. Did you have any difficulty in finding Mr. Kerr's room?—A. I think not.

Q. I desire you to tell the committee distinctly about what date that was.—A. I cannot recollect the date; I did not keep a memorandum of things of that kind.

Q. Have you stated the month?—A. No, sir; it was in the spring of the year, that is all.

Q. Is there anything by which you can fix the date?—A. No.

Q. Did you state the time when this transaction occurred when you made the statement of it to Darling?—A. Mr. Darling was aware of the time when Greene was appointed in the Army.

Q. You did not state the time to him, then?—A. No, sir.

Q. To whom did you state the time?—A. Well, I did not state it to anybody, because it was published in the papers and everybody knew about it.

Q. I am not speaking of the time he was appointed, but of the time of this interview that you had with Mr. Kerr at his room when he remarked that if it was worth anything it was worth $500.—A. No; I did not state the time.

Q. Did you state at what time your first interview with Mr. Kerr occurred?—A. No; I do not think I did.

Q. Can you tell the committee within thirty days of the time when it occurred?—A. No. I never mentioned the subject after that, one way or the other.

Q. Can you tell the committee within thirty days of the time it did occur?—A. Not unless I go up to the post-office and see when I receipted for a money-letter there.

Q. That money-letter was a transaction between you and Greene, was it not?—A. Yes, sir; to pay me for the money that I had paid for him.

Q. How does that fix the date of your interview with Mr. Kerr?—A. I cannot tell. Of course the other business was transacted before that time.

Q. How long before that?—A. In the spring of 1866.

Q. In what year does that letter that you received bear date?—A. 1866.

Q. What month?—A. I cannot tell. But it must have been either May or June.

Q. Have you ever been indicted for any crime?—A. Never, sir; I have never been before a magistrate.

Q. How long did you say you had been a politician?—A. Ever since the republican party has been in existence.

Q. When did it first organize? In 1856, was it not—twenty years ago?—A. Yes.

Q. Have you ever been a witness in any case?—A. Never.

Q. Have you ever been summoned to appear as a witness in any case?—A. Never.

Q. During the past twenty years, when you were not in public office, what business did you follow?—A. Earning an honest living at any business I could find.

Q. During the past twenty years, when you were not in public office, what business did you follow? I asked for a specific answer.—A, That is all the answer I will give you; that is all the answer I can give you.

Q. Can you not tell?—A. No, sir I have not kept a memorandum of my business.

Q. Can you not tell the committee what business you pursued when you were not in public office?—A. There are different occupations; and I have always been employed at something.

Q. Have you been in public office for the last twenty years consecutively?—A. I have been in public office since 1858.

Q. Are you in public office now?—A. No, sir; I resigned in consequence of this trouble.

Q. What were you doing between 1854 and 1858?—A. I was assisting the Third Avenue Railroad.

Q. You recollect that employment, then?—A. Yes, sir.

Q. You entered public office in 1858; in what office?—A. In the comptroller's department, New York City.

Q. How long did you remain there?—A. Four years; as long as the term of comptroller.

Q. What did you do next?—A. I went in the custom-house.

Q. How long did you remain there?—A. Until I came to Washington.

Q. What else did you do after you left Washington?—A. After I left Washington, I was appointed assistant assessor of internal revenue, and I remained there until I was appointed a deputy collector of internal revenue—an outside deputy to collect all the money—and I collected all the money and turned it all in. After that I went into the appraiser's office.

Q. You remained there until what time?—A. I remained there five years and six days.

Q. Upon whose recommendation did you receive those appointments?—A. On my honesty; on my honesty, my integrity; and I challenge that to be impeached, if I am a poor individual here in the House of Representatives.

Q. Upon whose recommendation did you receive these several appointments?—A. On my own record and honesty. I had nobody to recommend me.

Q. Do you mean to tell the committee that you had no political influence?—A. I never had any indorsement in my life.

Q. Who placed you in this position in the House of Representatives?—A. Mr. Darling placed me there.

Q. Did you get that on your honesty or on Darling's?—A. On my honesty.

Q. Did you produce satisfactory evidence before you got it?—A. He was the judge of that.

Q. Who was?—A. The man that appointed me.

Q. Who appointed you?—A. Captain Goodenough appointed me.

Q. Did you know Captain Goodenough?—A. Not until I came to Washington.

Q. You remained in Washington two years as assistant doorkeeper?—A. I was absent during the recess.

Q. You remained in Washington, and were appointed upon your honesty?—A. Yes.

Q. And you have held public office since 1858 upon that sole recommendation?—A. Yes, sir.

Q. Do you know of any transaction with any other members of Congress or any Government official?—A. No, sir.

Q. Whereby you procured an appointment for anybody?—A. No, sir.

Q. You never had any such transaction?—A. No, sir; I never interfered at all, directly or indirectly.

Q. This, then, is the sole transaction of your life in respect to procuring appointments?—A. Yes, sir.

Q. Did you ever solicit any members of Congress to give you an appointment for yourself or any one else?—A. No, sir.

Q. Did you ever solicit any one to give you an appointment?—A. No, sir; I had no occasion to; I was always sought after.

Q. Always sought after?—A. Yes. That means that I was always worth my money.

Q. Did you ever approach any other member of Congress in respect to this appointment of Greene?—A. No, sir; I did not. I will explain—because this was the only vacancy.

Q. This was the only vacancy, you say?—A. I understood it was so.

Q. What was the fact?—A. O, the facts I have given here.

Q. Was it or was it not the only vacancy that existed at that time?—A. So I was informed.

Q. Who informed you?—A. I don't know; somebody or other informed me.

Q. Tell us who informed you.—A. I cannot recollect.

Q. Did you ever approach any other members of Congress in respect to any other appointment?—A. No, sir; I did not.

Q. Or any other favor of any kind?—A. No, sir; I did not.

Q. Had you ever had any experience in procuring appointments?—A. Never.

Q. Had you ever had any experience in the use of money for securing appointments?—A. No, sir; I had not. The only interest I felt was about this young man coming to me looking after the place.

By Mr. DANFORD:

Q. Where did you have your first interview with Greene in Washington, or any knowledge on the subject of this appointment?—A. He came to me to Washington looking for the place.

Q. You had been here from the preceding December until spring?—A. Yes, sir; he came and approached me on the subject of getting a position.

Q. Who first mentioned the matter that it would cost money?—A. Well, he authorized me to say that he would pay for a place. He knowed he could not get the place in any other way, because he tried to get a place he said, and could not get it in any other way, and he wanted me to look around and get him one and he would pay for it.

Q. When this gentleman Moore called on you, where were you?—A. I was in the appraiser's office.

Q. Was that before you had resigned?—A. Yes, sir. Moore called on me and showed me a copy of a letter that he said was written to Mr. Kerr; but I knew nothing about it, directly or indirectly.

Q. How long after Moore called on you did you remain in the appraiser's office?—A. I resigned on the 4th May, to take effect on the 29th April. I left the office and did not return again, and sent in my resignation.

Q. It was before you left the office that Moore called on you?—A. O, yes; two or three weeks; I think about two weeks anyhow.

Q. Did he show you a letter?—A. He showed me a slip of paper that he said was copied from a letter addressed to Mr. Kerr, and says I, "There is only one thing in there that agrees with my views, and that is that I don't want to appear before any committee against Mr. Kerr."

Q. What did you know of that letter?—A. I never knowed nothing about it, so help my God. I never knowed nothing about it, directly or indirectly. It was everything new to me.

Q. Mr. Moore did not claim to have the letter itself, but a copy?—A. A copy from a letter that Mr. Kerr had received.

Q. What inquiry did he make of you?—A. O, that was all. He said that Mr. Kerr was Speaker of the House. I told him certainly he was. He said that things of that kind must

not take place. I told him it hadn't ought to take place. That is the conversation I had with Moore.

Q. What reason did he give for calling on you?—A. Because he had a copy of the letter, and because my name was in the letter. It read that L. Harney, of the appraiser's department——

Q. What about L. Harney, in the appraiser's department?—A. I almost forgot the letter. It was addressed to Mr. Kerr and it said that L. Harney, of the appraiser's department, had paid Mr. Kerr money. I denied——

Q. The letter addressed to Mr. Kerr purported to make the charge that you paid him money?—A. Yes, sir. I denied the matter to Mr. Moore, and told him that I felt indignant about it. That was the first approach I had about the matter.

Q. What did you deny?—A. I told him, says I, "I don't want to talk about anything of that kind at all," says I, "about Mr. Kerr;" says I, "I am surprised." He seemed pleased——

Q. When were you next approached about it, and by whom?—A. Well, parties have approached me in the street, and I have declined to have anything to say to them about it—strangers; newspaper people. I told them I would have nothing to say about it; and at my residence we would not receive anybody. I kept out of the way.

Q. Did you ever make any communication to any newspaper people on the subject?—A. No, sir; never, either directly or indirectly. I done everything I could to avoid it.

Q. When did Bliss send for you; before or after your leaving the appraiser's office?—A. He sent for me, I think, along about the 15th of April.

Q. Before you had left the office?—A. Yes, sir. I told Bliss that I hoped I would not be brought into anything of this kind. I told him I would not have anything to say to him, either directly or indirectly, on the matter. He said he did not want me to.

Q. Whom did Bliss come from?—A. I don't know, sir. I did not ask him any questions.

Q. Have you seen Greene and talked this matter over with him?—A. I saw Greene not long ago.

Q. Where?—A. In New York City.

Q. At his place, or at your place?—A. He called to see me; first off, when this talk went around, I told Greene to be careful and not say anything about these things; and then he called to see me about the matter, and I told him that rather than come here I would leave the city altogether. I told him, says I, "I will resign my position in the appraiser's office to avoid this thing; and rather than be brought before any committee," says I, "I will leave the city."

Q. What connection does this matter now before this committee have with your leaving the appraiser's office?—A. Well, I done this because I thought if I left the appraiser's office I would not have to come to Washington. I did not want to have this matter brought up at all. It has injured me very much indeed, and made me quite sick.

Q. Why did you think that by leaving the appraiser's office you would escape testifying about this matter?—A. Well, I thought probably the matter would die out or drop off; and then there was another reason. There was a new head of the appraiser's office, and, of course, the gentleman that I had been associated with had left. Still he didn't request me to resign; I resigned and left the place.

Q. Resigned on your own motion?—A. Yes, sir; I had no request to resign. I have not seen the gentleman since last month, when I paid off the men.

Q. Have you been to the registration-office of the post-office to look after that letter since you came here?—A. No, sir.

Q. Have you had any communication with the Department?—A. No, sir. I only arrived here this morning, and I have not slept any in two nights with neuralgia in the head. I wanted to get out of this thing, but I was forced to it.

Q. When were you subpœnaed?—A. It was last Tuesday, I think; it was left at my house.

By the CHAIRMAN:

Q. With your sister?—A. No, sir; I have no sister. The subpœna was left in the house, and I kept away because I did not want to be subpœnaed.

Q. When did you first get the subpœna?—A. Thursday last.

Q. You were directed to be here when?—A. It notified me to be here on the 23d of the month, and I kept away because the doctor told me——

By Mr. ELLIOTT:

Q. When Mr. Moore called on you in New York, and showed you a copy of a letter which you say purported to be a copy of a letter written to Mr. Kerr, you told Moore that you did not know anything about it, did you not?—A. I told him that I knew nothing of such a letter.

Q. State exactly what you did say to Mr. Moore.—A. I was surprised; I could not give the exact words.

Q. Give them as near as you can.—A. He said his name was Moore. I said, "Mr. Moore, I don't know anything about such a letter wrote to Mr. Kerr; I never knew anything about it."

Q. Never knew anything about what?—A. That I never knew anything of the matter at all; I was entirely ignorant of the whole fact. That was all the conversation. Mr. Moore was a nice gentleman. There was nothing more said, directly or indirectly.

Q. What did Mr. Moore say to you?—A. Well, he said that somebody had written a letter of that kind, and he had a copy from the letter; and I said that I knew nothing of the transaction.

Q. What did you allude to?—A. That letter.

Q. Did he interrogate you as to this transaction you had with Greene?—A. No, sir.

Q. Did I understand you to say that Darling did not know anything about the appointment of Greene?—A. He knew that he was appointed when he was in Washington.

Q. Did he know that Greene was an applicant for an appointment?—A. He knew that Mr. Kerr appointed Greene.

Q. Did he know before the appointment was made that Greene was an applicant for the appointment?—A. I do not know that.

Q. Did you ever talk with him on the subject?—A. I never did.

Q. Did you know Mr. Moore when he came to see you?—A. No, sir; I never saw the gentleman before.

Q. You spoke a moment ago about newspaper men.—A. O, well, people in the city, outside.

Q. Did you know that they were newspaper men?—A. I supposed so, for they wanted to gather news, and I had not any to give them.

Q. Did you know who they were?—A. I knew them by sight; I could not call them by their names.

Q. What papers did they represent?—A. I could not tell even that.

Q. You say you were not requested to resign?—A. Yes, sir, I do.

Q. You resigned of your own motion?—A. I did, sir; I don't know whether it is accepted or not.

Q. You are in no business now?—A. I ain't doing nothing now, sir.

Q. How long have you been in Washington?—A. I came here this morning.

Q. Where are you stopping?—A. I am stopping at that big hotel on Sixteenth street.

Q. The Arlington?—A. Yes, sir.

Q. Are you a married man?—A. Yes, sir.

Q. Have you any children?—A. No, sir.

Q. Where do you say you live?—A. Six hundred and four Sixth avenue, New York City.

Q. How long have you resided there?—A. I have lived in that and the next house eight years.

Q. Do you keep house there?—A. Yes, sir.

By the CHAIRMAN:

Q. You stated, I believe that there had been a meeting in the appraiser's office about that matter?—A. There was no meeting; I didn't say anything about any meeting.

Q. I so understood you?—A. No, Mr. Chairman; I said that through the excitement in the appraiser's office it came up. There was nobody but Mr. Darling present.

Q. There was a great excitement in the appraiser's office in regard to this matter?—A. O, no, sir.

Q. In regard to what, then; in regard to Mr. Darling's connection with the savings-bank?—A. Yes, sir.

Q. And that was the provocation which you allege for having made that statement?—A. Yes, sir; the papers made a great many attacks on me individually.

Q. Was that the first time in your life that you made that statement?—A. Yes; and I didn't hardly make the statement then.

Q. How soon after this did you talk to Mr. Bliss?—A. I didn't talk to him. He sent for me, and I declined to have anything to say to him on the subject.

Q. Who is Bliss?—A. He is district attorney for the southern district of New York.

Q. Have you ever said to any one that you were crowded, and that a great pressure was brought to bear upon you to make this statement?—A. No, sir; I have never said such a thing.

Q. Do you know a brother-in-law of Mr. Darling?—A. Yes.

Q. What is his name?—A. Daniel W. Lee.

Q. Has he not spoken to you on the subject?—A. Not that I know of.

Q. Was not he very vindictive and bitter with reference to those charges made against his brother-in-law?—A. Yes, sir; I suppose he was.

Q. He was one of the persons excited upon that subject, was he not?—A. Yes, sir.

Q. Have you not said that he and Bliss crowded you to make that statement?—A. No, sir.

Q. Have you not said that he and Bliss brought a pressure to bear upon you to make that statement?—A. No, sir.

Q. You are quite positive you have never said so?—A. I do not think I ever said so.

Q. Did you never say so to Captain Greene?—A. No, sir. I told Captain Greene that was a scandalous thing for both of us to be in this transaction.

Q. Did not you say that rather than make this statement you would resign your office?—A. I did; but then I knew, of course, I would be arrested and brought here anyhow, and then I came here, not with the intention of making all these statements, for I thought the committee would exonerate me and get me out of it.

Q. Was not that "crowding" of you intended to make you either make this statement or clear out of that office?—A. No, sir. I didn't care for the place anyhow after the change.

Q. What was the salary of the place?—A. Eighteen hundred dollars.

Q. You had no care for the salary?—A. No, sir.

Q. What means of income have you outside?—A. O, I can get something else to do any time.

Q. Have you any resources outside?—A. No, sir; only what I earn daily.

Q. Have you been employed since the 4th of May?—A. I have not been employed since the 29th of April.

Q. You have been engaged in no business since that time?—A. No, sir; not this month. I have been sick all the month with neuralgia in the head, and then this thing has worried me for a few days back and caused me a good deal of annoyance.

Q. Was not your first statement with reference to this matter made rather as a threat and an attempt to ingratiate yourself into the favor of those in whose employ you were?—A. O, no, sir; I had no occasion for that at all.

Q. You have said that you never in your life before or since have had any other transaction of this nature with any one; that is, that you never have secured or attempted to secure any person a place or appointment for a money consideration, save this one?—A. Yes, sir.

Q. Was there any other Congressman than Mr. Kerr from whom you attempted to obtain this appointment for Greene?—A. No, sir.

Q. Did not you introduce Greene to some other Congressman?—A. Not that I recollect of.

Q. Did not you say to him that there was another person from whom you could get this appointment?—A. No, sir.

Q. Are you quite positive you did not say so to Greene?—A. Yes.

Q. Are you quite positive you did not introduce him to another member of Congress and try to get this place for him?—A. Not that I recollect of.

Q. Are you certain you did not have dealings with some other member of Congress on this subject?—A. Yes.

Q. You swear that you never said you had to Greene?—A. I told Greene there was no other Congressman to get it from.

Q. Is it not a fact that you not only told him there was another Congressman, but that you also introduced him to some one?—A. Not that I recollect of.

Q. Did you or did you not? What is your absolute knowledge on that subject?—A. Another Congressman—not that I know of.

Q. Then Mr. Kerr is the only person to whom you spoke with reference to the appointment of Greene in 1866?—A. I went around among the republican members, and they hadn't any place to give.

Q. When you went around among them did you say that you would pay them for their trouble?—A. No; they said all the places were gone.

Q. Did you ascertain the general price of those places at that time?—A. No, sir.

Q. Is this the only proposition you ever made to any person on a subject of this kind?—A. Yes, sir; to my knowledge.

Q. You say you went to republican Congressmen and asked them whether they had places of this character. Please name them.—A. Mr. Darling was one, and General Tayler, of New York City, who was a member at that time, was two; Mr. Raymond was three; and then a gentleman from Brooklyn, who died, a member of Congress. The places were all filled, and I didn't know of any other place to get.

Q. Was that room in which you were when you visited Mr. Kerr on the first floor back?—A. It was on the first floor, right along this way, [illustrating.]

Q. Which side of the street was the house?—A. On the right hand going down.

Q. Was it a two-story or a three-story house?—A. I could not recollect.

Q. Brick or stone?—A. I could not tell that.

Q. Do you know the avenue?—A. It was the avenue running like Pennsylvania avenue on the left.

Q. Maryland avenue, was it?—A. I don't know; I have forgotten he names of the avenues.

Q. Was there a bed in that room that you were in?—A. I don t know; I think there was.

Q. Was there a fire in the room at the time?—A. I don't recollect.

Q. How long did you remain there?—A. Not long; a few minutes.

Q. At that time Mr. Kerr questioned you particularly with reference to the antecedents and qualifications of Captain Greene, did he?—A. Yes, sir.

Q. Was it at that interview that Mr. Kerr said to you that he would require personal recommendations to himself?—A. I think so—either the first or the second.

Q. And you say that those recommendations were obtained by Captain Greene and he forwarded them to you?—A. I know they came through my hands in some way.

Q. You say you handed them to Mr. Kerr?—A. I think I did in the House.

Q. Are you quite positive that you did it in the House?—A. I think so. I know Mr. Kerr told me that they were satisfactory, after he read them.

Q. Goimg back a moment to the interview between you and Mr. Moore, you say that he presented you a paper which he alleged to be a copy of an anonymous communication received by Speaker Kerr, in which you were mentioned as the person who had had some transaction of this kind, and that he wanted to know if you were the author of it?—A. Yes, sir.

Q. Did he ask you directly if you were the author of it?—A. Yes. I told him I knew nothing of it; I was surprised.

Q. Did you say anything to Mr. Moore about Bliss and Darling on that occasion?—A. No, sir.

Q. Did you or did you not say to him on that occasion that Bliss and Darling were crowding you to make that statement?—A. No, sir.

Q. You say under your oath that you did not say anything of that kind?—A. To the best of my belief, I never made such a remark.

Q. And you are quite as positive that you never said any such thing to Captain Greene?—A. No, sir; I told Captain Greene that I would rather resign my place and leave the city than to come here.

Q. You say you were absent from your own house for a number of days on account of this subpœna; where did you stay?—A. I was not absent, but I did not answer anybody; I did not want to see anybody.

Q. Did you have word left with your servant that you were not at home?—A. Yes; to say that Mr. Harney was absent and could not see anybody.

Q. Have you ever been communicated with by any one from here during the past week?—A. No, sir.

Q. Have you telegraphed to any one here on this subject during the past week?—A. I telegraphed that I would be here this morning.

Q. To whom did you telegraph?—A. To Mr. Bass, that I would be here before the committee. I had forgotten your name, and I hadn't my subpœna down town, and I telegraphed to Mr. Bass.

Q. Was the Sergeant-at-Arms after you more than once in New York?—A. No, sir.

Q. After you were subpœnaed you went to see Captain Greene, did you not?—A. No; we had an interview before that. I did not expect that subpœna at all.

Q. How late was the last interview you had with Greene?—A. It was about ten days ago.

By Mr. ELLIOTT:

Q. Who communicated Mr. Bass's name to you?—A. I don't know, sir. I found out that he was on the committee.

Q. From whom?—A. I don't know how I found it out; I think I saw it in a copy of the paper—the committees of the House.

By the CHAIRMAN:

Q. [Showing witness a scrap of paper.] Is that your handwriting?—A. Yes; that is my writing. Captain Greene was going to Washington, and I notified him not to leave the city until he saw me.

The examination of the witness was suspended at this point, with the understanding that he should re-appear for further cross-examination on Wednesday, May 31, at one o'clock p. m.

Mr. KERR. Mr. Chairman, it is irregular for me to make a statement at this stage of the proceeding, and I do not care to do it. My health is feeble and I am a great deal exhausted by sitting here as long as I have sat; but I do not want to retire from the room without saying a few words, and therefore to that end I ask that I may be sworn.

The chairman administered the oath.

Mr. KERR. I only care to say to-day, Mr. Chairman, that as to every material statement made by this witness, affecting my personal and official integrity and honor, I deny it, and shall try to disprove it. If I were able I would like to state the circumstances under which this present investigation arose, so far as I know them, in connection with that anonymous letter; but I do not feel able to enter into that or into the other facts of the case to-day. I will further say, that, consciously, I never knew this witness in my life. Now, I do not say, nor intend to be understood, that it is not possible that he, being a doorkeeper, did introduce Mr. Greene to me in some formal way. I do not know six doorkeepers about this House now, although they are supposed to be my political friends. I never consciously exchanged one minute of conversation between heaven and earth with that person, [indicating Harney.] I do not know him now. I never knew him. I was never acquainted with him. He was never in my room, as he has stated he was; and of course I never received any money in that way from him or anybody else. That is all I care to say to-day.

H. T. CROSBY sworn and examined.

By Mr. BASS:

Question. You are chief clerk of the War Department?—Answer. Yes, sir.

Q. You produce here certain papers from the files of the War Department relating to the appointment of Augustus P. Greene as second lieutenant in 1866?—A. Yes.

Q. What do those papers consist of?—A. I will give them in the order of their dates. On the 12th of June, 1866, there is a paper filed in the War Department by Hon. M. C. Kerr, Representative from the second district of Indiana, in which what you might call a descriptive list is made of Augustus P. Greene, a nominee for a second lieutenancy in the Regular Army. That is accompanied with several inclosures, of which I have left a memorandum with the committee. The second paper of the same date is from Nelson Taylor, dated Washington, requesting that the papers on file belonging to Greene as an applicant for a position in the Army be returned to him, Taylor.

Q. That request referred to certain other papers that are not now on file?—A. Yes, sir; testimonials sent through Senator Harris.

Then there is a letter from Mr. Kerr, dated July 31, 1866, of which I furnish a copy. It was indorsed by Hon. Meyer Strouse, and filed with the President.

The next is a letter from Mr. Kerr, dated April 18, 1876, and addressed to General Townsend. It is as follows:

MY DEAR SIR: May I trouble you to inform me whether there is now in the Army a man named Augustus P. Greene, of the rank of first lieutenant, or any higher rank; or if such person is not in the Army now, whether he was within the last four or five years, and how he got out? Your attention will much oblige me.

I have the honor to be, very truly, yours,

M. C. KERR.

The reply to that I have not given, but I can furnish it. It merely states that Greene was in the Regular Army, and was dismissed the service by sentence of court-martial.

Q. Have you furnished copies of all those papers?—A. Yes, sir; some are not certified; others are.

Adjourned.

WASHINGTON, D. C., *June* 2, 1876.

LAWRENCE HARNEY recalled and further examined.

The WITNESS. May I say one word, Mr. Chairman?

The CHAIRMAN. Certainly.

The WITNESS. I will be very happy to have Speaker Kerr sitting here while I give my testimony.

The CHAIRMAN. The Speaker is not well enough to be here.

The WITNESS. I am sorry, sir. I would rather have him present. I am ready, Mr. Elliott.

By Mr. ELLIOT:

Q. Fix the date when Greene first came to Washington in the year 1866.—A. [Interrupting.] It is very early in the spring.

Q. Stop a minute. In the year 1866, and before the interview with you in respect to an appointment in the Army?—A. I could not exactly place the date, Mr. Chairman; it was very early in the spring or the latter part of the winter.

Q. Was it in the month of January?—A. I think it was February or March; that is my impression.

Q. How many months elapsed between the date of that interview on your part with Greene and the date of your first interview with Mr. Kerr?—A. I think Greene was probably around the Capitol about a week or ten days, maybe two weeks. I think he came twice to Washington to see if he could not possibly procure the position in some way or other.

Q. Please answer the question. How many months elapsed between the date of that first interview on your part with Greene and the date of your first interview with Mr. Kerr?—A. O, it has been inside of a month, sir; probably two weeks.

Q. Do you say that it was two weeks?—A. My impression is that it was inside of a month.

Q. How many days?—A. I don't recollect the days.

Q. Three weeks?—A. I could not say positively.

Q. Two weeks?—A. I don't recollect dates. I could not place them any closer.

Q. What were you doing with reference to securing that appointment between the date of that first interview with Greene and the date of the first interview with Mr. Kerr?—A.

Well, it took me that period of time to hunt round and see who had an appointment. I was aware that these commissions was recommended by members of Congress, and, as I stated, I found they were all filled but Mr. Kerr's appointment at that period of time.

Q. Then, during the two weeks that intervened you were occupied in ascertaining from members of Congress whether these places were all filled?—A. Not from members of Congress, but from individuals that I thought would give me information.

Q. Please state to the committee the names of all the members of Congress with whom you conferred upon the subject of this appointment.—A. I could not, exactly. Hon. William A. Darling, Hon. Henry J. Raymond, Nelson Taylor, and one or two gentlemen—one gentleman from Brooklyn; he is dead now; he died while he was in the House.

Q. Give the names of all with whom you conferred.—A. I don't recollect any other gentlemen who I approached on the subject.

Q. Did you approach any other gentlemen on the subject?—A. Not to my recollection, because I knew they hadn't the place to give.

Q. Can you state that you did not approach any other gentleman on the subject?—A. I might have spoken for information.

Q. Did you speak for anything more than information?—A. Not anything more, because, as I stated, I was aware at that time that all nominations had been made, and this was the only vacancy that existed.

Q. Can you state that you did not speak to any other member of Congress for anything more than information?—A. I cannot, sir.

Q. What is your best recollection on that point?—A. I don't recollect anything about it, for I forget all about it.

Q. You testified the other day that you could remember everything that transpired since you were nine years of age.—A. I did, in the way of money transactions.

Q. Money transactions?—A. Yes; that always made an impression on me.

Q. Are you a man of business habits?—A. Yes; in a small way.

Q. You remember, then, distinctly all money transactions?—A. Most generally I do.

Q. Were you ever engaged in any business transaction which had not for its object the acquisition of money on your part?—A. With whom?

Q. With any one.—A. Only honorable business.

Q. I did not say anything about that; any business?—A. O, yes; only honorable transactions. I consider at that time that that was an honorable transaction.

Q. Were you present when Mr. Kerr invited Mr. Greene to his room?—A. I don't recollect that I was. I think Mr. Kerr requested me to bring Mr. Greene up to his room at the second interview.

Q. Did you ever see an interview between Mr. Kerr and Mr. Greene?—A. No, sir; only in my presence.

Q. When Greene came to the Capitol to see Mr. Kerr, to whom would he apply in order to communicate with Mr. Kerr?—A. To me, sir.

Q. Always?—A. Always, sir.

Q. So that during that period, if Greene had called at the Capitol to see Mr. Kerr, the application would have been made through you?—A. I want to state that Mr. Kerr didn't desire to converse with Greene on the subject at all.

Q. Please answer the question.—A. I have answered it, sir; only through me.

Q. Then you were not present at any time when Mr. Kerr invited Greene to his room?—A. No, sir. There was one interview that we had up-stairs; I introduced Greene up-stairs in the lobby to Mr. Kerr. Another interview we had at Mr. Kerr's house. At the second interview at Mr. Kerr's house Greene accompanied me. The interview was very shortly.

Q. Who invited you to Mr. Kerr's room?—A. Mr. Kerr himself.

Q. In whose presence?—A. Nobody's presence.

Q. Where was Greene?—A. I don't know where Greene was then. Greene might be close by or not. I can't answer that.

Q. State to the committee what you first said to Greene when he applied to you with reference to securing this appointment?—A. I told him I would look around and try to do the best I could; try to get it if I could.

Q. Is that all you said?—A. That is all I could say at that time.

Q. Is that all you said?—A. At that time it was; at the first interview. I think so.

Q. What is the fact?—A. Well, the fact was that I got the commission for him.

Q. I am not asking what you did; I am asking for the fact as to what you said?—A. I distinctly stated to the gentleman, Mr. Chairman, that I told him I was going to do the best I could, and try to hunt up the place, if I could. That was all that interview.

Q. Come down to the next interview. What did you say to Mr. Greene at that next interview?—A. I told Greene that I found there was only one vacancy, and that was Mr. Kerr's vacancy.

Q. What length of time elapsed between the dates of those interviews?—A. I think Greene remained in Washington all the time; I don't think he was absent at all.

Q. What length of time elapsed between the dates of those interviews?—A. It might have been two, or three, or four days; I could not tell exactly.

Q. You have stated in your direct testimony, also on cross-examination—certainly in the

latter—that you delivered the additional letters of recommendation which Mr. Kerr required?—A. Greene, to the best of my impression, handed me those letters, and I handed them to Mr. Kerr in his seat in the House of Representatives.

Q. Did you see Mr. Kerr open them?—A. I did not at the present time. He did not want to open them. That is my impression. Next day I spoke to Mr. Kerr.

Q. When did you see him after that?—A. I spoke to him next day, or the day after, if they were satisfactory.

Q. About what time of day?—A. O, I don't recollect about the hour of the day. Congress met at 12 o'clock, and it must have been in the afternoon some time.

Q. You cannot tell whether it was 2 o'clock or 3?—A. I can't. Mr. Kerr said they were satisfactory.

Q. You stated that Mr. Kerr required letters from prominent democrats in New York?—A. Yes, sir; I did.

Q. Did he use the word "democrat?"—A. He did.

Q. Can you tell the committee from whom those letters were obtained?—A. I cannot; but my impression is that Greene informed me that the Hon. Fernando Wood, mayor at that time, was one of the indorsers. I think my memory brings him back.

Q. Did you make a contract with Mr. Kerr for the indorsement of Fernando Wood?—A. I did not, sir; I never saw the letter; I never opened the package.

Q. How many times did Mr. Kerr invite you to his room?—A. I was at his room three times.

Q. How many times did he invite you to his room?—A. He made an agreement that I should call each time.

Q. He made an agreement beforehand?—A. Yes, sir; he told me to call each time.

Q. Where were you when he made that agreement?—A. Up-stairs in the lobby.

Q. Did he come out of the House?—A. I don't know. All I know is that he requested me to call.

Q. You never called upon him except in pursuance of his request?—A. That is all, sir; on that very business.

Q. Can you tell the committee whether you ever introduced Greene to any other member of the House?—A. I cannot, sir.

Q. Can you tell the committee that you never did?—A. I cannot, sir.

Q. What is your best recollection?—A. I don't recollect anything about it, because it was all loss of time. I don't believe in losing time.

Q. I did not ask you for your reasons.—A. No, sir; but I express in my sense in the matter.

Q. What was your purpose in calling upon Greene two months ago, thereabouts, in the city of New York?—A. It was not two weeks ago when I called on him; it was about six weeks ago.

Q. What was your purpose?—A. I called on Greene, stating that a gentleman had called on me in relation to this matter, and whether any person had ever called on him or not. Shall I tell the whole story?

Q. Answer the question, and then I will see. I asked your purpose.—A. That was my purpose, sir.

Q. Who had called on you in relation to this matter?—A. A gentleman named Moore.

Q. Where were you rooming when you and Greene stopped together?—A. We did not stop together.

Q. Have you consulted any lawyer with reference to the subject-matter of this investigation?—A. I invited a gentleman here, not to take care of my interest, but to take care of my reputation after I leave here.

Q. Have you consulted any other person than the gentleman you have with you this morning—any other lawyer?—A. No other lawyer. I spoke to a gentleman about the law.

Q. The law of what?—A. This: If I should be called to Washington, what he would think——

Q. What gentleman is that?—A. Judge Dittenhoeffer, of New York City.

Q. Is he your lawyer?—A. He is a friend of mine, and also gives me law advice.

Q. Is he your regular counsel?—A. O, no, sir; I never needed any.

Q. Whose counsel is Judge Dittenhoeffer?—A. Well, I don't know. He is a very prominent gentleman in New York City. He is counsel for almost everybody that wants a good, honest one.

Q. Tell us the names of some of his honest clients.—A. Really, sir, I don't know; I forget.

Q. Is he not the counsel of William A. Darling?—A. He has been one.

Q. Is he the counsel of John I. Davenport?—A. He is not.

Q. Is he the counsel of George Bliss?—A. He is not. He is able to counsel for himself, I guess.

Q. Is he the counsel of Wakeman?—A. No, sir; he is not; not that I know of.

Q. Where is his office?—A. In the Tribune building. I think he is counsel for the Tribune. I think so; I don't know.

Q. Did you ever tell any person in New York or in Washington that you would consult

a lawyer, and take his advice with reference to this matter?—A. No, sir; not in Washington. I have not.

Q. Did you ever tell any person in New York or Washington that you would consult a lawyer, take his advice with reference to this matter?—A. No, sir. As a personal friend I consulted Judge Dittenhoeffer, and he advised me to say nothing at all about this matter and it would die out.

Q. Was he a lawyer?—A. The gentleman I first named.

Q. You have stated in your direct testimony that Mr. Kerr named the amount of money requisite to secure his influence in this matter; is that true?—A. When I put the question to Mr. Kerr, asked him how much it would cost, he did then at that time.

Q. Didn't you propose to Mr. Greene before you had selected any member of Congress upon this subject to secure the appointment for him for three or four hundred dollars?—A. Did I propose to do so, sir?

Q. Yes.—A. Well, I told him I did not know how much it would cost, because I did not know what the member of Congress's price was.

Q. Did you not at your first interview with Greene propose specifically and directly to him to secure this appointment for three or four hundred dollars or thereabouts, and did not Greene at that time accept your proposition?—A. I told him I hoped it would not cost any more anyhow.

Q. Please answer the question directly.—A. I stated to Greene—we talked about the amount it would cost. I told him I didn't know how much I would have to pay for the commission, but I hoped it would not cost more three or four hundred dollars.

Q. Please answer the question "yes" or "no."—A. I don't understand the question after my explanation—O, yes, I understand the question. No, sir; I did not.

Q. Did you in your first interview with Greene, or in your second interview with him, mention the name of any particular member of Congress?—A. I don't recollect, Mr. Chairman, that I did.

Q. What is your best recollection?—A. I don't recollect anything about it, sir.

Q. Can you state that you did not?—A. I don't recollect, sir.

Q. Is your memory as good to-day as it was last Monday?—A. It is more brighter than the last time I was here.

Q. You have stated in your direct testimony that Mr. Kerr demanded $500?—A. Yes; he stated to me that——

Q. One minute, sir—that you paid to him $450——?—A. I did, sir.

Q. One minute; do not be so fast. Did not Mr. Greene pay to you all that you demanded of him?—A. He paid all he had.

Q. Please answer the question "yes" or "no."—A. He didn't pay the amount that was required. He hadn't it at that time.

Q. Please answer the question "yes" or "no."—A. He didn't.

Q. Who attended the meeting at the appraiser's office in New York with reference to the subject-matter of this investigation?—A. Sir? What investigation?

Q. This investigation.—A. There never has been any meeting at the appraiser's office about this investigation.

Q. What do you call a meeting?—A. I call a meeting of three people. Two is not a meeting.

Q. What would you call two if they came together in one place?—A. Well, I do not consider that is a meeting, in my way of thinking.

Q. Then, when you say there has never been a meeting, you mean there has been three persons together at one time in the appraiser's office?—A. Not to my knowledge.

Q. When was the meeting of two held there?—A. There never was any meeting on this subject held.

Q. When was the meeting at which this subject was discussed held?—A. Do you mean to say when this subject first exploded?

Q. When it was first discussed in the appraiser's office.—A. I think the subject was talked about—I have not got a record—at the time of the attack of the papers on the department and also on myself.

Q. Who composed that meeting of two?—A. I and the appraiser.

Q. His name was what?—A. His name was the Hon. William A. Darling.

Q. Where is William A. Darling's residence in New York?—A. No. 9 East Forty-first street.

Q. In what ward?—A. Nineteenth ward, twentieth assembly district.

Q. The same ward in which you live?—A. Yes.

Q. Tell the committee where you had your first interview with George Bliss in reference to this subject.—A I think it was—what day of the month is this?

Mr. DANFORD. The second.

A. About six weeks ago, to the best of my knowledge.

Q. Please answer the question yourself without inviting any assistance.—A. I beg pardon, sir, I only wanted to know what day of the month this was.

Q. It was six weeks ago?—A. In the neighborhood of six weeks.

Q. Did you call on Mr. Bliss or did he call on you?—A. Bliss sent for me.

Q. Where did you go?—A. I went down to his office.

Q. Where is his office?—A. His office is in the Government building in the Park.

Q. Who was present in his office when you went there?—A. He was alone.

Q. Who let you in?—A. Well, I found there was nobody in the office and I walked in—only Mr. Bliss.

Q. When you walked in what did Mr. Bliss say to you?—A. He shook hands with me and wished me good morning, like any gentleman would.

Q. What else?—A. He said I looked very well and complimented me about my appearance.

Q. Go on, sir.—A. Then he wanted to know in relation to this matter about Greene, and I was quite shocked when he mentioned the subject to me.

Q. State fully and in detail.—A. He stated, "Mr. Harney, what is this matter about Greene?" Says I, "What is the trouble, Mr. Bliss, why you ask me a question of that kind?" He said, "Didn't you interest yourself about securing an appointment for Greene?" I told him I interested myself about Greene. He asked me if there was any money in the matter, and I told him I positively declined to state anything about money matters. I was very much surprised and annoyed at the remarks he made to me.

Q. What else did he say to you?—A. That was all. That ended the interview at that time.

Q. Go to the next time.—A. I never saw him on this subject after that.

Q. You never saw him after that?—A. I saw him, but not on this subject.

Q. Did you ever see him on any subject after that?—A. Yes; I met him on two or three occasions. I met him on the central committee.

Q. What is the central committee?—A. The central committee is the republican central committee of the county of New York.

Q. Who was present at that meeting?—A. Every gentleman who was a delegate, I suppose.

Q. Name some of them.—A. O, I could not unless I saw a list.

Q. Do you know any of them?—A. Yes, sir; all of them.

Q. Well, name some.—A. Well, the Hon. George Opdyke, Salem H. Wales, Bullard, Hon. Charles S. Spencer, Hughey Gardner, Collector Arthur—O, well, I could name all other gentlemen I suppose that ought to be present—that belonged to the organization.

Q. Was this subject discussed at that meeting?—A. O, no, sir.

Q. Not at all?—A. No, sir.

Q. Was it discussed at any other meeting——A. (Interrupting.) Not to my knowledge, sir.

Q. Was it discussed at any other meeting where those persons or any one of them were present in company with yourself?—A. No, sir.

Q. It never was alluded to?—A. No, sir; not to my knowledge.

Q. Did you ever discuss the subject with Opdyke?—A. No, sir.

Q. With Wales?—A. No, sir.

Q. With Bullard?—A. No, sir.

Q. With Spencer?—A. No, sir.

Q. With Gardner?—A. No, sir.

Q. With Arthur?—A. No, sir.

Q. With anybody?—A. I never did.

Q. You have never had any communication?—A. I never had with any gentleman on the subject.

Q. Nor correspondence?—A. Of no kind.

Q. Or any interview or any other connection with any of those men on the subject?—A. No, sir.

Q. Or any one of them?—A. No, sir; not on this subject.

Q. You are positive about that?—A. Yes, sir.

Q. State of your own knowledge, or from the best information that you possess, what relations exist between Wakeman, Darling, Bliss, and Davenport.—A. I cannot, sir, indeed.

Q. You do not know?—A. No.

Q. They are each and all of the same political party, are they not?—A. Well, really I could not tell that at present.

Q. What is your best impression about that?—A. I don't know how they feel. There is a new presidential election coming on in the fall.

Q. I am not speaking about what is to happen in the fall.—A. Excuse me. They had the reputation, those gentlemen, of being republican formerly.

Q. Are they not republican now?—A. They are, to my knowledge.

Q. Did you ever see them together in any other place?—A. I did not.

Q. You never met them together?—A. I never met them together.

Q. You have met each one separately?—A. O, I have met them for twenty years separately.

Q. You are intimate with Wakeman?—A. Yes, sir; I was in his employment.

Q. You are intimate with Darling, you have already testified?—A. Yes, sir.

Q. You are intimate with Bliss?—A. Not so much so as with the other gentlemen.

Q. Still you are well acquainted with him?—A. Yes, sir; to pass the time of day.

Q. You are a politician and Bliss is a politician?—A. Yes, sir.

Q. And you both vote the same ticket?—A. Well, if it pleased us, we do.

Q. With Davenport, what are your relations?—A. I am not acquainted with the gentleman.

Q. Do you know him by sight?—A. Yes, sir, by sight. I saw him only three times in my life, I think.

Q. And you do not know what the relations between Darling, Wakeman, Bliss, and Davenport are?—A. No, sir.

Q. Do you know what the common understanding is in respect to their intimacy?—A. I do not, sir, indeed.

Q. Do you know the general character and reputation of the parties that I have named for truth and integrity?—A. It always stood well.

Q. Each and all of them?—A. Every gentleman, sir.

Q. If called upon to testify, then, as to their general character for truth and veracity, you would say it was good?—A. To my knowledge.

Q. And for integrity?—A. Yes, sir. I never heard a word against any of those gentlemen.

Q. In what business is Daniel W. Lee, the brother-in-law of Darling, and where does he live?—A. He lives in the same house with Mr. Darling, and his business is in the appraiser's office.

Q. What are his politics?—A. I suppose he is a republican. If he was not he would be turned out.

Q. What is your best opinion as to the honesty, integrity, and personal character of Mr. Bliss?—A. I think he is an upright, honest gentleman; a man who desires to prosecute all crime.

Q. Do you swear to that from your knowledge of his character?—A. I swear to that. I never knowed such a man to push people as he has been since he has been in the employment of the Government.

Q. When you introduced Greene to Mr. Kerr did you say that he was "the worthy young man" of whom you had spoken, or "a worthy young man?"—A. I think I said "This is the young man that I have spoken to you about, Mr. Kerr."

Q. Please give your exact language.—A. My impression is that the remark that I made is correct.

Q. You state that as correct?—A. I think it is, to the best of my belief.

Q. Have you stated already all that Bliss ever said to you in relation to this matter?—A. That is all that he ever spoke to me about it, only the last time I was in New York.

Q. What did he say then?—A. I called to see him, sir, because I saw in the paper——

Q. Please give the date of that.

The WITNESS. What day was the first meeting here, Mr. Chairman?

The CHAIRMAN. Last Monday.

The WITNESS. I went to New York that night; I think it was Tuesday night; I called on Mr. Bliss because I saw in the paper that he had made a statement before a committee in the Astor House that he had pushed this matter himself, and I did not know that he had done so because I hadn't authorized him to do so nor given him any instructions to act on my behalf, and I said, "Mr. Bliss, I see a statement that you made;" "Yes," says he, "Harney, I made the statement, and I am desiring to push everybody, no matter whether republican or democrat, if they are unworthy men;" that was his reply to me.

Q. Is that all the conversation?—A. No. "Then," says I—I told him the circumstances—I told him, says I, "I appeared before the committee in Washington," and says I, "I hadn't any friends;" "but," says I, "I, didn't want any friends in the committee," but, says I, "I thank the honorable chairman of the committee for protecting me from insults and annoyance while I was in the committee-room." Says he, "Harney, I will forward a note to a gentleman who resides in Washington to act as your counsel, and you will get all the protection you want in future."

Q. To whom did he refer?—A. A gentleman, (Colonel Cook,) who sits right behind you.

Q. Was that all?—A. That was all that transpired.

Q. Did not Bliss urge you to come to Washington——(Interrupting.) He did not, sir.

Q. And make the statement which you have made before the committee?—A. He did not.

Q. Are you positive about that?—A. I am positive.

Q. Didn't Darling?—A. He didn't; I haven't seen Mr. Darling only once in three weeks.

Q. Did you ever have any consultation with Wakeman?—A. I didn't; he came with me on the cars, and I told him I was subpœnaed.

Q. Did you have no conversation with anybody else about it?—A. I didn't, sir; not with any prominent people.

Q. Did you have with any persons who are not prominent?—A. I don't recollect that I had.

Q. What is your best recollection on that subject?—A. After I was subpœnaed I spoke to individuals, associates——

Q. You had no conversation before you were subpœnaed with anybody?—A. I hadn't.

Q. You are positive about that?—A. I think I am.

Q. State what was said when you accompanied Greene to Mr. Kerr's room, and embrace in your answer what was said by the three persons who you state were present on that occasion.—A. I accompanied Greene to Mr. Kerr's room. The interview was very brief. Greene explained his record in the volunteer regiment, and said he could produce good letters of testimony, and so forth, and Mr. Kerr seemed to be much pleased with his personal appearance and liked it very much, and, says he, "I will see and get the appointment."

Q. At that time you had offered Mr. Kerr to pay him for the appointment?—A. I told Mr. Kerr on the first interview as a matter of business.

Q. As a matter of business?—A. Yes; I thought he wouldn't probably notice it unless it was.

Q. Have you stated all that was said by each of the parties during that interview?—A. I don't know that I have.

Q. Do you know that you have not?—A. I have stated that the interview was very brief, and that Mr. Kerr liked Greene's personal appearance and his military reputation in the volunteer regiment.

Q. You have already stated that nothing was said about money?—A. Not in the presence of Greene.

Q. Tell the committee whether in point of fact you are yet in the employ of the appraiser's department or on the pay-roll of that department.—A. I resigned, dated on the 29th of April. I forwarded my resignation to the appraiser on the 4th of this month.

Q. Please answer the question.—A. Not that I know of, sir.

Q. Do you know that you are not?—A. I don't know that I am not and I don't know that I am. I have never had any answer from my resignation.

Q. Who is the appraiser?—A. Mr. French is the appraiser now, sir.

Q. What are his relations with Darling?—A. I could not tell you.

Q. Are they friendly or otherwise?—A. Indeed, I don't know.

Q. State definitely how long you have known Greene.—A. About thirty years.

Q. Are you positive about that?—A. Yes, sir; we have been personal acquaintances for twenty years, and I knowed him for thirty years.

Q. Where was Greene born?—A. I guess down in Madison street, in the Fourth ward, New York; I don't know.

Q. Have you stated where you were born?—A. Yes, sir; Westchester County, the other side of Harlem.

Q. Do you state that from any record in your family?—A. I state it because my parents told me so.

Q. Where were your parents born?—A. My mother was born where all the good people come from, the old place.

Q. What place?—A. Ireland.

Q. Where was your father born?—A. He was born there.

Q. Have you any brothers or sisters?—A. I don't know that I have at present.

Q. Do you know that you have not?—A. I don't know that I have, sir.

Q. Give the committee some idea of the nature of the confidential relations that existed between you and Greene and upon what they were founded.—A. Always very friendly, social in fact; you might say companions, even companions.

Q. Did you regard anything that transpired between you and Greene as confidential, whether so expressed or not?—A. Yes, sir; I always thought that Captain Greene was an upright, confidential, worthy gentleman.

Q. Did you regard everything that transpired between yourself and Greene as confidential, whether so expressed or not?—A. Yes, sir.

Q. Did Greene regard everything that transpired with you in the same light?—A. I think he did, sir.

Q. Tell the committee why you desired time on Monday last when you were called on to testify with reference to the transaction which you have subsequently detailed in full.—A. Because I didn't think this committee had power to investigate a matter so far back.

Q. Had you taken any legal advice on that subject?—A. I had not; I took my own view.

Q. Where did you get your view?—A. Common sense.

Q. And that remark was the result of common sense?—A. Yes, sir.

Q. Had you any other reason?—A. No other reason at all.

Q. You were perfectly willing to tell except for that reason?—A. I didn't want to tell; I didn't want to compromise Mr. Kerr.

Q. Had you ever had any communication with Mr. Kerr between 1866 and Monday last with reference to that subject?—A. No, sir; I hadn't.

Q. And no correspondence?—A. Nothing, sir, in the world.

Q. Tell the committee how you fix the time of day when you paid Mr. Kerr $450?—A. I don't know the date of it; I didn't fix the date.

Q. Will you tell the committee how you fix the time of day?—A. I cannot fix the date. I kept no record at all.

The CHAIRMAN. Mr. Elliott asks how you fix the time of day.

A. O, yes; the time of day; it was between the hours of 1 and 3.

Q. Tell the committee how you fixed that time.—A. Because I know that Congress hadn't been long in session when Mr. Kerr came out.

Q. Do you remember that distinctly?—A. I do, sir.

Q. Is there no mistake about it?—A. To the best of my knowledge.

Q. Have you been testifying in this case from what you know or from what you call "the best of your knowledge?"—A. To the best of my knowledge and belief.

Q. Does that amount to absolute knowledge?—A. Sir?

Q. Does that amount to absolute knowledge in respect of anything?—A. I think when I know a fact, and state it, it is to my knowledge.

Q. Then you state it absolutely?—A. I state that it was at that time.

Q. What was your salary as assistant doorkeeper?—A. I think it was $1,200 a year.

Q. What was the size of your family?—A. I didn't have any family at that time.

Q. What do you mean by family; had you no wife?—A. Not at that time.

Q. Are you positive about that?—A. I think I am.

Q. That is a fact you would remember. is it not?—A. Yes, sir.

Q. Did you keep a bank account in Washington between the 1st of January and the 1st of July, 1866?—A. I never kept a bank account.

Q. Did you have much money about you?—A. I always kept about $100 for use.

Q. You received $100 the first of each month, did you not?—A. Yes, sir; on the first or the last.

Q. How much did you have about the last of the month?—A. Always enough to pay my expenses; I don't recollect how much.

Q. Did you have $200?—A. I could not tell.

Q. What did you do with the money which you say Greene paid you, and which you kept in your possession several days before, as you allege, you transferred it to Mr. Kerr?—A. I didn't keep it several days, I don't think; I think it must have been inside of a week anyhow.

Q. You did not keep it several days, and you think it was inside of a week that you paid it over?—A. I think it was.

Q. What did you do with it in the mean time?—A. I kept it in my pocket, the safest place, I suppose.

Q. Did you use any of it?—A. I didn't, sir.

Q. You are positive about that?—A. I didn't want to use it. I would have to make it up again, and I didn't want to use it.

Q. You have stated in your direct testimony that Mr. Kerr came out of the hall one afternoon about 2 o'clock——

A. [Interrupting.] Between one and three——

Q. [Resuming.] One afternoon about 2 o clock, and put his hand on your shoulder and said, "Harney, I will take that money."—A. He didn't put his hand on my shoulder.

Q. What did he do?—A. He called me one side.

Q. Called you one side and said, "Harney, I will take that money."—A. He said, "I will take that money now."

Q. You have testified to that; is that a fact?—A. [Holding up his right hand.] That is as true as God is in heaven.

Q. Had you apprised Mr. Kerr before that that you had that money?—A. I didn't, sir.

Q. Refresh your recollection and tell the committee whether it is true in point of fact that you have never communicated the transaction which you alleged you had with Mr. Kerr to any person other than Mr. Greene and Mr. Darling.—A. I never mentioned the matter of money to anybody.

Q. To nobody else than Greene and Darling?—A. They are the only persons that was ever aware of the money matter. The question of the appointment of Greene was known all over New York. Everybody was aware that I had secured his appointment through Mr. Kerr at that time.

Q. Name the persons to whom you mentioned the fact that the appointment was secured through you, without reference to the subject of money.—A. I think one gentleman sits right behind you.

Q. What is his name?—A. Mr. Moore.

Q. Name another.—A. Well, sir, I didn't make it a public thing; only Mr. Moore put the question to me.

Q. That does not answer my question.—A. I cannot name any other person at present.

Q. Are there any others in existence?—A. There might have been, sir.

Q. Please answer the question.—A. There is others, sir; but I cannot remember their names.

Q. Where do they reside?—A. In New York City.

Q. Do any reside here?—A. Not that I know of.

Q. Tell, as near as you can, when you made that communication to those persons, omitting the subject of money.—A. I cannot tell you.

Q. How soon after the appointment was made?—A. Well, it was the common talk in New York City. I received compliments for securing his appointment, but the subject of money was never brought up.

Q. You have stated that you did not desire to appear before this committee and testify?—A. I did, sir.

Q. Did you ever say to any person, when informed that there was likely to be an investigation, that the sooner it was had the better, or anything to that effect?—A. I didn't, only in relation to the confusion in the department and that newspaper talk.

Q. But not with reference to this investigation?—A. No, sir; only with reference to that investigation in New York; that newspaper attack that was made on the department in which I was employed.

Q. Have you any record, memorandum, or other writing, as to any transactions about which you have testified?—A. I have not, sir.

Q. At whose solicitation did you first mention this subject to any one?—A. Do you mean about the appointment or about money matters?

Q. About both.—A. O, Lord——

Q. Particularly with reference to money.—A. Well, the money matter was mentioned, as I stated formerly, with reference to these newspapers attacking the department in which I was employed.

Q. You have stated that for a long time in the city of New York it was well known and currently reported that you had secured Greene's appointment?—A. Mr. Greene so announced it, and all his friends.

Q. And you were congratulated upon it?—A. I was, sir.

Q. And during all that time you never mentioned to anybody the circumstances under which you had secured that appointment?—A. I think I never did, sir.

Q. You have in your testimony assigned as a reason for disturbing the confidential relation which you say for ten years has existed between Mr. Kerr and yourself that the newspapers attacked you or Darling in respect to the appraiser's department, or something else; is that the true reason?—A. No; they said that Congress had better send a committee as soon as possible to investigate the corruption and dishonesty that existed in the appraiser's department, and they said that the man Harney (meaning me, sir, your humble servant) had control of the machine in relation to appointments and other matters; and the papers also said that I received money from the class of officers there known as opening-packers, and then those publications announced in the press that the opening-packers had an indignation meeting, and all signed a paper denouncing that I ever received either favor or money from them. I believe then it was contradicted in the paper afterward. But at that period of time was the time that this conversation about money matters took place. I stated that Congress had better clean their own skirts in Washington, and the gentleman who presided over Congress, than to have the committee come on to investigate poor men in the discharge of their duty honestly.

Q. That is the sole reason why you disturbed those confidential relations?—A. That was one reason. That was the particular reason that I made that announcement.

Q. What was the other reason?—A. There was not any other reason. That was the principal reason that I made it.

Q. What was the secondary reason?—A. There was no secondary reason.

Q. Then there was but one reason?—A. I think that was the first time that I ever said anything about money.

Q. Then there was but one reason?—A. That was the only period that I said anything about money, to the best of my belief or recollection.

Q. And you swear that that was the sole reason why you said anything about money?—A. That was the sole reason, Mr. Chairman; when the personal attacks was made on me through the newspapers.

Q. What are your relations toward the democratic party?—A. The best kind.

Q. Friendly or otherwise?—A. The best kind; most friendly. I have just as many democratic friends; that is, just as honest and upright in every way.

Q. What does the term "striker" signify in the politics of New York?—A. I do not know, sir; I never was into that business.

Q. You never heard that term used?—A. I do not understand about that slang word. I never was in it. I don't know anything about it.

Q. Do you understand the meaning of it?—A. O, I suppose so.

Q What is it?—A. To get hold of a man and get all the money you can, and knock him down afterward.

Q. That is the meaning of striker?—A. I suppose it is. That is my meaning; I do not know other people's meaning.

Q. Then you do know something about it?—A. O, yes; I had ought to.

Q. Are you a striker?—A. I never struck anybody for money.

Q. You have defined the meaning of the term; I ask you now whether, according to that meaning, you are a striker?—A. I am not.

Q. Are you positive about that?—A. I am.

Q. Are you not known in New York as a striker?—A. No, sir; I am not.

Q. Are you positive about that?—A. I am.

Q. You cannot be mistaken?—A. No, sir; I cannot.

Q. What position do you occupy in the republican party?—A. Do you mean the pecuniary, or what?

Q. What is your standing in the party; what rate do you hold?—A. I cannot say; I leave other gentlemen to say about that.

Q. What is your own idea about it?—A. I always thought I stood well, sir.

Q. Are you a first-rate man, or a second-rate, or a third-rate, or what is the rate?—A. I was always considered a gentleman.

Q. That does not answer my question.—A. I can give you a little of my political experience if you will let me do so.

Q. O, I have had enough of that; answer the question.—A. I was honored twice by being elected a delegate to the State convention.

Q. So, then, in your judgment you are first rate, are you?—A. I think I am, sir; I am modest about myself; I would rather somebody else would speak about me.

Q. Who are your particular friends or backers?—A. Do you mean what gentlemen were my friends?

Q. Yes, or your strikers?—A. I do not know any strikers.

Q. Who are your immediate backers?—A. Most every gentleman that I am acquainted with.

Q. Will you give us the names of some of them?—A. I cannot at present.

Q. Why cannot you?—A. I do not recollect, sir; I shall furnish the committee hereafter with my friends' names.

Q. I prefer that you should state in your testimony now, in response to that question, who your immediate backers are, with whom you are more directly intimate or associate. Cannot you give us the names of one or two?—A. O, yes. [A pause.] Do you want me to answer?

Q. Undoubtedly.—A. Well, Hon. George Opdyke is one of my friends; Ex-Mayor Havemeyer, who died, is a friend of mine; that is two.

Q. Now I will take two more.—A. Do you mean office-holders or private citizens?

Q. I do not care which.—A. C. A. Meserole, a director in the Harlem and Hudson River Railroad. Will you have another?

Q. Yes.—A. Hon. William A. Darling is another.

Q. I observe that you have not added anything to your list since last Monday.—A. I did not think it was needed, sir; my friends will do that for me when the time comes around.

Q. You have testified in response to questions propounded to you by Mr. Danford that you had an interview with a Mr. Moore, of New York?—A. Yes, sir.

Q. At which interview Mr. Moore exhibited to you a paper purporting to be a copy of an anonymous letter which had been received by Mr. Kerr. Is that a correct statement of your testimony?—A. I think it is, sir.

Q. Do you remember whether it was stated to you at that time in whose handwriting that copy was?—A. Mr. Moore did not know. I didn't know. He came to see me, and see if I could tell him who did write it.

Q. Do you recollect the contents of that copy?—A. I do not now.

Q. Do you recollect anything that was in the copy?—A. I know my name was in it. That is all.

Q. Do you recollect anything else that was in it?—A. Yes; my name was in it; and I recollect there was "$450" in it.

Q. What else was there in it?—A. That is all I recollect. The interview about the note was very hasty, for I was surprised when Mr. Moore presented the note.

Q. How long did you have the note in your hand?—A. I did not have it more than half a minute.

Q. You testified the other day to some expressions in that note; cannot you recall them now?—A. That is all that I recollect for the present, "L. Harney" and "$450," and about the appointment of Greene.

Q. You do not think you could take your pen and paper now and furnish us a copy of that note?—A. I do not think I could.

Q. Take your pen and paper and let me see if I can assist you, and see if you recollect the note.—A. I do not recollect anything about the note.

Q. Let me see if I can assist you to recall the note to your mind.

The WITNESS. I decline under any circumstances to go through any such examination.

The CHAIRMAN. The counsel has a right to test your knowledge by asking you to write.

The WITNESS. I state, Mr. Chairman, that I have no knowledge of the note. I do not know anything at all about the note.

Mr. ELLIOTT. This is a cross-examination, Mr. Chairman.

The CHAIRMAN. The counsel has the right to test your knowledge, Mr. Harney, on that subject, with reference to what you saw in that note, by asking you to write.

The WITNESS. All I saw that I recollect was "L. Harney" and "$450," to the best of my knowledge and belief.

Mr. ELLIOTT. I desire to test the recollection of the witness by refreshing that recollection myself, and, if I am able to give him the substance of that note, to see whether he will then identify it as a correct copy of the note that he saw.

The WITNESS. I cannot do it, for I do not recollect anything about the note.

Mr. ELLIOTT. We will see when you get through whether you do or not.

The CHAIRMAN, (to the witness.) Do you decline to attempt to write?

The WITNESS. Yes, sir.

The CHAIRMAN. Does the counsel propose to dictate the terms of the note to the witness?

Mr. ELLIOTT. I propose to endeavor to refresh the recollection of the witness to see whether he will then recollect the contents of the note, and I request him to take down in writing what I dictate.

The CHAIRMAN, (after consulting with Mr. Danford.) We agree in this, that you have a right to request the witness to write a note which you may dictate; not for the purpose you have stated, but for another purpose, to see whether the handwriting of the witness there, or anything else that he might do while writing that note, would indicate that he might be the author of the anonymous letter. You can require him to write for that purpose, but not merely for the purpose of refreshing his memory.

Mr. ELLIOTT. I am not particular about the purpose. I desire the witness to do the thing that I request, and I insist upon it.

The CHAIRMAN. We have decided that it is competent for you to ask a question and to request him to write.

Mr. ELLIOTT. Well, I do request it.

The CHAIRMAN, (to the witness.) Mr. Harney, sit here, and counsel will dictate a note to you.

The WITNESS. Mr. Chairman, I will just sign my name—I can't write, I am very nervous now—and you can compare my name.

Mr. ELLIOTT. That will not answer the purpose.

The CHAIRMAN. Write what the counsel dictates.

The WITNESS, (writing.) I just want to show this, and, if this is not satisfactory, this is all I shall do. You can compare this, [handing Mr. Elliott what he had written.]

The CHAIRMAN. That is not what is demanded of you. It is for the counsel in this case to dictate to you, and for you to write from his dictation.

The WITNESS. I am too nervous to write, Mr. Chairman. I can't write at present.

Mr. ELLIOTT. How long will it take you to overcome your nervousness?

The WITNESS. I do not know.

Mr. ELLIOTT. Will you be able to do it to-day?

The WITNESS. I will, if my nerves will let me.

Mr. ELLIOTT. Mr. Chairman, I will postpone that question for a few moments, with the understanding that it has been decided that the witness is to write.

Q. (to the witness.) You have stated to the committee that you did not expect a subpœna in this case?—A. I did not, sir.

Q. Was that statement true when you made it?—A. I never expected a subpœna in this case, sir.

Q. Have you not also testified that you came here because you knew you would be arrested if you did not come?—A. I knew I was violating the rules, &c., and I knew Greene had come in advance.

Q. You state that you knew a great many members of the House in 1866, and that you applied to many of them to ascertain whether a vacancy existed which you could obtain for Greene. Give the committee the name of any one to whom you applied and to whom you offered money upon making the application.—A. I didn't offer any other gentleman money.

Q. And you applied to a great many others?—A. I found out they hadn't any vacancy.

Q. Tell me how you found out that Mr. Kerr had a vacancy?—A. O, I spoke to Mr. Kerr about it.

Q. What, sir?—A. I spoke to Mr. Kerr about it.

Q. How did you find out that the others had not a vacancy?—A. Well, I found out from the War Department.

Q. Then you went to the War Department to inquire about the others?—A. No; I found out through some gentleman that was acquainted.

Q. Then you went to Mr. Kerr directly?—A. Yes, sir; I spoke to Mr. Kerr about the appointment.

Q. When you met Greene in the Bowery, near Broome street, just before he came to Washington, according to an appointment arranged by you, did you undertake to persuade him not to come to Washington?—A. I told him I was surprised to see that he was going to Washington.

Q. Did you undertake to persuade him not to come?—A. O, no; I did not.

Q. Did you say anything in opposition?—A. I said I didn't want, myself, to come to Washington.

Q. Did you advise him not to come?—A. I told him I thought he was in a great hurry;

he had better wait for me. He told me that he wanted to go and give his testimony in advance.

Q. Why did you tell him that he had better wait for you?—A. Well, because I wanted to have some company—to have a companion, I suppose.

Q. A companion for what?—A. To come over to Washington together.

Q. Your object was to accompany Greene?—A. Yes, sir; I thought if he would wait that time.

Q. What did he say?—A. He said he thought he would come over and testify, and advised me to leave the city and not to come to Washington.

Q. State how many and what other money transactions you ever had with Greene.—A. Only after his nomination, after his appointment, he sent me presents of money for getting it for him.

Q. You never had any other transactions with him?—A. O, yes; small business matters.

Q. What kind of business?—A. Well, loans of small amounts.

Q. Between you?—A. Yes, sir.

Q. You were asked by the chairman when last before the committee whether you had ever stated to Greene or any one else that you were "crowded" or "under pressure" to make the statement which you have made, and your answer was not direct upon that point. Please tell the committee now whether you ever made that statement? Answer "yes" or "no."—A. Do you mean "crowded?"

Q. Yes, or "under pressure?"—A. No, sir.

Q. Or anything equivalent to either of those terms?—A. No, sir.

Q. You are positive about that?—A. I think I am.

Q. Did you ever state it to any one else?—A. Not that I recollect.

Q. Do you recollect that you did not?—A. I did not, sir.

Q. Did you know anything as to the whereabouts of Mr. Kerr between 1866 and 1876?—A. I saw Mr. Kerr once on the steps of the Astor House.

Q. Did you know that since the spring of 1866 he had been five times a candidate for Congress in Indiana?—A. I know he has been a member since.

Q. And once a candidate for Speaker?—A. Yes, sir.

Q. You knew those facts?—A. I knew those facts.

Q. How much time did you consume in procuring this appointment?—A. Altogether, sir, from the time Greene came on?

Q. Yes.—A. I suppose it was two or three weeks; inside of a month, the whole thing.

Q. You worked vigorously and assiduously, of course?—A. I worked with an interest in the matter.

Q. In consequence of your friendship for Greene?—A. Yes, sir.

Q. No other consideration?—A. No, sir; I hadn't any other motive.

Q. You never expected to make anything out of it?—A. No, sir.

Q. Purely disinterested?—A. Yes, sir; purely disinterested, good feeling.

Q. Did you ever have any other disinterested transaction of that kind?—A. No, sir; I did not.

Q. Were you ever requested by Mr. Kerr, or by any one for him, or in his name, to suppress the statement which you have made before this committee?—A. I was not, sir.

Q. You never were approached by any one for that purpose?—A. I never was approached by any one.

Q. When you met George Bliss either the first or second time, did he mention to you the name of any member of Congress?—A. Yes, sir; he mentioned to me that he had wrote a note about this matter to a gentleman named Mr. Bass, I think.

Q. When did he say he had written this note?—A. He didn't tell me when he had written it.

Q. Was that at your first interview with Bliss or the second?—A. I never had only one interview with him on this subject.

Q. And at that interview he told you that he had then or prior to that time written a note to Mr. Bass?—A. Yes, sir, some time round that time; I don't know exactly.

Q. Did he tell you the contents of that note?—A. He did.

Q. What did he say about it?—A. He said he wrote a note to Mr. Bass. When he mentioned the subject to me, I disclaimed anything about money matters to Mr. Bliss.

Q. Did he tell you that he had written to Mr. Bass that Mr. Kerr had received money for an appointment?—A. No, sir; he didn't say anything about money.

Q. Did he assign to you any reason for communicating with Mr. Bass?—A. He did not.

Q. Did he refer you to Mr. Bass?—A. He did not.

Q. How did it happen, then, that you addressed Mr. Bass by telegram or letter?—A. I didn't know the gentleman who presided here; I forgot his name.

Q. But you have testified that you derived your information about Mr. Bass from the printed list of the committees of the House, at the head of which list stands the name of the chairman. Did you go down through the list to find Mr. Bass?—A. Well, Mr. Bass's name was familiar to me, and I thought he would notify the chairman.

Q. How was Mr. Bass's name familiar to you?—A. Well, the sound of "Bass."

Q. Because it was "Bass;" is that the reason?—A. Yes; easier to spell and shorter.

Q. Did Bliss mention the name of any other member of Congress?—A. He did not.

Q. Are you positive about that?—A. I think I am.

Q. Do you know the names of any members of the present House of Representatives; and do you know any of them personally?—A. I do not, sir.

Q. Are you positive about that?—A. I think only the present gentlemen that I see here.

Q. What communication had you with Mr. Bass in reference to this matter?—A. I hadn't had any.

Q. None whatever?—A. No, sir.

Q. Did not I understand you to say on Monday that you telegraphed to Mr. Bass?—A. I did. That is all.

Q. What did you say in that telegram?—A. That I would be here, before the committee.

Q. Did anybody ask you to be here?—A. No, sir; in answer to the subpœna.

The CHAIRMAN. I do not think it quite proper, Mr. Elliott, to pursue this line of examination in respect to a member of the committee who is absent.

Mr. ELLIOTT. I expressly state, sir, that I am not asking these questions for the purpose of reflecting upon Mr. Bass at all. I disclaim any such purpose, and he will have the very fullest opportunity to re-examine the witness.

The CHAIRMAN. I only thought it proper to caution you.

Mr. ELLIOTT. I am perfectly aware, sir, of the proprieties of the occasion, and I disclaim distinctly having asked the question with any such intention.

Q. Who wrote the telegram that you sent to Mr. Bass?—A. I did, sir, myself. I simply said, "Mr. Bass, I will be in Washington," naming the date.

The CHAIRMAN. I will say for the information of the committee that Mr. Bass exhibited that telegram to me when it was received.

The WITNESS. I have apologized to the chairman for not addressing it to himself. Neither Mr. Bass or any other gentleman has spoken to me on this subject. They have avoided me since I came to Washington.

By Mr. ELLIOTT:

Q. When Mr. Moore, of New York, handed you the copy of the letter to which you have testified, did you read it?—A. I don't think I read it all. I just saw "L. Harney" and "$450." Mr. Moore. himself, I think, read the letter.

Q. You do not think you read the letter when he handed it to you?—A. I don't think I read it all. I may have read a couple of words of it.

Q. Did you refer Mr. Moore to your lawyer and give him his name?—A. I did not. I said that if they continued to annoy me about this matter I would consult a lawyer.

Q. Is that precisely what you said?—A. I think it is pretty near; I think I mentioned the name of a lawyer, anyhow.

Q. Did you not specifically refer Mr. Moore to your lawyer and mention his name?—A. My statement was that——

Q. Answer my question.—A. I will state my statement to Mr. Moore, that I would consult my lawyer, or a lawyer, about the matter.

Q, Did you not specifically refer Mr. Moore to your lawyer, and mention the name of that lawyer?—A. I mentioned the name of the lawyer, but I didn't refer Mr. Moore to the lawyer.

Q. You are positive about that?—A. I think I am, sir.

Q. Did you tell Mr. Moore that this matter, referring to the subject-matter of this investigation, was for the purpose of making political capital?—A. No, sir; I did not. I don't think I did.

Q. Are you positive about that?—A. Yes, sir,

Q. Are you as positive about that as you are about the other statements you have made before the committee?—A. Yes, sir; I don't think I brought politics up at all.

Q. Did you tell him that George Bliss was "crowding" you to testify in this case?—A. I didn't say that George Bliss was crowding me.

Q. Are you positive about that?—A. Yes, sir.

Q. As positive as you are about everything else you have stated?—A. Yes, sir.

Q. Did you tell Mr. Moore that Bliss was a "damned scoundrel" and a "damned rascal?" —A. I did not.

Q. Or anything to that effect?—A. I did not, sir. There is a great deal of untruth about the gentleman. I had no cause to say so.

Q. And you never said so?—A. I never used that language.

Q. Did you, subsequent to the interview you had with Mr. Moore at the appraiser's office, meet him at the Tribune building?—A. I saw him there, not by an engagement.

Q. I did not refer to an engagement. Did you meet him there?—A. Yes, I met him.

Q. Did you have an interview with him?—A. Passed the time of day.

Q. You are positive you said nothing else?—A. I don't think I did about this matter.

Q. Do you state that you did not?—A. I state to my best recollection I didn't mention he subject.

Q. What do you mean by your best recollection?—A. My best recollection is, that I don't remember my saying anything on this subject, for I didn't want to.

Q. Would you remember it if you had?—A. I think I would remember the subject. I talked about other matters, but I didn't desire to say anything about this subject to anybody.

Q. Did you not refer at that interview to the names of Bliss and Davenport?—A. Not to my recollection.

Q. Can you state that you did not?—A. I don't think I did.

Q. Did you or did you not?—A. To my best recollection I didn't.

Q. Would you recollect it if you had?—A. I think I would.

A. Are you certain about that?—A. Yes. I didn't know Davenport.

Q. Did you at that interview at the Tribune building say to Mr. Moore that Bliss and Davenport were "damned scoundrels" and "damned rascals," or anything to that effect?—A. I did not, sir.

Q. Are you positive about that?—A. I am positive about that. I used no such language.

Q. Do you ever use that sort of language about anybody?—A. No, sir.

Q. You are not a profane man?—A. Well, I try to be as moral as I can.

Q. What is the fact; do you ever use that sort of language?—A. No, sir; I never do.

Q. Where did you go when you left the committee-room last Monday?—A. I went out in the hall.

Q. From there where did you go?—A. I went out to the other end of the book-room, and there I was insulted by four or five men, who hooted at me and used all kinds of profane language, and then I ran up-stairs into the hall-way and passed over to the Senate, and took a carriage and got out as quick as possible.

Q. Did you run?—A. I walked rapidly.

Q. Who were those men?—A. I don't know, sir.

Q. What kind of looking men were they?—A. The men I thought were employed in the folding-room. Then I went out in excited haste up to the hotel, and at the hotel there I had a controversy, and I saw in the papers the language that I used, and I beg leave to recall that language. I never used the positive language that was stated there.

Mr. ELLIOTT. One moment.

The WITNESS. I want to explain, if the chairman will give me an opportunity.

Mr. ELLIOTT. I will give you a full opportunity to explain. I do not intend to take any advantage of you.

Q. At what hour did you reach the hotel?—A. I do not know the hour; as fast as I could.

Q. Did you walk or ride?—A. I called a carriage and got into it, because I thought I was going to be insulted or abused.

Q. When you got to the hotel, whom did you see there?—A. I asked for Mr. Wakeman.

Q. Whom else did you see at the hotel?—A. The clerk behind the desk.

Q. What is his name?—A. I do not know.

Q. What was his appearance?—A. He appeared like a man.

Q. Describe his appearance.—A. He was probably a man about as tall as I am.

Q. He was behind the office-counter, the clerk there?—A. Yes, sir.

Q. You do not know his name?—A. No.

Q. At what hour did you leave the hotel at night to go to New York?—A. I left when the train started.

Q. About nine o'clock?—A. Yes, sir.

Q. Where were you between the hour you arrived at the hotel and the hour you left?—A. In the hotel all the time.

Q. In whose company?—A. In everybody's that spoke to me.

Q. Who spoke to you?—A. A great many gentlemen there.

Q. Name them.—A. I do not know their names.

Q. Did you see Abram Wakeman there?—A. I did.

Q. Did you come to Washington with him on Monday morning last?—A. He was on the same train. He had a case in the United States court.

Q. The United States court where?—A. In this city, I think.

Q. He came on that business, did he?—A. So he said.

Q. Did you converse with him on the way from New York to Washington?—A. Not much on this subject. I told him I was subpœnaed to come before the committee, and I was very sorry.

Q. Did you converse with him anyway?—A. Very little.

Q. What did he say when you told him that?—A. He said it was too bad; he was very sorry for the whole thing.

Q. For what whole thing?—A. This whole matter of Mr. Kerr's.

Q. Then you stated to Wakeman what you have stated to the committee?—A. O, yes; he said he had heard of it before.

Q. Did he tell you where he had heard of it?—A. No; he did not tell me.

Q. Did he appear to be familiar with it?—A. He did not. He did not say much abo ut it at all.

Q. Did you room with Wakeman at the hotel?—A. I did not; I have a room in a different part of the building.

Q. How near Wakeman's room?—A. I do not know. I do not know much about the building.

Q. Did you leave this city on the same train with Wakeman?—A. He was on the same train going home.

Q. Had he concluded his case in the United States court?—A. Indeed I did not ask him any questions.

Q. But he went home with you?—A. I think he did not know that I was going. I went home with him on the same train.

Q. You were in the lobby of that hotel speaking to everybody, some people that you knew and some that you did not know?—A. I did not know any of them.

Q. I think you said you knew some. Did you have any conversation with that clerk behind the counter or any conversation with any one outside the counter in the presence of that clerk?—A. There was nobody else present, only the clerk and me, when the conversation took place.

Q. Did you say on that occasion that you had "busted the democratic party," and "pulled down the biggest man in it," or anything to that effect?—A. I stated before the—this gentleman addressed me, I was in a very excited state. "Well," says he, "what are you doing up at the House to-day; making a big row up there?" Says I, "Making a big row! You will find out the consequences." I made an allusion to the democratic party, and immediately after I made it I recalled it to the same gentleman. I was sorry I had made it.

Q. What allusion did you make to the democratic party, and what did you mean by his "finding out the consequences?"—A. Well, I made the remark, and I saw the impropriety of my remark, and I regretted it very much indeed and apologized for it.

Q. State exactly what you said, and nothing else.—A. I cannot now at present; I was so excited I don't recollect.

Q. What was the cause of your excitement?—A. The abuse I received when I was leaving the Capitol.

Q. Was that the sole cause?—A. Yes, sir. I was very much excited. I had nobody to protect me only the chairman.

Q. There was no other cause for your excitement?—A. No, sir.

Q. Can you state to the committee that you did not make the remark that I have quoted in my question?—A. Not in that shape.

Q. Or anything to that effect?—A. I did make a remark, but I cannot tell exactly the nature of the remark that I made. I leave the clerk to do that.

Q. What did you mean by that remark?—A. I meant it in answer to a remark he made to me.

Q. What remark did he make to you? State precisely what he said.—A. I don't recollect even what he said.

Q. Whom did you converse with at the hotel upon the subject-matter of this investigation besides Mr. Wakeman?—A. I think I only spoke to the chairman of the committee. I was sorry about it.

Q. Whom did you converse with at the hotel upon the subject-matter of this investigation besides Mr. Wakeman?—A. I didn't speak to anybody else. I told the chairman I was sick with neuralgia in the head, and I hoped he would excuse me.

Q. Why did you go to New York on Monday night?—A. Because I had to consult my doctor, and I had liberty to go there.

Q. What is your doctor's name, and where does he live?—A. Dr. Little; on Forty-second street.

Q. Did you say you had the privilege of going there?—A. Because I hadn't to come before the committee before one o'clock on Wednesday.

Q. Did any member of the committee tell you that you had permission to go?—A. No, sir.

Q. Did you consult your doctor?—A. I did not. He is absent from the city.

Q. Did you consult any doctor?—A. I did; Dr. Freeman.

Q. Where is he?—A. On Forty-second street.

Q. Where were you in New York on Tuesday night last?—A. In Gillmore's Garden, enjoying myself.

Q. Where else?—A. No other place as I know of.

Q. Where were you on Wednesday night?—A. I don't recollect; I think I was home all the evening preparing to come to Washington.

Q. Where were you during the day-time of Tuesday and Wednesday, and whom did you see and converse with?—A. Well, I was around a great deal, but I didn't converse with anybody on this subject.

Q. Did you see George Bliss?—A. I saw him before I came to Washington.

Q. Did you see Darling?—A. No, sir; I did not.

Q. Did you see Lee?—A. No, sir; I have not.

Q. Did you see Wakeman?—A. No, sir; I have not.

Q. Did you see Davenport?—A. No, sir; I never spoke to Davenport in my life.

Q. You have stated on cross-examination that you frequented or endeavored to get into the best society in New York. Will you give us the names of some of the leaders of that society in which you circulated?—A. I cannot now at present.

Q. Do you know one of the leaders of that "society" named Harry Hill, who keeps a place on Houston street?—A. I do.

Q. Do you visit that place?—A. No, sir.

Q. Did you ever visit it?—A. I did about fifteen years ago, when it was first opened.

Q. Have you never visited it since?—A. Not only on business.

Q. What business?—A. Private business.

Q. What was the nature of it?—A. Well, about private transactions—about a horse. He wanted me to get him a horse, and I called to see about it.

Q. Is that the only occasion on which you have visited that place in fifteen years?—A. I think that is the only occasion.

Q. Are you certain about that?—A. I believe I am.

Q. You have not been there within the last six months?—A. Not up-stairs.

Q. Have you been down-stairs?—A. No, sir; I have not been in his building.

Q. Have you been upon the premises?—A. No, sir.

Q. You are certain about that?—A. I think so.

Q. What is your best recollection on that point?—A. I have not been in his premises.

Q. Are you intimate with two other members of society in New York named Davis?—A. What Davis?

Q. Theodore and Thomas Davis?—A. I do not know them.

Q. You do not know any persons by those names?—A. I know a man of the name of Davis, but none of those names.

Q. Are you certain that you do not know such persons?—A. I know a Davis, a conductor on the Sixth-avenue cars, and one on the Third avenue.

Q. Do not you know Theodore and Thomas Davis, two confidence-men in New York?—A. No, sir.

Q. Do you know the meaning of the term "confidence-man?"—A. Yes.

Q. What does it mean?—A. Well, it means to get a man's confidence.

Q. It does?—A. Yes, sir.

Q. You got a man's confidence, did not you?—A. Yes, sir.

Q. Do you know John P. Keating, formerly a conductor on the Third Avenue Railroad?—A. I don't recollect him.

Q. Were you ever employed on that road?—A. I was a little while.

Q. [Spelling the name,] K-e-a-t-i-n-g?—A. I don't recollect him. I know a great many if I saw them, but I don't recollect their names.

Q. Do you think you would know Keating if you were to see him?—A. I don't know as I should.

Q. When did you leave the employ of the railroad?—A. O, in 1855.

Q. You have not been there since?—A. I have not been there since.

Q. Do you know Edward C. Sheehy of 1501 Third avenue?—A. I don't.

Q. You never knew him?—A. I never knew him.

Q. Are you certain about that?—A. I am, I think. I never heard of him to my recollection.

Q. You have testified already that you have never been indicted for any offense?—A. I never have in my life.

Q. Were you ever arrested for any offense?—A. Never in my life.

Q. Are you positive of that?—A. I am, sir.

Q. Were you ever in the custody of a police-officer?—A. Never in my life.

Q. Do you know Sergeant Knight of the eighth precinct, New York?—A. I don't.

Q. When and where, and to whom, were you married?—A. I was married in Forty-fourth street.

Q. When?—A. Nine years ago the 3d of next July; so my certificate says.

Q. That would be July, 1867, would it not?—A. I think so; you can count it up.

Q. You were married in Forty-fourth street, at what place?—A. No. 83.

Q. Whom did you marry?—A. I married a woman.

Q. I have no doubt about that, but who was she?—A. Annie Prior.

Q. Has she any relatives?—A. She has got one sister.

Q. Is your wife living or dead?—A. My wife is living.

Q. Living with you?—A. Yes, sir.

Q. Have you always lived with her since you were married?—A. Since I married her, I have.

Q. Then, when you were here in 1866 you were not married?—A. I was not married.

Q. You had no wife with you at that time?—A. I had not.

Q. Did you ever abandon your wife and live with any other woman?—A. No, sir; I never only had one wife.

Q. What do you say?—A. I never only had the present wife.

Q. You are positive of that?—A. I am, sir.

Q. You are now living with the woman to whom you were married in 1867?—A. Yes, sir.

Q. And have been ever since?—A. Yes, sir; no interruption, and hope I always shall, too.

Q. Were you ever married before?—A. Never married before.

Q. And you have never had but one wife?—A. Never had but one wife.

Q. Are you living now with your wife, or with some other woman?—A. I am living with my wife.

Q. And not also living with some other woman?—A. No other woman.

At this point the committee took a brief recess.

After recess the examination proceeded as follows:

Mr. ELLIOTT. Mr. Chairman, I now renew the request which I made before the recess, that the witness shall proceed to write this note at my dictation.

The WITNESS. I will endeavor to do so to the best of my ability.

Mr. ELLIOTT dictated the following words, which the witness wrote down, as on the slip attached to this sheet, and handed to Mr. ELLIOTT:

"A rumor is circulating secretly in New York that one Harney, in the appraiser's department there, gave you, in 1866, $450 for the appointment of one Augustus P. Greene, of New York, as second lieutenant. Harney may be summoned; does not want to be; has not yet been."

"A Roner is sierten seker in New York that one Harney now in the Appprasies Derpertment there Gave you in 1866 $450—foure the apintmet of one August P Green of new york as sikend Lutient Haney me be somend Doues not want to be—has not yet Beene."

By Mr. ELLIOTT:

Q. [After inspecting the document written by the witness.] From what college did you graduate?—A. None, sir.

Q. Where did you ever attend school?—A. All the schooling I ever received I received between the age of nine and eleven years old in a Methodist Sunday-school.

Q. Is this your usual style of spelling?—A. I cannot, under the present circumstances, spell any better.

Q. Can you spell any better?—A. Probably if I was at home, and had an opportunity, I might.

Q. Do not you know you can spell better than that?—A. Mr. Chairman, I have done the best I can. That is my writing, and let the gentleman use it to his advantage.

Q. I will use it, sir. [Exhibiting a paper to witness.] Is that your handwriting?—A. It was dictated by me to my wife, and my wife wrote it in answer to Mr. Greene.

Q. Did your wife sign it?—A. Yes, sir; she signed my name there.

Q. Where is your wife?—A. She is home, I hope.

Q. What was your business in the appraiser's department?—A. I had charge of the opening-packers—laborers.

Q. Had you any clerks employed under you?—A. No, sir.

Q. Were you required to do any clerical work in that office?—A. No, sir.

Q. You were never required to do any?—A. No, sir.

Q. Or to make any entries?—A. No, sir; not at all.

Q. Or keep any accounts?—A. No, sir.

Q. To write any letters?—A. Nothing of the kind.

Q. Who was the clerk in that office with whom you were intimate?—A. I don't know; dozens.

Q. You can't tell the committee the name of the clerk with whom you were intimate in that office?—A. No, sir.

Q. How many clerks in that office did you know?—A. About forty-five.

Q. Name some of them.—A. I could not now unless I saw the list.

Q. Do you mean to tell the committee that out of forty-five clerks you cannot tell the name of one?—A. O, yes; I can tell the name of one of them.

Q. Name one.—A. Mr. William Allen is a clerk there. Mr. Emerson is a clerk there.

Q. Did Mr. Allen ever do any writing for you?—A. He had no occasion. I had none to do.

Q. Did you ever request any one else excepting your wife to write for you?—A. No; I generally do my own writing when I am at home.

Q. Is this the style of it?—A. Well, I can improve on that if I was there.

Q. Well, now, you must improve on that. Will you state to the committee under oath that you are unable to spell more correctly than you have spelled here?—A. If I had more time I probably could.

Q. How long does it take you to spell a word?—A. I don't know, sir.

Q. Did you ever write a letter in your life?—A. Yes.

Q. To whom?—A. To myself.

Q. Wrote to yourself?—A. Yes, sir.

Q. Name some of the persons with whom you have corresponded during the past three months.—A. I have not corresponded with anybody.

Q. Name some with whom you corresponded before that.—A. I can't name anybody.

Q. Do you mean to tell the committee that you cannot give the name of one of your correspondents?—A. Yes, sir.

Q. Do you know any newspaper editors or reporters in the city of Washington?—A. No, sir.

Q. Have you ever conversed with any about this case?—A. There has some persons spoken to me, but I have not said anything about the case.

Q. Who spoke to you?—A. I don't know, sir.

Q. With what papers were they connected?—A. I don't know, sir.

Q. You did not inquire?—A. No, sir.

Q. How do you know that they were newspaper men?—A. I supposed so. They wanted to know if I had anything to say about it.

Q. And then you inferred that they were newspaper men?—A. I suppose so.

Q. Was that the only means of knowledge you had?—A. Yes.

Q. Have you spoken to any one in the city of New York?—A. No, sir.

Q. To no one?—A. No, sir; persons have spoken to me about it, but I declined to have anything to say.

Q. Who spoke to you there about it?—A. I don't know, sir.

Q. Can you recollect the name of a single editor, reporter, or correspondent in New York with whom you have conversed on this subject?—A. I cannot recollect any.

Q. When did you have the last conversation with one of those persons?—A. O, I don't know; they spoke to me last evening, I think, some gentlemen.

Q. Are you in the habit of talking to people you don't know?—A. Well, where a gentleman approaches me, of course I must give him an answer.

Q. Were you not the superintendent of the stationery department in the appraiser's office?—A. I had charge of the stationery, to store it and pack it away.

Q. Does that position require a man who can read, write, and spell?—A. No, sir; just to take the books in and deliver them.

Q. And to keep no account?—A. No.

Q. Make no entries?—A. No, sir.

Q. Who does that work?—A. It does not require any. The chief clerk of the department forwards a requisition to Washington, and he receives them and has control of them.

Q. Were you familiar with the chief clerk?—A. Yes, sir.

Q. Did he ever do any writing for you?—A. No, sir; I never had any occasion.

Q. What is his name?—A. William Allen.

Q. Going back, I understand you to say that you had never approached any member of Congress other than Mr. Kerr in respect to the appointment?—A. Not that I remember of, sir.

Q. Try to refresh your recollection.—A. I have not.

Q. Did you ever tell any member of Congress that you could make money for yourself by securing the appointment?—A. I did not, sir.

Q. Are you positive?—A. I am sure.

Q. Did you ever tell any member of Congress that your salary was insufficient to support you?—A. I did not, sir.

Q. Are you positive about that?—A. Yes, sir.

Q. Are you as positive about these things as about the rest of your testimony?—A. I think I am.

Q. I understood you to say that you knew a great many members of Congress in 1866?—A. By sight; passing in and out, to pass the time of day.

Q. Is that the way you knew Mr. Kerr?—A. Yes, sir.

Q. Solely in that way?—A. Solely in that way, sir.

Mr. ELLIOTT. Mr. Chairman, I think I have reached a point in the examination of the witness where I can suspend it for the present. I desire, however, that the witness be not discharged.

The WITNESS. I hope the chairman will continue the examination until you get through with me. I don't desire to be any expense to the Government any longer than I can.

By Mr. DANFORD:

Q. Who stood at the same door with you when you were door-keeper here?—A. The only companion I ever had was Mr. Simmons.

Q. Do you know where he lives—what State he was from?—A. I think he was from Ohio.

Q. Do you know who his member was?—A. Mr. Bingham.

Q. Do you know whether he knew of Greene's presence here?—A. O, yes; he was very sociable every day when Greene was here.

Q. Did you ever talk with him in relation to this transaction?—A. No, sir, I did not.

Q. Did you ever tell him at the time that you were negotiating this appointment for Greene?—A. I told him I was interested in Greene's appointment; that I was trying to procure Greene the appointment; that he was a very honorable gentleman, and I done all I could to get him the place.

At this point the examination of the witness was suspended, but he was not discharged.

WASHINGTON, D. C., *June* 2, 1876.

MYER STROUSE sworn and examined.

By the CHAIRMAN:

Question. Were you a member of Congress from the Schuylkill and Lebanon district in 1866?—Answer. Yes, sir.

Q. Did you know a door-keeper at that time by the name of Lawrence Harney?—A. Yes, sir.

Q. Is he the person whom you just met in this room?—A. Yes, sir.

Q. At which door was he the door-keeper during the Thirty-ninth Congress?—A. I was here in the Thirty-eighth and Thirty-ninth. He was at the east door.

Q. If this man at any time endeavored to interest you in securing an appointment for Augustus P. Greene, of the city of New York, to a second lieutenancy, be kind enough to state to the committee all that occurred between you.—A. It would be impossible, sir, to remember every word of the conversation, but Mr. Harney a number of times asked me to use my influence to obtain a position in the Regular Army for his friend Greene.

Q. Were you introduced to Greene, do you remember?—A. I am not certain; I cannot say positively, but I believe I was.

Q. Were testimonials as to his standing as a soldier and character as a man exhibited to you?—A. Yes, sir, by Mr. Harney; and upon that I wrote a letter, a short letter, to the President.

Q. To Andrew Johnson, then President, requesting the appointment?—A. Yes, sir; I did.

The CHAIRMAN. I believe that letter is among the papers here.

The WITNESS. I would like to see it.

The CHAIRMAN, [showing a letter to Mr. Strouse.] Here is what purports to be a copy, and you will find on the back of it an indorsement.

The WITNESS. I see now I did meet him at Whitney's. I boarded at Mrs. Whitney's, opposite the Capitol. Well, the letter is correct. This letter was addressed to me, and by reason of his meritorious services as a soldier I recommended him to President Johnson. Mr. Harney said to me—I cannot exactly repeat the words, but in effect and spirit—he said: "You have influence with the President, I know, and you have always been the soldiers' friend; now you can help this man by writing a letter," and I wrote the letter of which this is a copy.

Q. If you had any conversation with Harney with reference to this subject as to what interest he had in this, please state it to the committee.—A. Well, Mr. Harney said that Greene was a friend of his, and besides that, he could make a little money out of it, probably $400 or $500.

Q. By having him appointed second lieutenant?—A. I told him I had nothing to do with that. I went solely upon the recommendations I got.

Q. Do you know whether Greene was appointed upon your recommendation or upon that of others?—A. I cannot say that. I simply wrote this letter; I understood he was appointed. In fact, I know he was appointed afterward. If I am not mistaken, that was the long session. We were here probably until August, I am not certain, but it was really a long session, and I think the appointment was made before I left here. At all events, it was made in the summer of 1866. I can't remember. I paid no more attention to it.

Q. Did Harney see you repeatedly?—A. Frequently.

Q. Did he see you in the House?—A. Yes.

Q. Did he see you at your boarding-house?—A. Yes, sir; over to Whitney's occasionally.

Q. And you say that he said if he could secure the appointmant of Greene he could make four or five hundred dollars by it?—A. Yes, sir.

Q. Your reply was that you had nothing to do with that?—A. That I had nothing to do with the financial part. I got no money; never saw any.

Q. Had you ever any relations with Harney with reference to the appointment of any other person than this one man, that you remember?—A. I don't remember now, sir.

Q. Was your seat in the House near that of Mr. Kerr in that session of Congress?—A. Yes, sir; Mr. Kerr sat a little to the right of me. I sat on the aisle running a little back from the door on the east side.

Q. Do you know Mr. Kerr well?—A. I do.

Q. Were you intimate with him from your service in Congress?—A. Very, sir. I had met him before he was in Congress. I think I met him at Pittsburgh.

Q. Did you ever see him have any intercourse, verbally or otherwise, with Harney?—A. Not to my knowledge.

Q. Was Harney in the habit of coming occasionally to your desk?—A. O, yes; Mr. Harney was very courteous and friendly to me and became quite intimate, that is, he did me many little kindnesses, and I treated him very well too. I will say here that I liked him and thought he was a very gentlemanly man, and I was pleased with him because he seemed to attend to his business and treated people well.

Q. Obliging?—A. He was.

Q. What were his politics?—A. Well, he was supposed to be a republican, but at that time with rather democratic proclivities, because Johnson was a little shaky himself in that way.

Q. Did Harney profess to have democratic proclivities at that time?—A. Yes, sir; he told me it was necessary to have some democratic influence with the administration then.

Q. And he based his claims to it upon the fact that he was on the fair road to conversion, did he?—A. Well, I cannot say that; he said nothing about that.

Q. In speaking to you, hid he ever give you any history of Greene or ever tell you anything about his antecedents?—A. He spoke very highly of Greene and said he was a very excellent man who had served very faithfully in the Army, and he brought me some papers corroborative of that statement, or if I am not mistaken, I think he told me that Greene was a Pennsylvanian, but had gone to New York when he was young.

Q. Did he base his request for your interposition on the ground that Greene was a Pennsylvanian born?—A. Well, it may have have been upon this; I stated not only to Harney but to a number of other persons who applied to me to aid them in getting positions for young officers that I had exhausted myself so far as my district was concerned, and that was enough, as every member had enough to do to provide for his own district, and that doubtless brought out the answer that this man was a Pennsylvanian who had gone to New York when he was young. I didn't care much about that; I saw that the man had what I considered proper recommendations, and therefore I recommended him.

Q. Do you know of Harney's speaking on this subject of Greene to any other member of Congress?—A. I cannot say what I heard, and I don't know of my own knowledge.

By Mr. DANFORD:

Q. You recommended a person from your district for a second lieutenancy, and he was appointed on your recommendation?—A. From my district. O, I had two or three or four probably.

Q. Who were they?—A. Samuel Swenck, William Clemens, William Parry, and another young man.

Q. Is that all?—A. No; there was another. This question refers to West Point and Annapolis, I suppose.

Q. No; I mean the second lieutenancies, and nothing else.—A. There is another, Jacob Wagner.

Q. Were they all recommended to second lieutenancies?—A. I do not remember that.

Q. But they were recommended for positions in the Army?—A. I had appointments to make in the Regular Army during my two terms of Congress.

Q. I am speaking of the Army, not of your appointments in the civil service. Were those four men that you have named all appointed to positions in the Regular Army?—A. Yes, sir.

Q. Where are they now—in the Army still?—A. I think not.

Q. Do you know where any of them are?—A. Yes, sir; Mr. Wagner is somewhere in Virginia, in the revenue service; Mr. Clemens is in Philadelphia; Mr. Parry is dead, and Mr. Swenck, I believe, is in Pennsylvania, although I have not seen him of late. I think he has retired. I don't know.

Q. From where did you make these appointments?—A. Schuylkill County, Pennsylvania. They all live there.

By the CHAIRMAN:

Q. None in Lebanon?—A. I did appoint a boy to the Navy, a cadet, under my regular authority.

Q. Was there any person about Washington who interested himself with you in behalf of any of these young men to get their appointments?—A. I don't know that anybody was here, except that Judge Parry met me once.

Q. Do you know who keeps the little house on F street called the Little Ebbitt, or the Windsor?—A. No, sir.

Q. You have not stopped there since you have been here?—A. No, sir; I never stopped there at all. I lived in F street in 1864, at the corner of Thirteenth, at Mrs. Pleasant's house, a brown building.

By Mr. ELLIOTT:

Q. When Harney applied to you to assist him in securing the appointment of Greene, and stated to you as you have testified that he could make four or five hundred dollars by securing that appointment, did he assign any reason why he desired to make that money?—A. Well, I don't know any particular reason except to make it, I suppose.

Q. Did he say anything about his necessities?—A. He said that Greene was willing to pay that, but that his, Harney's, position here didn't pay very well, and the expenses were heavy.

By Mr. DANFORD:

Q. You did not board at the same place with Harney?—A. No, sir. All the places I boarded at are very public. The Metropolitan was one; Mrs. Whitney's.

Q. Harney didn't board at either of those places?—A. Not to my knowledge.

Q. And your acquaintance with him was upon the floor, you as a member and he as a door-keeper?—A. That is all.

Q. Did you ever have any other acquaintance with him than such as would be natural between a door-keeper and a member?—A. No, sir.

Q. Did you ever spend the evening with him?—A. O, I will not say that he may not have come over to Mrs. Whitney's and talked to me as other persons did.

Q. Did you ever mention the fact to any other person around the House that he was trying to get a place for somebody in the Regular Army, and that he was offering money for it?—A. Never in my life.

Q. When, during the last ten years, did you first think of that?—A. I didn't mention it at all.

Q. You mentioned it before you came here to testify, I suppose?—A. I mentioned it here in Washington. You asked me how I remembered it.

Q. No; I do not think I asked you that.—A. Well, I remember a great deal that occurred during those stormy times of much greater importance than this.

Q. Did you mention the fact of Harney's attempt to any other member or any other person?—A. No, sir.

Q. That was confidential between you and Harney?—A. I never disclosed that.

Q. You didn't think it was a matter worth your attention?—A. No; I didn't. We had other business then.

Q. But it was called to your mind when you came to Washington?—A. It came to my mind when I read the proceedings of this committee in the newspapers.

Q. And you came on?—A. I came in obedience to the telegraphic subpœna, not of my own will. I am sorry I had to come.

Here the committee adjourned.

WASHINGTON, D. C., *June* 5, 1876.

Mrs. MARY T. MURRAY sworn and examined.

By Mr. ELLIOTT:

Question. Where do you reside?—Answer. At 239 North Capitol street.

Q. Where have you resided from December, 1865, to this time?—A. At the same house. I have lived in that house since Mr. Buchanan's inauguration.

Q. What is your business?—A. I have kept a boarding-house all the time.

Q. Do you know a man by the name of Lawrence Harney, who boarded in your house from December, 1865, down to some time in 1866?—A. I don't remember him boarding with me in 1865. I won't be certain, but I think he rented a room in December, 1865. We were cleaning house and could not take him. He wanted to engage board for his wife. However, he brought his wife to the city and boarded a door or two above me. Then in 1866 he boarded with me through the winter.

Q. The winter commencing January 1, 1866?—A. Yes, sir.

Q. He lived in your house?—A. Yes, sir.

Q. Did he have his wife with him?—A. Yes, sir.

Q. How long did he remain there?—A. He was with me in 1866 and in 1867. A gentleman named Kimball came to board with me in 1867, January 1, I think, near or about that time, and I think he boarded with me in 1867 and 1868. I am almost certain that Mr. Harney boarded with me in 1867.

Q. Did Harney and his wife occupy the same room all the time?—A. I think they did; a room on the third floor.

Mr. DANFORD. I desire that the committee shall determine here whether this line of examination is to be gone into.

Mr. ELLIOTT. I will be frank with the gentleman and state my purpose. The witness Harney, the committee will recollect, swore that he was married in July, 1867. I propose to show by this witness, as I have already shown, that he was living in her house with his wife in the year 1866; and I propose to stop right there.

Mr. DANFORD. Upon that proposition I want to say this to the committee: The witness Harney has appeared under a subpœna of the committee and is entitled to the protection of a witness. The testimony of Harney was that he had been married in 1867. That testimony was upon a collateral matter; it is not competent to question a witness upon a collateral matter for the purpose of contradicting him. That is a rule very well known to every lawyer, that you cannot contradict a witness upon an immaterial or collateral matter. I do not understand the counsel now to propose to introduce this testimony for any other purpose than the purpose of contradiction.

Mr. ELLIOTT. I would submit to the honorable gentleman who has last spoken, and to the committee, that, while I recognize and appreciate and am always disposed to enforce that rule to which he has referred, yet I take it that the antecedents of a witness and his general character are elements tending to show whether he is a credible witness or not. I know that you may impeach him directly as to truth and veracity, but you may impeach him indirectly; and it was with reference to that proposition that I offered this evidence.

Mr. DANFORD. I want a conference on the part of the committee.

Mr. BLACKBURN. I have no objection to either a private interchange of opinion or a public one.

Mr. DANFORD. I think it is opening the door very wide.

Mr. BLACKBURN. I see that; but it does occur to me that, as reaching to the credibility of this witness, it is entirely competent that the deliberate perjury, if such it is, should be shown by controverting every statement that he has made, whether it be upon a material or an immaterial point. I understand that the counsel proposes this testimony as illustrating the credibility or want of credibility of the witness upon a matter like a man's marriage, about which there can be no reasonable ground of doubt. I cannot for the life of me see any objection to the introduction of the testimony. If this witness has sworn falsely, it seems to me that the peculiar circumstances of the case not only warrant but absolutely demand that he shall be held up to public indignation and made to bear the responsibility attaching. If he has appeared before this committee, and, upon such a question as the beginning of his married life, has, under oath, made a deliberately false statement, I think that the party involved in this investigation and the country are entitled to the facts, and I can see no objection to the introduction of the testimony. If he is unable to tell the truth about that, I hardly conceive the possibility of finding anybody in the country who would believe him capable of telling the truth upon any other subject.

Mr. DANFORD. The witness was examined when he was on the stand the last time in relation to his marriage. He fixed the date of it. He was examined in relation to a great many other things that were not material to his testimony, and my question is, whether it is competent to go into and call witnesses in relation to matters about which he testified which are not material; whether this committee is not bound by the same rule that a court would enforce, and whether the witness is entitled to the same protection here that he would receive in a court of justice?

Mr. BLACKBURN. This committee has not, nor do I know of any committee that ever has, regarded itself as bound by the strict technical rules governing a court of justice in the admission of testimony. We have opened very wide, from the beginning until now, every avenue looking to the facts. We have not hesitated, as our voluminous record will show, to take the testimony of men with reference to those matters not coming within the scope of their personal knowledge, but reaching out to hearsay evidence, rumor, or report.

Mr. DANFORD. That is all true.

Mr. BLACKBURN. I do not propose, as a member of this committee, to prejudge any witness. I do not express any opinion about this witness's testimony, but it is a fact that it would be difficult to find anybody in the country who does not believe that this witness has sworn falsely upon every material point involved in his testimony. Now, here is a matter in which he has made a positive statement, and a matter of that peculiar character that he must be certain in regard to it if he wants to be certain—the date of the beginning of his married life. If he can be contradicted upon that point, and it can be shown that he has perjured himself in that, I cannot but feel that the defense is entitled to show it in order to illustrate the amount of credence that should be given to his evidence.

Mr. ELLIOTT. Allow me to say a word in vindication of the question that I asked. I refer to page 11 of the testimony of L. Harney, under date of June 2, 1876.

Mr. ELLIOTT here read an extract from Harney's testimony, in which he states explicitly that he was married in Forty-fourth street nine years ago the 3d of next July, and that he had no wife when he was in Washington in 1866; and said: The honorable member of the committee called my attention to a rule at law; now there is another rule of law embodied in the maxim well known to every lawyer, *falsus in uno, falsus in omnibus*, and that maxim has been expounded by the Supreme Court of the United States, and specifically applied in a case in which Judge Story delivered the opinion, (I think it is the case of the Santissima Trinidad,) in which he says that a person testifying about a fact in respect of which he cannot be mistaken, and testifying falsely, is to be wholly disbelieved; and he does make it a fact material or immaterial, but a fact about which he cannot be mistaken. It was with reference to that rule that I asked that question.

The CHAIRMAN. If this committee had been making its examinations governed by the strict rules of evidence, I would have a good deal of hesitation and doubt as to what my own judgment should be with reference to this particular point; the rule of law being that with reference to a mere immaterial or collateral matter, you cannot impeach a witness. That is clear. But it seems to me that this proposition goes to another view of this case, which is vital. That is, it goes to show the character of the man, for if this was not a marriage it was adulterous intercourse, and if he maintained that, under the guise of marriage, for months and for a year and more, it would develop a phase in this man's character and his habits of life which might render it extremely probable that that which he has endeavored to charge upon another was committed by himself for the purpose of maintaining that very condition of life. Now, we have not hesitated in this committee to accept hearsay testimony with reference to every matter here. I suppose that Harney, if put on the stand, would not deny the fact that he had lived here with this woman, but it is in evidence already from this witness that she was represented by him to be his wife, and that under a representation of that kind he and his "wife" lived with this witness; and having lived so in my State, it would be a marriage under the laws of Pennsylvania—an absolute and binding

marriage—and would entitle the widow to a dower in case of death, and all the rights of a widow, had he died while he was so living with her. That, I suppose, is not the law in the District of Columbia; and I suppose he would deny, under oath, that he was married to that woman, but I think it is competent to prove his general character from a fact like this, and to follow it up by other acts of the same kind, to prove the general character, reputation, or demeanor of this man.

Mr. ELLIOTT. For the present I will direct the inquiry to precisely the subject-matter involved in the testimony of this witness.

Mr. DANFORD. This witness appears here in obedience to our subpœna. He is entitled, in my judgment, to the protection of the rules of law. I cannot conceive that there was anything in the testimony just read by the counsel that was legitimate and proper examination of the witness Harney. The witness appeared here on that morning, as the chairman is aware, with his counsel. He was not permitted (and very properly, I think) to be present with counsel; but I desire just to say that, in my judgment, that examination was improper; that those questions were immaterial, and that the following up of that examination by this testimony is not legitimate or proper. That is all I desire to say about it. Of course I submit to the decision of the committee.

The CHAIRMAN. Proceed with the examination of the witness.

Mr. ELLIOTT. I thought I had gotten through when the interruption took place.

Q. Did Harney and his wife occupy the same room all the time?—A. If he came in 1867, and that room was occupied, he might have gone into another room.

By the CHAIRMAN:

Q. Had you any doubt about that woman being the wife of this Mr. Harney?—A. Not at all, sir. I would not have boarded them if they were not lawfully married; that is, if I found that he had deceived me, I certainly should have gotten rid of him. I keep a respectable house.

By Mr. ELLIOTT:

Q. What was his business?—A. I understand that he was a doorkeeper or assistant doorkeeper of the House of Representatives.

By Mr. DANFORD:

Q. How many boarders did you have at that time—do you remember?—A. I cannot exactly remember. Mr. Kimball came when Mr. Harney was at the house and boarded with me, and he boards with me still.

Q. Who was the first party you named?—A. Mr. Harney was the first person that boarded with me after the war. My house was used by the Sanitary Commission for the benefit of the Army. I was there and waited on them.

Q. Then you had but two boarders in the house at the time Mr. Harney boarded there?—A. No. Mr. Harney first came while we were cleaning house, and I did not take him right away. That was in December, 1865. He went to board a door or two above me until I got fixed up, and then in 1866 he came.

Q. Well, he and his wife, or reputed wife, were the only persons that boarded with you?—A. O, certainly not. There were others, but I cannot now exactly tell. I get a little confused. I am of a nervous disposition, and I am a little nervous.

Q. Can you tell any of the parties that boarded with you that first year, 1866, when Harney was there, besides him?—A. I can tell you when I go home and think about it.

Q. Do you not remember any of their names?—A. No; not just now, because you spoke of my house, as I thought, in rather a disrespectful manner, and I want the committee to know that I would not board a man with a woman if he gave me $100 a day if I thought they were not married.

Q. What I wanted to know was the names of any of the other parties who boarded with you?—A. I think I can find the girl that lived with me at the time. I will try to find her.

By the CHAIRMAN:

Q. You had quite a number of other boarders afterward?—A. Yes. I took temporary boarders often. Sometimes the boarders would have friends to come and stay a week, perhaps.

By Mr. BLACKBURN:

Q. If the names of any of the parties who boarded with you for any considerable length of time were mentioned to you as Harney's was, you would doubtless remember them?—A. I think I would.

Q. You are unable to state them now simply because they have not been named?—A. Yes, sir; exactly. Mr. Harney boarded with me in 1866 and 1867. Mr. Kimball came to board with me in 1867, and he is with me still.

WASHINGTON, D. C., *June* 5, 1876.

AUGUSTUS P. GREENE recalled and further examined.

By Mr. ELLIOTT:

Question. State to the committee whether you ever heard any conversation between Lawrence Harney and Mr. Kerr —Answer. I never did, sir, to the best of my recollection, outside of the introduction to Mr. Kerr.

Q. Describe particularly what took place immediately after the formal introduction.—A. As near as I can recollect there was something said in relation to my application, but there was very little said. Mr. Kerr told me that he had not time to speak to me on the subject; that he would do so at some other time.

Q. How far were you standing from Mr. Harney at that time?—A. I could not say, sir, how far I was standing from Harney; but I am satisfied that he was at such a distance that he could not overhear our conversation. Immediately after the introduction he retired some distance to give Mr. Kerr and myself an opportunity to converse.

Q. Did Mr. Kerr ever say anything about obtaining additional recommendations "from democrats" in New York?—A. No, sir.

Q. Did he ever use the word "democrats" to you?—A. No, sir; he stated that he would like to have some recommendations from prominent men in New York, addressed to him personally, requesting the nomination or appointment.

Q. Did you ever in the course of your life accompany Harney to Mr. Kerr's room?—A. No, sir.

Q. Did you ever stop at the same boarding-house with Harney?—A. To the best of my belief and knowledge I stopped about a week at the same boarding-house, in close proximity to the Capitol here.

Q. Harney's boarding-house?—A. Yes, sir; he introduced me there to his landlady.

Q. State whether you ever authorized Harney to buy a commission for you as an original proposition from you.—A. Not as an original proposition from me.

Q. From whom did the proposition come?—A. The proposition must have come from Harney, because I do not think, if I know myself, that I would in the first instance make the proposition to Harney (to speak plainly) to corrupt a member of Congress.

Q. What was the name of the other Congressman to whom Harney referred in connection with this subject?—A. I stated on my direct examination that I was introduced to another Congressman prior to the introduction to Mr. Kerr, but that nothing had come of it. Is that the Congressman you allude to?

Q. Yes, sir. What was his name?—A. At the time of giving my testimony on the direct examination I had forgotten the name, but my memory has become refreshed and revived by reading the indorsements which came to this committee from the War Department, and then I immediately recollected the name of the Representative, and it was the Hon. Meyer Strouse, of Pennsylvania, I think.

Q. Did you have an interview with him?—A. Yes, sir.

Q. Did you say anything about money to Mr. Strouse?—A. I did not, sir.

Q. Do you know the Hon. Morgan Jones?—A. Some years ago I had a slight acquaintance with him; very slight indeed. He was the Representative from my district in the city of New York.

Q. At that time?—A. Yes, sir, at that time in 1865. I had a very slight acquaintance with him. Some of my family were better acquainted with him than I was.

Q. Did you ever mention this transaction that you had with Harney to anybody?—A. I cannot say that I was much acquainted with him at all. The money transaction, that portion of it?

Q. Yes.—A. Never.

Q. Had you had any intercourse with Harney for some months when he came and invited you to the appraiser's office?—A. Mr. Harney never invited me to the appraiser's office.

Q. Who invited you there?—A. I have no recollection of saying in my testimony that Harney invited me to the appraiser's office, if it has reference to the interview that Harney had with me, calling at my residence some six or eight weeks before I received the subpœna.

Q. That is what I mean. I may be mistaken.—A. Yes, sir; I may have stated that when I returned from the Pacific, in 1873, Harney called upon me and invited me to call and see him at the appraiser's office, but I declined to do so on the principle that I never call at a man's place of business and interfere with him. I suppose that is the time you refer to? I went to see him after I got the subpœna, but he did not invite me to call; I went of my own volition to inform him that I had received the subpœna.

Q. At your interview with Harney, in the Bowery near Broome street, the night before you came to Washington, what did he say, if anything, in respect to taking legal advice?—A. Well, in the first place, he wanted to know what I was in such a hurry for. I told him that I had received a subpœna from the Sergeant-at-Arms of the House of Representatives, and I had told the party who had served the subpœna that I would obey it immediately and leave that night, and that I wished to keep my word good; and he said that he was not going for some time, and we walked over to Broadway and Broome street or Grand; and

on the corner of Broadway, or either one of those streets, he wished to talk upon the money transaction, and I declined to do so. He said, "You know that I have evidence of it; I received the money that you sent me from New York." Then I invited him to go with me down to the foot of Desbrosses street, as I intended to take the train. He said no; that he had an engagement with Judge Dittenhoeffer that night. I asked him when he was coming on, and he said that he did not know; that he would take legal advice in the morning. That was about the whole that was said, and I immediately left and went down to the ferry-house at the foot of Desbrosses street; but I was too late.

Q. What was his manner on the occasion of that interview?—A. His manner was somewhat—he was somewhat excited in manner.

Q. You have stated in your direct testimony that Harney said to you that they were "crowding him," or he was "under pressure." Do you recollect distinctly which of these terms he used?—A. Well, when he came over to see me at my residence, as I have testified there, I did not feel disposed to talk with him on the subject and I made some other remarks, that I considered it disgraceful and so on, and then he said, to the best of my belief and knowledge, that they had been crowding him, or if he did not use that word "crowd" he used a word of the same import, to the effect that there was a pressure brought to bear upon him, that they had had him at a meeting held in the appraiser's office, and that either he had been sent for by Mr. Bliss or that he had had a talk with Mr. Bliss; and then he told me that he said to them, "Gentlemen, if you want my place you can have it;" but, to the best of my belief and knowledge, he used the word "crowded."

Q. Whom did you understand from this conversation that he referred to by the word "they?"—A. Well, of course, I drew some deductions from that. I knew very well that his patron, (I suppose I may use that term,) William A. Darling, had been in some difficulty or other through some savings-bank, or something of that kind, and that he had probably been removed from his position as appraiser.

Q. Is there a clique in New York called the custom-house clique?—A. Well, I could not say, sir. I read in the papers of the custom-house clique.

Q. Did you ever send any letters to Mr. Kerr through Harney?—A. Not that I recollect, sir. My impression is that if I had any business with Mr. Kerr I would make it direct. That is generally my way of doing business.

Q. State if you have any knowledge as to the fact why you did not go before the examining board after you were nominated.—A. Well, because I was not ordered to report before any board for examination. I had the idea at that time, as all the other applicants had, that they would be thus ordered before a board, and I thought I would be also, but after my appointment and assignment to the Pacific coast and other places, I conversed with gentlemen in the Army who were appointed prior to July 28, 1866, and never found one who was ordered before a board. My impression undoubtedly was first formed in connection with that old Army board convened in November, 1865, the original board to examine applicants for appointments in the Army. Then, on July 28, 1866, if I am correct in my recollection, there was an act of Congress, besides the one for the re-organization of the Army, that all applicants for appointment should be ordered before examining boards. But prior to July 28, 1866, I have never learned that any of them went before an examining board.

Q. Was there anything said by Mr. Kerr about a vacancy in his district in the presence of Harney while you were present?—A. No, sir.

Q. Did you tell Mr. Harney what Mr. Kerr said to you on that subject?—A. I did, when I saw Mr. Harney after. I had had that interview with Mr. Kerr at his residence.

Q. After your first interview with Mr. Kerr you communicated to Harney what Mr. Kerr said?—A. Yes, sir; of course I told that it was necessary for me to procure additional testimonials and recommendations.

Q. Did Mr. Kerr ever ask you your politics?—A. No, sir.

Q. Can you state to the committee the character of the additional recommendations that you obtained and forwarded to Mr. Kerr?—A. No, sir; it is so long ago that I have forgotten about the contents of those recommendations, but my impression is that they were from prominent men there, though I forget who they were from. I have, however, a general impression that they were from men whose position in life would command attention if addressed personally to a party who had the power of nominating.

Q. Who sent for you to come to Washington in respect to this appointment?—A. Well, now, there comes in this about Mr. Myer Strouse, which has never been alluded to, and my memory as to the facts connected with this Myer Strouse business is very slight indeed, but it has been refreshed. I have stated to the committee that I have no memoranda or anything of the kind. I think in one of my visits to Washington, in which I was so considerably exercised in mind to get nominated, I think, to the best of my recollection, Harney suggested that it would be a speedier way of accomplishing the object by purchasing it. That is the best of my knowledge and belief. Of course I wanted the appointment. There is no doubt about that. I had been working five or six months for it, and I had laid my hopes upon a United States Senator, being so far above a Congressman. But I had slipped up on that, and I found that in this large batch of appointments of July 23, 1866—400 or 500 of them—my name was not published, and when I read the list I was the most disgusted man you ever saw. Then I came on again to see a United States Senator. Of course I stopped

at the Capitol building and saw Harney, and I think it was at one of those times that he suggested that the quickest way would be to make the purchase, and I agreed to it. Then, if my memory serves me, I received a letter in New York to come on; that he had a man. Well, I did come and was introduced to Hon. Mr. Strouse.

Q. You came on at Harney's request, did you?—A. That is my impression. I think I received a letter, but I have no letter. I have not a line in reference to this whole matter to my knowledge. I think this introduction to Mr. Strouse took place on the front steps.

Q. Did Harney solicit Mr. Strouse in your presence to give you the appointment?—A. Something must have been said in relation to it, because the conversation between Mr. Strouse and myself was upon that. Nothing came of that at all.

Q. To whom did you forward those additional recommendations?—A. My impression is, to the best of my belief, that I forwarded them through the mail to Mr. Kerr. I am not positive, but I think I did.

Q. When Harney stated to you that this appointment would cost $500, and you told him that you had not that amount, what did he say?—A. Well, it was not in that order. He said that it could be done for $500, and I agreed to it at once; but I stated to him that I hadn't that amount of money with me. I only had about $450, and then he said he thought he could get it for that sum.

Q. Did he ever send to you for the difference between $450 and $500?—A. No, sir.

Q. Can you state to the committee the exact language used by Mr. Kerr when he required additional recommendations?—A. Mr. Kerr said that my services were very creditable to me, that I was certainly entitled to some consideration, and, if I recollect, he said that he had nominated a young man from his district, but he had declined to go before any board; and I think he asked me if I thought I could pass an examination. I told him that I had been studying very hard for the last three or four months, and I thought I could, and he said he thought so himself. Then he said he would like to have some letters from prominent men in New York addressed to him personally requesting that he would nominate me.

Q. And you reported to Harney the substance of what Mr. Kerr said to you?—A. Yes, sir; I informed Mr. Harney about the letters and the rigorous examination I had undergone. I am certain I reported to him.

Q. Did you ever tell anybody since you received your appointment or before you received it that Mr. Kerr was instrumental in obtaining it?—A. No, sir; I never mentioned Mr. Kerr's name.

By Mr. DANFORD:

Q. Has your memory been refreshed in relation to the amount of money since you testified a week ago?—A. Yes, sir.

Q. You at that time, I believe, did not remember any amounts?—A. Only that I thought it was in the vicinity of three or four hundred dollars.

Q. You now say that Harney told you that the demand was $500?—A. Yes, sir; $500.

Q. In what way has your memory been refreshed?—A. By reading the testimony of Mr. Harney, as published in the newspapers.

Q. And your recollection agrees with his statement?—A. Yes, sir; with the exception, I think, that one of the papers stated that there was a squabble or haggle over the amount. That part I do not admit to be so, because I agreed to the proposition at once; the amount paid as stated by Harney is substantially correct.

Q. Harney told you that the demand was $500?—A. Yes, sir; $500.

Q. I believe you stated in your testimony-in-chief that you remembered it was three or four hundred dollars?—A. Yes; I stated also that I could not recollect the exact amount, it was so long ago.

Q. Do you remember how you remitted the balance to Harney?—A. No, sir; I do not.

Q. Are you sure that it was through the post-office?—A. I stated on the direct examination that I sent some money; the amount I didn't recollect, and I don't recollect whether it was by an ordinary letter through the mail or a registered letter or a post-office money-order; but I sent money; I am positive of that.

Q. And your recollection is that you sent it through the post in some way?—A. I think I sent it some way. I presume it was through the post. I presume very likely it was through the mail. There is no doubt that I sent the balance.

Q. Do you remember what that balance was?—A. My memory has been refreshed by the testimony of Mr. Harney, as published in the papers. I should say that the amount which he has stated, $40, to make up the deficiency, is correct. I presume it was $40.

Q. Why did nothing come of your interview with Myer Strouse when you were introduced to him?—A. Well, I walked over from the Capitol to a building that was opposite here somewhere, Whitney's Hotel, and we had a very pleasant time. Mr. Strouse is a very pleasant man; very genial, indeed. I think I got off one or two things which he considered very good, and we laughed very heartily. He invited me to take a drink; braced ourselves on the piazza and had a long talk. I found out that the Hon. Mr. Strouse had made an appointment; but he professed to be considerably impressed with me, and he proposed to do the thing through the President of the United States, Andrew Johnson, with whom he was on very good terms. I knew very well from my previous Army experience that the appoint-

ments made by the President were what is denominated appointments at large, which were given to the sons of deceased Army and Navy officers, and the sons of deceased statesmen who had rendered important services to the country, that these appointments were given to the children of such persons who had grown up and had no political influence, (and who are very properly taken care of in that manner,) and therefore I placed no reliance on Mr. Strouse.

Q. You had a pleasant talk with him, but you had no arrangement?—A. No; because it must have been done through the President of the United States, an appointment at large, and he had made a nomination.

Q. Well, all the appointments came through the President?—A. Well, it was what is called an appointment at large.

By Mr. ELLIOTT:

Q. State whether you applied to your Representative, the Hon. Morgan Jones.—A. Yes, sir; I went there, I remember distinctly.

Q. What success did you meet with there?—A. Mr. Morgan Jones tried to put me off. He don't know much about me. Well, that would not do me, and I said, "Congressman, come right down to the point. The question is, will you nominate me or will you not?" Says he, "You talk very plain." Said I, "That is the way I like to talk; that is business. Now, if you don't intend to nominate me, tell me, and I can chassez around somewhere else." "The fact is," said he, "I have appointed a one-armed man." Said I, "Congressman, I have no fault to find with that whatever; I am glad to find that our Representatives take care of men that have suffered so severely for their country;" and I skipped on to Washington.

Q. State to the committee whether, in the interview you had with Harney on the 23d of May, he said anything to you about having been subpœnaed prior to that time.—A. On the evening of the 23d of May, at that interview, he said he had been subpœnaed. That was the date I received my subpœna. I asked him when, and he said he had received it a day or two before.

Q. And that he would take legal advice as to whether he would come or not?—A. Well, not immediately following that conversation, because we took a walk from the place indicated in his letter addressed to me, Bowery and Broome street, over to Broadway; and when we were about parting I asked him when he was going on. Before that I asked him to come down to Desbrosses street ferry. He said he had an engagement with Judge Dittenhoeffer. I asked him then when he would start. He said he didn't know; he was about taking legal advice there in the morning. That was the last interview I had with him.

By Mr. DANFORD:

Q. In the talk you had with Mr. Strouse was there anything said about money?—A. No, sir; not a word.

By Mr. BLACKBURN:

Q. In answer to the last question you stated that nothing passed between you and Mr. Strouse about money?—A. No, sir.

Q. Was there ever anything passed between you and anybody about any money being involved in securing this appointment, except between yourself and Mr. Harney?—A. No, sir; only between Harney and myself. As I said before, I think my coming on to Washington at that time was in reference to the Strouse affair, and I think that accounts for my having the bonanza with me at that time.

By Mr. ELLIOTT:

Q. You have no knowledge as to what Harney did with that money?—A. No, sir.

Q. Have you any belief on the subject?—A. Well, after the interview with Mr. Kerr at his rooms, from the manner in which I was examined by Mr. Kerr so rigorously as to my record, and everything of that kind, and testimonials addressed to him personally being required, I thought it very strange that, if Mr. Kerr was a party to any money transaction with Harney, he should be so particular, and from the general demeanor of Mr. Kerr to me, I had very strong doubts as to whether he was a party to any such agreement, and I always had those doubts.

Q. What belief did those doubts give you?—A. What did they lead to?

Q. Yes.—A. Well, they were so strong, of such a strong character, that, in my own testimony before this committee I would not use the word "paid," but I used the word "transferred," because if I said paid, it might be supposed by somebody that I felt assured in my mind that Harney used the money for the purpose that he told me he did; so I used the other word, which I thought would leave it open. That is to say, the money was transferred from my pocket to his own, and it was a business transaction, and he performed his contract, and I got my nomination, and hence my appointment. It was a matter of perfect indifference to me what he did with the money, because I had for $450 what was probably worth $1,000 or $2,000, and I was not the man to kick if he had kept it.

Q. What was your financial condition at that time; or, in other words, could you have

raised more than $450 to pay for this appointment if it had been demanded?—A. O, yes; I could have raised more.

Q. How much more?—A. That is very hard to say. My property was left in trust to the widow, (that is, my worthy deceased mother,) and I suppose if I had gone to her and stated that it was necessary for my welfare to have $1,000, it would have been produced. She was a woman of considerable property.

By the CHAIRMAN:

Q. From all the circumstances of the case and your knowledge of him, and the conclusions you drew, do you believe that Harney ever paid Mr. Kerr a cent of that money? I want you as near as you can to give it a categorical answer?—A. Well, that is a poser for me, but I can say honestly and truthfully that I do not believe Mr. Kerr ever received one cent of it, and I never did think so. Still I never intimated anything of the kind to Mr. Harney. He had rendered me an important service, and if he had come to me at the time, in the Capitol grounds here, and said, "Captain, I have kept that money," I would have said, "My dear fellow, I am extremely happy, and if I can do anything more for your happiness and comfort, why here is $50 extra." I would have given it to him because he had made me very happy.

By Mr. DANFORD:

Q. Did you not send Harney some presents of money after you got into the Army?—A. I made Harney a present of a handsome seal-ring.

Q. Anything else?—A. Not to my recollection. When I left New York there were some small liabilities that I had out, money borrowed, and so on; I held stakes once to the amount of $500, with which the parties to the bet trusted me when they would not trust anybody else, and I left word with my brother to pay that, and to pay another gentleman some money that I owed him, $20 or $25; and I saw on my brother's book a record of a payment to Harney of $20 charged to me. Now how that transaction came about I don't know. I presume that as it was in that lot of other debts that I owed, I perhaps had borrowed $20 from him when I was out in New York taking a walk with Harney. I man always feels so much better when he has $20 in his pocket. That is the only way I can account for that item. It was paid, however, as were all the others.

WASHINGTON, D. C., *June* 5, 1876.

JOSEPH S. MOORE sworn and examined.

By Mr. ELLIOTT:

Question. Where do you reside?—Answer. Four hundred and forty-four West Twentieth street, New York.

Q. Do you know a person named Lawrence Harney, connected, or formerly connected with the appraiser's department in the city of New York?—A. Yes, sir; I had some interviews with him.

Q. State to the committee all the facts and circumstances connected with your knowledge of the subject-matter of this investigation.—A. Well, on Tuesday, the 18th of April, 1876, I was here in the Speaker's room, and Mr. Kerr told me he wanted to see me about something as soon as he had organized the House. After the morning hour had expired I went to his room and found a gentleman with him, Mr. Thompson, from New York, to whom he introduced me. He then said to us that he had received a communication that morning and he took out rather a soiled piece of paper from his pocket and handed it to me to read, and told me to read it aloud. I read in it to the best of my recollection, "A rumor is circulating in New York that one Harney, in the appraiser's department, gave you, (Mr. Kerr,) in 1866, $450 for the appointment of A. P. Greene as second lieutenant in the Army. Harney may be summoned; does not want to be; has not yet been." The Speaker then said, after I had read it, "Now, all I know about this subject is that in 1866 a person applied to me whose name I perfectly recollect to be Mr. Greene. He was a soldierly looking fellow, and a fine, well-made man. He applied for an appointment, or a recommendation for an appointment in the Army. I liked the appearance of the man. He told me that he had been in the volunteer service, or something of the kind; but he was a perfect stranger to me. The time was very short, (he said something of that kind, I think,) Congress was about adjourning, and I told Greene that I didn't know him; but he said that he could bring me recommendations from persons who had knowledge as to his standing, qualifications, and character. I told him to bring them. I examined them. He brought me the letters, and they were satisfactory. I recommended him, and believe the man was appointed. That is all I know about this matter. As to this man Harney, I don't know him. I don't know who he is or what he is." I still held the piece of paper in my hand.

Q. Is this the piece of paper? (producing it.)—A. Yes; it is the piece of paper. I held it in my hand and I said, "This states that one Harney, who is now in the appraiser's

department there, did this. Let us see whether there is such a man in the flesh. Have you got such a thing as a Blue Book here? The Blue Book was lying on the table. The Speaker gave it me, and I referred to the appraiser's department in New York, and sure enough I found Mr. Lawrence Harney's name as one of the clerks; a $1,500 or $1,800 clerk, I forget which. I then said to the Speaker: "The best thing to be done in this case will be to make a copy of this anonymous letter. I am going on to New York on Thursday or Friday morning; I will go down to the appraiser's department and find out who Mr. Harney is, and whether he is still there, and what he has got to say about it, and I will report to you on Friday, after I have seen him." Mr. Thompson and I both agreed that it would be of no use to take any notice of a mere rumor. I went to New York, and on Friday morning I went down to the appraiser's department and asked for Harney. He hadn't yet got to the office. I went up-stairs into the assistant appraiser's—Mr. Bosch's—room, whom I knew very well. He began to talk about the tariff and the changes, and one thing and another. I asked him if he knew Harney. He said, "Yes, do you want to see him?" and I said, "Yes." He sent for him and introduced him to me. Harney came up to Mr. Bosch's office, and after an introduction and speaking a few words to him I said, "Mr. Harney, just come out here; I want to see you on a private matter." I took out of my pocket a copy of this anonymous letter written to Mr. Kerr, the Speaker, and I said, "Mr. Harney, I have just come from Washington; I am an intimate friend of the Speaker, Mr. Kerr. The Speaker received last Tuesday an anonymous letter, of which this is a copy; please read it, and tell me whether you have seen it or whether you know anything about it." I watched him closely; he was rather agitated and began to shake a little, but he did not look at it more than ten seconds. It was literally impossible for anybody to have read it, particularly in Mr. Kerr's handwriting, which is not usually very plain, but he promptly said, "No, I have never seen this; I don't know anything satisfactory about it." I said, "If you have not written it, have you inspired it or authorized it?" "No," he said, "I don't know anything about it." I said, "What about those charges there? Do you know anything about them?" "Well, I don't want to say anything about them; you had better go to my lawyer. Judge Dittenhoeffer is my lawer; you had better go and see him." I said, "What in the world has a lawyer to do with this? I want to know about these charges." "Well, my lips are sealed, I cannot say anything about it; you must go to see my lawyer." I was getting a little warm, and said, "Mr. Harney, do you know really the meaning of these charges? Now let me read them to you: 'A rumor is circulating in New York that one Harney' (which is evidently you, said I, leaving off reading and pointing to him) 'gave you' (which means Mr. Kerr, the Speaker of the House of Representatives) '$450 for the appointment of A. P. Greene.' Now," said I, "this is a conspiracy. If anybody has made these charges, and they cannot be substantiated, if you have made them, you and your fellow-conspirators will go up the river to Sing Sing." Mr. Harney then said, "I cannot say anything about it; if you want to know more about it, you must go to see my lawyer, Judge Dittenhoeffer." I said I didn't want to see his lawyer. I asked if he knew the Speaker of the House, and he said, "O, yes, very well; and he is a very fine gentleman. He is a high-toned gentleman." I said, "Where did you know him?" He said, "I have been an assistant doorkeeper of the House," or something of that kind, "in 1866." I asked what he had to do with the appointment of Greene, the gentleman mentioned in the note. He said, "Well, everybody knows, or everybody knew at the time, that I got Greene's appointment; it was very well known that I got it." "Well," I said, "I don't know that I have got anything more to say to you; you don't want to give me any satisfaction." He said, "Now, Mr. Moore, you must go to my lawyer; it is not very far, it is in the Tribune building; let us go and see him." I said, "I do not want to see your lawyer about this; this is a very serious afair. I shall advise the Speaker to have this matter investigated, and you will be called upon to testify." He said, "No, I don't want to testify. I don't want to go anyhow. Tell me, Mr. Moore," said he, turning round, "are you living in Washington?" I said, "No, I am connected with the custom-house, I have been there for nine years, and my office is in the custom-house." He then became rather confidential, and said, "You see, there is always somebody coming here asking about these things, and I am very cautious on the subject, and I want my lawyer to make a statement; I want these gentlemen to go to see my lawyer. Now, this is a scandal. I don't want to go to Washington to testify; I want to go away. I have got a good position here, but I want to go away to keep out of this. I don't want to have any scandal. I don't want to go to testify. I have got a good position, but I want to give it up." I then said, "Mr. Harney, pray understand me and my mission here rightly. You appear to me to be simply the 'dead fly that makes the apothecaries' ointment to stink.' All that is necessary about this will be an investigation, and you will have to testify to the truth and substantiate it, and then it makes no difference if it hurts the Speaker of the House of Representatives, or the President of the United States, or even the Emperor William. On the other hand, if you cannot do that, you and your fellow-conspirators will go up the river, to Sing Sing." I said it that way double. "Well, said he, "I think you had better go and see Judge Dittenhoeffer, my lawyer, about this. You see this is a scandal. Of course the democrats have commenced to investigate and throw mud and scandalize everybody. This is scandal, and I am crowded. George Bliss has got hold of this and he is crowding me. George Bliss is a very bad man; he is a damn

rascal and a damn scoundrel, and I don't want to have anything to do with this; you had better go and see my lawyer." That was always the last word. Well, as I could not get any direct charge or anything direct out of Harney, and as it was not a very edifying thing to stay with him, I was glad to get away. But it was rather difficult, for he was very friendly and very affable, very anxious for me to see his lawyer about this; however, I got away without giving him any satisfaction that I would see his lawyer. I went to my office and it took me some time to cool down and see what action I should take next. I then sat down and wrote to the Speaker the following letter, which, by the permission of the Speaker, I am authorized to read:

CUSTOM-HOUSE, NEW YORK, *April* 21, 1876.

MY DEAR MR. SPEAKER: I went this morning to the appraiser's office and found Mr. Harney, who is superintendent of the stationery department. I showed Mr. Harney a copy of the anonymous slip you received on Tuesday last. Mr. Harney disclaims all knowledge of either having written or inspired the writing of it. He, however, betrayed some agitation, and on my pressing a direct inquiry on the subject of this rumor, he most strangely told me he was in the hands of his legal adviser, Judge Dittenhoeffer, and wanted me to go and see his lawyer. This I certainly, under the circumstances, declined. Then he admitted the following remarkable facts, namely: Mr. Bliss, the district attorney of New York, and Mr. Darling, the ex-appraiser, have hunted up the appointment of A. P. Greene in 1866. Harney, who was a doorkeeper of the House in 1866, professed to have procured Greene's appointment. Harney does not, or did not to me, admit that he paid you money for the appointment, but he says that Mr. Bliss and Mr. Darling wanted him to go to Washington to testify. It is not very clear to me what he is to testify to, but there is not the slightest doubt in my mind that Bliss will bring the matter before some investigating committee. Now, as I cannot have the slightest doubt or fear on the subject, I would most sincerely advise you to call some one to the chair to-morrow and insist on having a committee appointed to investigate Harney and Messrs. Bliss and Darling and clear this matter up. As I advised you not to take notice of an anonymous piece of paper, I now advise you to have the matter before a committee of investigation. The affair is no longer a mere unworthy rumor, but there is a living witness—Mr. Harney—who ought to be investigated. Of course the investigation will come anyhow, and inasmuch as you charged me with the task to trace the source of the letter and rumor, and having traced it and apprised you of the result, you ought to be the first under the circumstances to move in it. It should also be understood that the investigation committee should consist of a majority of the acknowledged republican leaders of the House, and in their hands you should rest your case and good uame, and I have not the slightest doubt of the result. I feel somehow that the third officer of the country cannot afford to have rumors or secret hunting up of scandals against him started without demanding a full investigation, particularly when he has, as in this case, some living parties to call before a committee. I therefore hope you will act promptly in the matter.

I remain, my dear Mr. Speaker, yours very sincerely,

J. S. MOORE.

Hon. M. C. KERR.

I went down from my office to go out of the custom-house, and I recollected at that moment that I had something to say to Mr. Phillips, the private secretary of the collector. I went into Mr. Phillips's room, a sort of ante-room of the collector's office, and the first man that I saw there was Judge Dittenhoeffer. Now, I had never in my life spoken to Judge Dittenhoeffer, although I knew him by sight and I have no doubt that he knew me; but on the impulse of the moment I went up to him and I said: "Judge Dittenhoeffer?" He said, "Yes." I said, "Would you be so kind as to come to my office? It is only one flight of stairs. I want to see you on some business." He said, "Yes." He went with me to my office. As soon as he was seated I said, "I was referred to you by one of your clients and requested a dozen times to come and see you, but I persistently declined to come and see you on the subject; but meeting you down-stairs accidentally I could not resist the temptation to ask you whether you know, or what you do know, of an affair that is mentioned in this paper," which I took out of my pocket. "Mr. Harney was the man who sent me to you." The judge took the paper, and it took him at least two minutes to read it, and after reading it he said, "Well, Mr. Moore, I have no hesitation in saying all I know about this. I am the lawyer of Mr. Darling. Mr. Darling was in some trouble about the Third Avenue Savings-Bank. The newspapers were abusing him daily, in fact, persecuting him, which I think was most wrongfully done, and no paper was so bitter as the New York World. One day Mr. Darling came to me in a great state of agitation and excitement, and said, 'I have got something now to shut them up; I have got something now to keep their mouths shut,' or something to that effect; and he told me the substance of what is contained in that piece of paper that you have given me to read. Mr. Darling was in a great state of excitement, but I was cool," said the judge. "I told him, 'I cannot see for a moment what good a scandal against the Speaker of the House of Representatives will do you or your case; take my advice for it, do not take any notice of it. This is not the way to fight your

case. Anyhow, I do not want to have anything at all to do with it. As your lawyer, I won't have anything to do with it. Why, what do you want to do with it yourself?" Mr. Darling said he was going to send it to all the papers and have it published. Judge Dittenhoeffer said "perhaps the papers would not publish it, but I would not advise you to do anything of the kind." Darling was cooling down by that time, and, said Judge Dittenhoeffer, "That is the last I have heard of it until now. That is all I know about it." "Well," I said, "this man Harney referred me to you; told me a dozen times that you were his lawyer; that his lips were sealed, but that you could give me information." "Well," said he, "I am not exactly the lawyer of Mr. Harney; I am Mr. Darling's lawyer, but Harney thinks, of course, I must take care of him." "What in the world has Harney to do with Darling?" said I. "In that case you must take care of the whole appraiser's department." "O, no!" says he. "Harney is a sort of follower, and a great *protégé* of Mr. Darling's; that is the way of it. I am not exactly Mr. Harney's lawyer. In fact, Mr. Moore, I have told you all I know of it." I said, "Well, judge, you impress me very favorably, indeed; your advice was excellent; it does honor to your profession, and, after all, that you may not have come to my office for nothing, I will tell you something: Senator Jones, of Nevada, has got the Saint James hotel for sale; he wants me to find him a customer for it; I know you are intimate with Sheridan Shook, and I hear he wants to buy the hotel; perhaps you might effect a bargain." He took to it quickly and said he might do that, and I made an appointment to meet him at his office the following week. I did not think the additional information that I received from Judge Dittenhoeffer of sufficient importance to re-open my original letter to Speaker Kerr. I posted the letter on Friday, and Saturday morning I received a telegram from the Speaker asking me whether I could come to Washington immediately. I telegraphed that I would be in Washington next morning. The next morning I came to Washington. I went down to Willard's, and found there was to be a little conference in Mr. Morrison's room at ten o'clock. Probably the Speaker had conferred with his friends; but at all events I met at Mr. Morrison's room, precisely at ten o'clock, Senator McDonald, Mr. Scott Lord, Mr. Morrison, Mr. Thompson, of New York, of whom I have spoken, and the Speaker. I was requested by those gentlemen to state my interview with Harney, what really had transpired—of course my letter did not give the information—and I related to them substantially what I have related in this evidence. I further related to them my interview with Judge Dittenhoeffer. I then found that these gentlemen did not agree to the proposal contained in my letter. It was very wisely resolved by them, instead of having an investigating committee, inasmuch as the writing of an anonymous letter is an indictable offense in New York, that the best thing to be done would be to engage a lawyer in New York, and follow up or trace up the writer of the anonymous letter, and bring this thing before a criminal court, which would have all the effect of bringing out any statements which an investigating committee would bring out, with the further effect of punishing the conspirators or anybody that had written anonymous or threatening letters. I readily submitted to the wiser plan that was proposed by these gentlemen, and the next thing was that I was charged by the Speaker to retain for him Mr. Sidney Webster, of New York, to prosecute this affair in the most rigorous manner, and find out all about the perpetrators of it, and bring them before a court of justice. The next morning I went to New York and had an interview with Mr. Webster, and, of course, related to him substantially what I have related here, and gave him this anonymous letter, (which Mr. Kerr had previously marked with his initials,) and Mr. Webster readily undertook the task; in fact, he was retained. He went to work the same day and sent out his detectives, and used all legal methods as lawyers do to find out the writer of the anonymous letter, to bring this matter to an issue before the criminal court, and no doubt it would have been done had not the investigation here anticipated the matter. Three or four days after that I went by appointment to meet Judge Dittenhoeffer on account of the hotel. His office is in the Tribune building. I was waiting for the elevator which was coming down, and the first man that stepped out was Harney. He was very affable and friendly, and spoke to me two or three sentences for about fifteen seconds; the elevator had gone up, and I was left alone with him again. He then, without my asking, broached the subject, and said: "I am going to leave the appraiser's department; it is no longer the place for me; now that Mr. Darling has gone, that is no longer the place for me. While Mr. Darling was there I was everything that could be desirable, and now that he has gone I want to go away. I do not want to have anything at all to do with this scandal. You see this is political capital. There is George Bliss and Johnny Davenport; they are both very bad men, very bad men; they are damned rascals; they are damned scoundrels; they want to make political capital out of this, but I don't want to have anything at all to do with it; I want to go away, and I don't want to go and testify." I said, "Well, Harney, if there is any investigation you will have to testify; that is all I can say about it." And turning sharply around, I said, "Where is Greene?" He said, "O, I have not seen him for two years; he is somewhere up in Westchester." "You have not seen him lately?" "O, no. I used to know him; we were very intimate; we were boys together, but Greene has gone to the bad. He commenced drinking about the time that I left off drinking." I stepped into the elevator, and he walked away. That, gentlemen, is substantially all I know of this matter, except I know that Mr. Webster has been following it up.

By Mr. ELLIOTT:

Q. Did Mr. Harney, at either of the interviews you had with him, mention the names of any persons who were "crowding" him?—A. He mentioned the name of George Bliss and the name of Johnny Davenport.

Q. What term did he use according to your best recollection?—A. Well, there is no best recollection about it; he used the words in the appraiser's department, "George Bliss is crowding me, and he is a bad man, a very bad man; he is a damned rascal and a damned scoundrel." And in the Tribune office he said: "There is George Bliss and Johnny Davenport, they are crowding me; they want to make political capital of this. They are damned rascals and damned scoundrels."

By Mr. DANFORD:

Q. You spoke of Mr. Sidney Webster, and that he was retained for the purpose of prosecuting this conspiracy?—A. Yes, sir.

Q. You have told the committee all you know of the existence of a conspiracy?—A. Certainly; that is all I know of its existence.

Q. Do you know anything of a visit of Mr. Webster or his clerk to Mr. Greene?—A. I believe Mr. Webster informed me that he sent out his detectives; that in finding the anonymous letters it was also necessary to find Greene; they came across Greene, or something of that sort. They found Greene and had an interview with him; in fact, there was a detective and his clerk, Mr. Dorsey, two men that went to see Greene.

Q. That is, detectives were put to work shortly after the date of this letter?—A. I suppose they were put to work on the same day that I retained Mr. Webster.

Q. Some time in the latter part of April?—A. Certainly. That is to say, Mr. Webster was charged to prosecute this thing in a legal way, the best way that he thought that—not to spare any cost or any help or anything, but to bring this thing before a criminal court.

Q. When you wrote to the Speaker the letter you have produced here, had you any other facts upon which you based the letter than those that you have detailed to the committee?—A. None in the world; none except my interview with Harney.

Q. Had you ever an interview with the brother-in-law of Bliss upon this subject?—A. Never; never.

Q. Or with Davenport?—A. Never. I do not know Mr. Davenport. I know Mr. Darling by sight. Mr. Bliss I know just to say "How do you do?" but I never had any interview with him about it.

Q. You had no interview with Greene?—A. No; the first time I saw him was here.

Q. You say you are in the custom-house?—A. Yes; I have been in the bureau of statistics nine years.

WASHINGTON, D. C., *June* 5, 1876.

OTTO LEISSERING sworn and examined.

By Mr. DANFORD:

Question. Where do you reside?—Answer. Washington City.

Q. How long have you resided here?—A. Since 1867.

Q. Did you receive an appointment as lieutenant in the Army in 1866?—A. Yes, sir; I believe I did. It was dated October 21, 1866. First lieutenant in the Twenty-fifth Infantry.

Q. Did you go before a board to be examined?—A. Yes, sir.

Q. Did you pass the examination?—A. No, sir; I didn't pass physically.

Q. Through whom did you receive the appointment?—A. Through different recommendations from different generals.

Q. Did you have any dealings with Mr. Meyer Strouse in connection with that appointment?—A. No; not directly. I came to Washington shortly after I was mustered out at Huntsville, Ala., in 1866, to see my member of Congress, Mr. Amasa Cobb, of Wisconsin, to whom I had forwarded the different recommendations from the generals under whom I had served. Mr. Cobb told me at that time that he could not do anything for me; that it was too soon; the Army would not be increased. But he gave me a very good letter to the President, in addition to the papers that were filed in the Department. I was introduced to Mr. Strouse, and he appeared to be a very kind gentleman, as impressed on his face; and I approached the gentleman and told him that I didn't think my member would do anything for me, as I was not on the same side in politics. Mr. Strouse said, "Let me see your papers." I went up to the War Department and looked through the papers, and I went to Mr. Strouse's hotel next day and he looked over the papers, and, said he, "You have got good papers; I don't see how you can fail to receive your appointment. If you will trust me with these papers and packages, I will see what I can do." A few days afterward I received the appointment.

Q. Do you know Mr. Oppenheim?—A. Yes, sir.

Q. Where was your residence at the time?—A. Wisconsin.

Q. Did any money pass from you to Mr. Strouse, or to any party for him?—A. Not through me; through some friends of mine.

Q. Did it pass from some of your friends through Oppenheim to Strouse?—A. Yes, sir; to pay any necessary expenses such as carriage-hire and hack-hire. I could not expect tha, Mr. Strouse should walk on foot, and so on.

Q. Was the amount of that check or draft, that passed through Oppenheim, $300?—A. Yes, sir.

Q. Did you receive the draft from Oppenheim, or did he pay it to Strouse direct?—A. He paid it directly to Mr. Strouse. I think it was a little less than $300—$240 or $250.

Q. There was a little taken out of it by Oppenheim, and the remainder passed over to Strouse?—A. Yes, sir.

Q. When, with relation to the time of his receiving that draft, did you get your appointment?—A. I got my appointment before he received it.

Q. You did not serve, I believe?—A. No.

Q. You came back after that?—A. Yes, sir; a year after that.

Q. Did Mr. Strouse pay you back any portion of that money?—A. Yes, sir.

Q. How much?—A. I forget. He wrote me this letter to New York:

"JANUARY 16, 1867.

"Mr. OTTO LEISSERING: I will send you the balance of your money next week, early, and hope this may suit you.

"Yours, in haste,

"M. STROUSE.

"P. S.—The draft was paid Colonel Gerhart."

Q. When you failed to pass he paid you back the money?—A. Yes, sir. The money was not paid to procure the appointment; the money was simply paid in case there should be any expense involved.

Q. Did you have any other talk with him about this matter than what you have related?—A. No. I met him here about a year or two ago; but the case was not mentioned.

Q. After you returned did you get a civil appointment?—A. Yes, sir.

Q. Through whom did you get that?—A. Senator Doolittle.

Q. After you came back did you have a talk with Mr. Cobb in relation to the money you had paid and the fact that you had failed to get any consideration for it?—A. I don't remember. I did not come back to Washington until nearly a year after that, I think.

Q. Did you tell Mr. Cobb that you had paid Mr. Strouse or any other party anything for getting this appointment?—A. I do not remember.

Q. Do you know of any other commissions that Strouse got, and that he received money for?—A. No. There was another gentleman stopping at the same hotel I was at, but if he paid for it or not I cannot tell.

Q. What was his name?—A. It has slipped my mind; it was ten years ago. He was a German gentleman.

Q. Was Mr. Strouse performing acts of friendship for him, the same as he was for you?—A. I don't know. I only know that he was from his State, Pennsylvania.

By the CHAIRMAN:

Q. He gave the draft to Oppenheim?—A. Yes, sir.

Q. How did he get the money?—A. Some friends of mine from Chicago sent it to Oppenheim.

Q. And it was about $250, you think?—A. $300.

Q. But something was taken out of the draft for expenses by Oppenheim, you say?—A. Yes, sir.

Q. And the balance given to Mr. Strouse. Now, how much did Mr. Strouse return you?—A. I think the full amount, $240.

Q. He returned you the full amount less what had gone to Oppenheim?—A. Yes, sir.

Q. Had you written him to return you the amount?—A. I wrote him that I was going to leave New York and go West, go home, and I would like to settle up with him before, and he sent me some money. I didn't know how much carriage-hire or any other expenses he would have. It seems he didn't charge me anything.

Q. At the time Oppenheim gave him the money was it understood that he was to keep the whole amount, or to have a certain amount and return you the balance?—A. I don't know anything at all about what the understanding was between Oppenheim and Mr. Strouse.

Q. Do you know that that was not the understanding, that that money was to be given into his hands to pay the necessary expenses and to return you the balance?—A. Yes, sir; that was the understanding.

Q. And he did return you the balance?—A. Yes, sir.

By Mr. DANFORD:

Q. He returned it when you failed to get your commission?—A. Yes, sir.

MR. KERR'S STATEMENT.

The following statement was read for Mr. Kerr by his counsel, Mr. R. K. Elliott:

When I entered Congress, in 1865, I understood that some kind of re-organization of the Army was in progress, and that a considerable number of lieutenants were to be appointed in some way.

I did not understand that this was to be done under the provisions of any pre-existing law, or of any Department regulation authorized by such law, but that it was being done under some voluntary regulation made by the Department. I did not understand that the appointment was a legal right vested in the Representative, or a duty imposed upon him by law—like the appointment of cadets to the Academies—but rather a privilege given him by the War Department. I remember seeing in the public press some Department order on the subject, the terms of which I do not remember. I well know that I regarded the appointment as due to my district or State in preference to all others if application were made. I remember quite distinctly that I offered the recommendation to two of my constituents at different times in 1866—Col. Thomas J. Jackson, and another whose name I feel quite confident was Maj. Thomas Morrison—both of whom had rendered gallant service in the volunteer Army. I am put in doubt as to the tender of the place to Morrison by the fact that he, as I learn through my law-partner at home, thinks the offer of the appointment was made to him in 1867 instead of 1866.

If I am mistaken at all, it is only as to the name. I am clear in my recollection that I offered it to two Ex-Federal soldiers whom I regarded as worthy and competent. These gentlemen, however, both declined. I am not aware that any democratic soldier ever applied to me for the place. I absolutely know that I held the appointment at the service of the people of my district or State if any should apply. But none applied—not one of whom I have the slightest recollection.

When the long session of Congress was well advanced and the time for these appointments was passing away, I was called upon, as has already appeared, by Augustus P. Greene, of New York. It is possible that he was first introduced to me by Harney, but, if he was, I have no recollection whatever of the fact. This only I know, that I did never, under any circumstances, or at any period of my life, consciously know the man Harney. I never talked with him in any conversation that could have gone beyond the merest expressions of the day. He never was at my room; he never visited me anywhere. I never talked with him on any business matter whatever. He never paid or proposed to pay to me one penny of money for any purpose in the world. His whole statement on that subject is utterly and wickedly false. It is simply impossible that I could have talked with him on a matter so fatally involving honor, official decency, and personal safety and not have retained a vivid recollection of the fact.

But I was introduced in some way to Mr. Greene, and my recollection is that the first interview we had was on one of the sofas in the Hall of the House during a session of the House. I listened to his story. I witnessed his anxiety to get back into the Army, and admired the enthusiasm with which he spoke of his services in the volunteer Army. He exhibited to me his testimonials—those, I mean, filed by him early in the session. Whether he exhibited to me the originals of these papers or copies of them I do not distinctly remember, but I do remember that they were regarded by me as highly creditable to him; and also remember having said to him, in substance, that I admired his soldierly build and bearing, but said to him: "You are comparatively a stranger to me; most of these gentlemen whose recommendations you produce are strangers to me. If you can get some recommendations from persons in New York whom I know, in person or by reputation, I will feel inclined to consider your application favorably." He answered affirmatively that he could; that he would return to New York and get them. He did go away. How long he was gone I do not know, but if I were to fix any time I would say it could hardly have been less than a week. He did return with several recommendations—I should think not less than half a dozen—from persons of the kind I had indicated, who did recommend him both on personal grounds and as a soldier. I regarded those recommendations, together with the others I had seen, as clearly placing him within the requirements of the law or the regulation, and upon the whole case thus made I gave him the recommendation.

I said to him at the same time that I had no application from home, and thought it quite safe to assume at that late day that there would be none.

Mr. Greene states that I went with him to the War Department. My recollection is to the contrary, and that my intercourse with the Department was conducted by letter. I feel quite clear in the impression that I required Mr. Greene to go to the Department and get a precise form of words that would meet the requirements of the Department for me to indorse on his application, and that I did simply copy that form on the back of his application. It is possible, however, that in this I may be mistaken.

I desire to explain briefly to the committee why it was that I took the steps I did in reference to Harney and Greene in New York. When I received the anonymous note in an envelope postmarked New York City, I read it and reread it, and recalled the recollection of the fact that I had recommended a man named Greene for a lieutenancy in the Army, who had been appointed; but I could recall no recollection whatever of Harney. I did not know

therefore, how to interpret the anonymous note except by the assumption that it meant black-mail, in which opinion my friends almost universally concurred.

Mr. J. S. Moore happened to be in this city at the time. Our relations had been exceedingly friendly for many years, and my mind at once turned toward him, knowing him to be an officer in the New York custom-house, as the only man who could likely secure some information about Harney, if not also about Greene.

Soon after the receipt of this note I ascertained from the War Department that Mr. Greene had been dismissed the service, on the verdict of a court-martial, for drunkenness. It occurred to me that he might since have become a wreck in conduct and character, who could be used by wicked men for lawless purposes. I therefore desired naturally to ascertain something about him, and requested Mr. Moore not only to get such information concerning Harney, on his return to New York, as he could, but also concerning Greene. I gave Mr. Moore a copy of the anonymous note and retained the original.

For what took place in New York afterward, as to the employment of counsel and the use of detectives, I refer the committee to the testimony of Mr. Moore, which I think is very substantially correct and full on those points. The recommendation of Greene for the appointment was made on the 12th of June, and the time allowed for presenting these applications expired on the 28th of July, 1866.

I could not have known at the time that that right would expire on the 28th of July, because the law was then pending, and I could have known no such fact; but I assumed that that session of Congress would make specific regulations about the Army that would supersede the others then existing.

By the CHAIRMAN:

Q. Is this [producing a scrap of paper] the anonymous note that you received?—A. This is the identical note that was received by me under cover of an envelope postmarked New York City. I tore off that envelope, as I generally do, and threw it on the floor, and gave no thought to it afterward. Before I sent this to New York for use by the detectives, under the direction of Mr. Sidney Webster, I put a private mark on one corner of it. The employment by me of Mr. Webster was made through the agency of Mr. Moore, who, on account of his close connection with economic matters, the tariff and so on, had become not only intimate with me, but very friendly years before in those old tariff fights. I felt, therefore, free to intrust to him this matter, under the advice of counsel in New York. I wanted steps taken there to protect me against any danger that might be threatened; I did not know what it might be. I remembered only the appointment of Greene. I knew nothing about Harney. I was advised that an attempt to black-mail any one, under the laws of New York, was felony, and I promptly determined to ferret this thing out, if needs be, to the extent of a criminal prosecution against the man Harney or whoever the person might be. I desired full information about Greene, naturally, I think, because he had been dismissed from the Army, and I never had seen him since his appointment, except for possibly two minutes at my own office in the city of New Albany, Indiana, when he called to pay his respects, and our interview then was extremely short and merely formal. I did not know but he might have become a very debased men, capable of anything. I had had some previous experience of the degradation which men could reach in New York, possibly there a little more than elsewhere in the country, and I was desirous of getting the best information I could about Mr. Greene.

Now, unless required by the committee, I desire not to go further into details of what was done in New York. Mr. Moore is more familiar with the proceedings there than I am. I have had his statement, I know what his testimony is in substance, and I am willing to accept it on that point. It has been suggested by curious persons that my last visit to New York, when I had ten days' leave of absence from the House, was on this business. It is, I may almost say, the literal truth that that visit was wholly on account of my health. I had reached a crisis and had to do something, and I went to New York to get medical advice. I was very sick all the time I was there. While there I did not see any person from whom information had been obtained, take any steps, or make any exposure against Harney, except that on the night of the day before I returned from New York, my attorney, Mr. Webster, called at my room; the only other gentleman there was Mr. Marble. I saw none of the public men of New York, politicians or others. At that interview between these two gentlemen and myself our conversation was general, pertaining a good deal to my health, and somewhat to the conduct of affairs in the House, but not for more than two minutes about this matter; and even that brief conversation happened in this wise: Mr. Webster, after he had risen to leave, giving me his hand, said, "I did not come to you to talk business; I know how feeble you are; but in reference to that matter I want to say to you that you must not let it worry you." That and a few more words of the same sort is all that was said on this subject at that time. I talked with Mr. Moore, however, more at length about the matter, he giving me some facts; but that was not the object for which I went to New York. I have now said all I desire to say, and I am at the service of any gentleman who desires to interrogate me.

Mr. DANFORD. Do you now remember how late that session of Congress lasted?

Mr. KERR. I really cannot tell you, Mr. Danford.

Mr. DANFORD. That law passed on the 28th of July.

Mr. KERR. So I am informed. I have not looked it up. I have not been able to search the records.

By Mr. ELLIOTT:

Q. Do you know the Hon. Morgan Jones, of New York?

Mr. KERR. I do. I desire to say to the committee that this morning I was informed by a member of the House from New York, who returned from there last night, that the Hon. Morgan Jones, who was a member at the time these transactions occurred, called on him while he was in New York, and said that he had read the statement of Harney in the papers and knew of at least one falsehood in his testimony—the statement that he had never talked with any other member of the House on the subject of this appointment. Mr. Meade informed me that Mr. Jones then told him that he had a conversation with Harney, in which Harney expressed his great desire to get an appointment for Greene, asked Mr. Jones whether he had made his appointment, and asked his assistance in the matter; adding at the same time, (this is the way it was stated to me,) "If I can get the appointment, it will secure me a handsome present." Mr. Jones replied, "Yes, I have made my appointment; but I have nothing to do with your present anyway." He then said, "No, I have not made my appointment, but I have determined in my own mind to whom I will give it." Mr. Jones further said, as I am informed, that at one time about that period, before this appointment was made, he was in a little meeting of democrats, in the nature of a caucus, in a committee-room, and that after the caucus business was transacted he asked my attention and said to me that he would be glad if I could aid this Mr. Greene in getting an appointment; that he believed him to be a worthy and deserving man. Of course, I appreciate the fact that this is not strictly competent testimony, and I referred to it only to say that I was well acquainted with Mr. Jones, and had frequent conversations with him, and although I do not distinctly recall that conversation, yet it is by no means improbable that it occurred, and that he made to me such a suggestion.

Mr. DANFORD. You made, of course, no public announcement in regard to that appointment in the papers of your district, as is usually done with cadetships?

Mr. KERR. I did not. In reference to cadetships, my general habit was to wait until about the time for preparation, and then to announce, through my home paper, that there was a vacancy, according to the fact, and that on a certain day a committee of competent gentlemen would assemble at a place named and hold a competitive examination, and thus dispose of it.

Mr. DANFORD. But this being a matter not strictly belonging to the district, you did not do that?

Mr. KERR. This was a matter which I will frankly say never impressed me as of great weight or importance. I had just entered the public service, and, while I was ready at all times to respond to the requests of my constituents, I did not deem it necessary to make any special announcement of a fact that had already been publicly announced in the papers in my district.

Mr. BLACKBURN. May I ask you, Mr. Kerr, whether any citizen of your district ever made application to you for that place?

Mr. KERR. I say unqualifiedly that no one ever did. These offers were made on occasions of personal intercourse between the gentlemen to whom they were made and myself. Col. Thomas J. Jackson is the son of an old neighbor and friend of mine, and a young man of brightness and ability. He was studying law, but he had recently come out of the Army, where he had held the rank of colonel for a while, and he naturally had some military ambition. He sometimes studied law in my office, and in some of our frequent interviews I suggested this appointment to him. He lightly considered it, and, on account of his desire to enter the legal profession, he declined it. He is now a lawyer. He is a republican, and I believe he is a candidate for the republican nomination in my district to succeed me. Mr. Morrison, the other gentleman to whom I offered it, was then a republican but is now cooperating with the democratic party. In matters of this sort, whether this appointment or cadetships, I never suffered myself to be unduly bound by what are sometimes called the obligations of party. I usually indicated a way in which the desired object might be attained, which was an absolutely impartial way, and whoever the successful competitor was he got it, without reference to politics. My last military cadet was the son of a republican. That, of course, is not material to the question here. I mention it only as illustrating what I have said as to my customary course in these matters.

The committee then adjourned until to-morrow.

WASHINGTON, D. C., *June* 6, 1876.

A. P. GREENE, a witness previously examined, again appeared the committee, and made the following statement:

Mr. CHAIRMAN: I rise to say a few words in relation to a subject which has been brought up prominently during the investigation of your committee. To come right to the point,

that subject is as to the cause for which and manner in which I left the service of the United States. During my direct examination, in reply to a question, I stated that I had committed an unfortunate act, and that I had been court-martialed and dismissed the service. I will state more fully now that the charge and specifications were based upon the fact of my being intoxicated—drunk, Now, I admit that I was either drunk or that I had been drugged, or that I was temporarily insane. If I was temporarily insane, it was superinduced by the persecution which I had endured for two long years from a superior officer, and that persecution was because I would not oppress an enlisted man of my company; because I would not reduce a first sergeant to gratify the caprice of this superior officer, who had a grudge against him, dating some twelve or fifteen years back. That was probably the cause at the bottom of my dismissal, and although it did not appear, and I had no opportunity to prove it, not only I but three officers before me were compelled to leave the service, either by resignation or being mustered out, or something of that kind. But it is not upon that subject that I asked the privilege of saying a few words; it is to correct the impression, which I fear has gone broadcast before the people, that I am a habitual drunkard or an irreclaimable victim of chronic alcoholism; that I am a wreck in conduct and character, and liable to be used by bad men. I disclaim each and every accusation and imputation of anything of the sort, and I appeal to the chairman and his associates and members of the press if I at this time look like an habitual drunkard or a man that is likely to be used by any other man, or if I look now as if at any time dur ing my life I have been an habitual drunkard. It was solely for that purpose that I asked permission to say a few words. I do not wish to go any further into the subject, but I leave it to the gentlemen present to form their own inferences and deductions. I merely desire to correct what I suppose to be the impression gone out before the people of the United States.

The CHAIRMAN. Gentlemen of the committee, I desire to say that having had a good opportunity to form an opinion of Captain Greene during his sojourn here as a witness, having seen him under circumstances which would give me opportunities to acquire knowledge of his general character, so far as I am concerned I can bear witness that he has impressed me as a gentleman of character, truth, and high integrity, and that there has been nothing in his conduct here, or in his antecedents, so far as I can learn, that detracts in any wise from his character as a gentleman and the well-earned reputation which he seems to have had as a soldier.

The committee, upon consultation, have determined to adjourn until Friday next at the usual hour, 12 o'clock; but if in the mean time the chairman should deem it necessary, he will call a special meeting.

Mr. BLACKBURN. With your permission, Mr. Chairman, I will add that it is understood that in the event of Mr. Elliott desiring to take the deposition of Mr. Morgan Jones before Friday next, the chairman will call the committee together for that purpose.

Mr. ELLIOTT. Do I understand the chairman, then, to intimate that I need not subpœna any other witnesses?

The CHAIRMAN. For the present.

WASHINGTON, D. C., *June* 8, 1876.

Mr. MORGAN JONES sworn and examined.

By Mr. ELLIOTT:

Question. Where do you reside?—Answer. At 45 Franklin street, New York.

Q. Were you a member of the House of Representatives in the Congress of the United States of 1866?—A. Yes, sir.

Q. Do you know Mr. Kerr, the present Speaker of the House?—A. Yes, sir.

Q. Do you know a man named Lawrence Harney, who was at that time a doorkeeper in the House?—A. Yes, sir.

Q. Do you know a man, Augustus P. Greene, who was about that time appointed to a second lieutenancy in the Army?—A. Yes, sir.

Q. State to the committee whether you were ever approached by Harney with reference to the appointment of Greene; and, if yea, state what he said.—A. Mr. Harney came to me in the forepart of January, 1866, (I was not here in December,) and solicited an appointment for Greene. I told him I had not made up my mind what I would do; that I had just arrived here and had received the notice from the Secretary of War in the mail that was then in the post-office. He said to me that if he could procure the appointment of Greene he would get a nice present. I told him I did not want to know anything about any presents or anything of the kind; that I knew Greene, perhaps, before he did.

Q. State whether you ever had any conversation with Mr. Kerr on the subject of Greene's appointment.—A. I think there was a caucus of the democrats on some matter, (I cannot remember what it was, whether it was the bill allowing the negroes to vote in the District of Columbia or not,) in one of the ante-rooms to the right of the Speaker's desk, and I then spoke to Mr. Kerr in regard to Greene. Mr. Kerr told me that if he could not get the person he wanted to accept the position, he did not know but what he would give it to him.

Q. Do you recollect about what time that was?—A. It was in January or February, 1866.

Q. Had you any applications from your district?—A. Not a soul.

Q. How did you procure the appointee that you subsequently appointed?—A. I was taken sick here, in fact I was sick during the whole of October, November, and December, 1865, and that prevented my getting here at the opening of the session; I arrived here about the 10th or 15th of January, and the first notice I had in regard to the appointment was the blank that came through the mail from the Secretary of War. I think that Mr. Taylor asked me in regard to an appointment, and I told him that I had no applications at the time, and I did not know what I would do until I should hear from some of my own people in New York; I went to New York and I met Mr. Brennan, who was then comptroller of New York, Judge Dowling, and the late superintendent of police Jordan; it was in the sixth precinct station-house, on a Sunday night, I think; I showed them the blank, and suggested that if they had anybody to nominate I would give them the appointment, as I had no one; they thought over it and they had no one; the time was growing short; I did not get back here for four weeks; I thought of a young man that I had known in boyhood; I did not know where he was, but I sent to where he had formerly worked before he went to the war in 1860, and, as luck would have it, he was there; he came to my store in his shirt-sleeves; I said to him, "I have got an appointment in the Army of second lieutenant; if you desire it you can have it." He replied, "It is the ambition of my life." Then said I, "If you can pass the examination you shall have it." He passed the examination. He is now a captain in the Army, and located in Michigan.

Q. Had you a conversation recently with the Hon. Mr. Meade, a member of the present House of Representatives?—A. Yes, sir; he called at my store to see me.

Q. Did you narrate to him substantially what you have stated here?—A. Exactly; with the exception that the report of his statement represented that I called on Mr. Meade. I wish to make a further remark. When I returned to Washington I think Mr. Taylor asked me in regard to his appointment, and stated that he was in trouble about it. I asked him what the trouble was. He said that he had named a gentleman for the appointment, and that some of his constituents had written on to him recommending another man, and I said to him, (it was either Nelson Taylor or a gentleman named William Radford,) "If you have recommended a man, and you don't care about him, if you go to the Secretary of War and ask to withdraw his name I think he will allow you to do it;" and I think I went with him to do it from the fact that, he and myself coming from adjoining districts, whatever business I had to do with the Departments I would go and consult with him about it and he would come and consult with me. But Mr. Greene did ask me for the appointment, and I told him I had not made up my mind what I would do. I had no applicants at the time he spoke to me, and the chances are that if the young man I sent for had not accepted it Greene would have got the appointment rather than it should have gone without being made.

By Mr. DANFORD:

Q. Did you speak to Mr. Kerr after Harney had spoken to you about Greene?—A. I think I suggested to Harney that if he was so anxious to get the appointment he had better go to the War Department and find out what members of Congress had not filled their appointments.

Q. Did you speak to Mr. Kerr after that?—A. Yes, sir.

Q. Did Mr. Harney suggest to you or tell you that Mr. Kerr had not filled the appointment, and that he was trying to get an appointment for Greene through Mr. Kerr?—A. Yes, sir.

Q. Did you tell Mr. Kerr at the same time that Harney was trying to get a present from Greene?—A. No, sir; I did not tell him anything of the kind. I simply said to Mr. Kerr that, if the gentleman that I had sent after hadn't taken the appointment, I would have given it to Greene.

Q. You knew Harney's object in working for Greene?—A. Well, I didn't know exactly; I didn't think it was more than a suit of clothes that he expected.

Q. You didn't think it worth while to tell Mr. Kerr?—A. I did not, sir. I paid no attention to it so far as the present was concerned.

Q. Greene himself spoke to you also?—A. Greene also spoke to me.

Q. Did he speak before or after Harney did?—A. I think he spoke before Harney did, for I knew Greene before I knew Harney.

Q. Did you know Harney before you came here?—A. Yes, sir; I have known him for twenty years by sight. The first man that spoke to me when I walked into the Hall was Harney. He said, "How do you do, Mr. Jones?" Said I, "What are you doing here?" He replied, "I came here with Mr. Darling."

Q. Had you known Greene fully as long?—A. Yes, sir; I have known Greene since 1859; I have known Harney longer by sight than I have known Greene.

WASHINGTON, *June* 8, 1876.

NELSON TAYLOR sworn and examined.

By Mr. ELLIOTT:

Question. Where do you reside?—Answer. South Norwalk, Connecticut.

Q. Were you a member of the House of Representatives in 1866?—A. I was; from the fifth congressional district of New York.

Q. Did you know one Augustus P. Greene, who was about that time appointed to a lieutenancy in the Army?—A. I had no personal acquaintance with him. My only acquaintance with him was from his applying to me to aid him in securing an appointment and bringing me papers from persons that I did know.

Q. (Showing witness a letter of his asking a withdrawal of Greene's papers from the War Department.) Did you write the letter of which this purports to be a copy?—A. Yes, sir.

Q. Do you know at whose instance you wrote that letter?—A. Yes; at Greene's.

Q. Do you know a man named Harney, who was at that time an assistant doorkeeper?—A. I think I knew him as a doorkeeper.

Q. Did you ever have any conversation with him about this appointment?—A. None in the world.

Q. You were applied to by Greene?—A. Yes, sir.

Q. About the time of the date of that letter?—A. Yes, sir.

Q. How did you know Greene?—A. I knew him through letters that he brought me from acquaintances in New York.

Q. Do you know of any other matter connected with that appointment?—A. No, sir; only that Greene solicited an appointment from me, and I told him that I had either made an appointment or had one that I was about to make.

Q. Did you see his testimonials?—A. No, sir.

By Mr. DANFORD:

Q. That letter of yours seems to be a letter asking that his papers filed prior to that time might be withdrawn?—A. Yes, sir.

Q. Do you remember when it was that you filed letters for him, or indorsed papers that he filed?—A. I don't remember that I did file them. I see the letter is addressed to General Hardy. He was an old friend of mine of long standing. I was in the Mexican war with him.

Q. You do not remember about making an application to the Department yourself?—A. I don't remember distinctly about that. This seems to be a request that those papers might be withdrawn, and my impression is that Greene applied to me to write that letter, and that he withdrew them to give them to some other party.

WASHINGTON, *June* 10, 1876.

WILLIAM F. G. SHANKS sworn and examined.

By Mr. ELLIOTT:

Question. Where do you reside?—Answer. In Brooklyn, New York.

Q. What is your business?—A. I am a journalist by profession.

Q. Do you know a man named Lawrence Harney?—A. I have met him once.

Q. Have you ever had an interview with him?—A. I have.

Q. When?—A. It was on the 23d of May last.

Q. Where?—A. In New York City, in the Tribune building.

Q. Did you have any conversation with him at that interview in respect to the subject-matter of this investigation?—A. Yes.

Q. State what it was.—A. In the latter part of April I had heard indefinitely these rumors about the payment of money to Mr. Kerr by Harney for the appointment of Greene, and subsequently, about the 10th of May, I heard them more in detail. When I met Harney my only object was to get from him a confirmation of a rumor I had heard that this money had been paid by check; so, after asking him one or two questions about the time he was here as a doorkeeper, I asked him: "Was this consideration of $450 that you paid to Mr. Kerr in the form of bills or a check?" He seemed somewhat surprised at the question, and answered: "I have never said that there was any money in the matter." Said I, "I understood from (mentioning the name of my original informant, which I do not wish to give here) that there was a payment of money in connection with the appointment." Harney replied, "I have never said so." I said, "Then you must have had some strong influence with Mr. Kerr to induce him to make an appointment of a man outside his own State." Harney said, "I had social relations with Mr. Kerr." After perhaps two or three other remarks, I said, "Do I understand, then, this was social influence that you had with Mr. Kerr that induced him to make this appointment?" Harney said, "I have been subpœnaed

before this committee, and I do not think it fair to answer until I get before them." That is about the whole of the conversation.

Q. What circumstance led to that interview between you and Harney?—A. Mr. Harney was in the Tribune building, and my original informant sent for me and introduced me to him. I told him I was anxious to get a statement about the matter, and I sent up-stairs for my amanuensis and he came down into this gentleman's office, and I put these questions to Harney.

Q. Did Harney know that you were connected with the Tribune?—A. O, yes.

Q. Did he know you before that interview?—A. I don't know that he did. I never saw him before.

Q. How did he know that you were connected with the Tribune?—A. I was so introduced to him. There is no doubt about his knowing that, because I sent up to the next floor for my amanuensis. There was no concealment about the fact that I wanted the matter for publication.

Q. Why did not you publish it?—A. I had heard the story in so positive a form that I firmly believed it up to that time, and did not begin to doubt it until I saw Harney. That interview threw doubt, in my mind, on the whole story, and I sent word to Mr. White, our correspondent here, not to use the story, which had been sent to him previously, unless Mr. Bass confirmed it, Mr. Bass having been represented as holding confirmatory documents in his possession. We did not use the story, and all these smart young newspaper-men here beat us badly on it.

Q. What information did you get as to the absence of any confirmatory proofs?—A. Mr. White telegraphed to New York that Mr. Bass declined to authorize any publication, and so the matter was not used.

Q. You do not know Mr. Kerr?—A. No, sir; I never saw Mr. Kerr.

Q. What are your politics?—A. I am a black republican.

SUPERINTENDENT'S OFFICE OF THE
LOUISVILLE, NEW ALBANY AND SAINT LOUIS AIR-LINE RAILWAY,
Princeton, Indiana, June 7, 1876.

DEAR SIR: I write you a line in regard to the appointment of Augustus P. Greene, of New York, to the lieutenancy in the United States Army. I see by your statement that you say you offered the place to Thomas J. Jackson and to Colonel Morrison, but of Mr. Morrison you are not positive. I will say, to refresh your memory, that you offered it to me and sent blanks to be filled, and wrote me to come and be examined preparatory to being commissioned second lieutenant in the Seventh Cavalry, United States Army; that you sent the letter and blanks in care of John B. Norman, at that time in the editorial chair of the New Albany Ledger; that I declined on account of the opposition on the part of my relatives; and my own recollection of the matter is that you then had the appointment of August Mathey, of Harrison County, made. This may serve to refresh your memory, so you can get at the matter more certainly. I do this as a matter of simple justice to you, as you offered me the position without any solicitation on my part, and, I suppose, knowing very well that I had never supported you for Congress or any other office, but always voted the republican ticket and still vote it. If this shall serve you a good purpose in making the matter more clear to your recollection its mission will have been fulfilled, and I will feel that I have done a simple duty, as I understand it.

Very respectfully,

L. E. WILLIAMS,
Princeton, Indiana, formerly of New Albany.

Hon. M. C. KERR,
Washington, D. C.

No. 7.

ENLARGEMENT

OF

SIOUX RESERVATION

IN THE

TERRITORY OF DAKOTA.

No. 7.

ENLARGEMENT OF SIOUX RESERVATION IN THE TERRITORY OF DAKOTA.

EXECUTIVE MANSION,
Washington, D. C., March 21, 1876.

SIR: In reply to your letter of the 14th instant, requesting to be furnished "for the information of the Committee on Expenditures of the War Department, with certified copies of all orders issued by the Executive since March 4, 1869, relating to the extension of certain Indian reservations, with special reference to that of Standing Rock agency," I have the honor to transmit herewith copies of all the papers received this day from the Secretary of the Interior, to whom your request was referred.

U. S. GRANT.

Hon. HIESTER CLYMER,
Chairman Committee on Expenditures of War Department, present.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 18, 1876.

SIR: By Department reference of the 16th instant, I am in receipt of a communication addressed by Hon. Hiester Clymer, under date of the 14th instant, to the President, asking for "certified copies of all orders issued by the Executive since March 4th, 1869, relating to the extension of certain Indian reservations, with special reference to that of Standing Rock."

I return herewith letter of the honorable Mr. Clymer, together with copies duly certified of the orders to which he has reference.

In further explanation of this matter, I forward copies of office letters to the Department of dates as follows: January 8, 1875, March 13, 1875, and May 18, 1875. As explaining the latter communication of the office, I forward herewith copy of a communication from Edmond Palmer, United States Indian agent at Standing Rock, of date February 10, 1875, and of communication from the honorable the Secretary of War, of date May 13, 1875, and of its inclosure.

I also forward a section of a map showing the territory embraced in the executive orders in question.

I have the honor to be, sir, very respectfully, your obedient servant,

J. Q. SMITH,
Commissioner.

Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, March 21, 1876.

SIR: I have the honor to acknowledge the receipt, by Executive reference, of a communication addressed to the President of the United States, by Hon. Hiester Clymer, of the House of Representatives, requesting to be furnished, for the information of the Committee on Expenditures of the War Department, with certified copies of all orders issued by the Executive since March 4, 1869, relating to the extension of certain Indian reservation, with special reference to that of Standing Rock agency.

In reply, I inclose the certified copies of the Executive orders requested, and a report from the Commissioner of Indian Affairs, to whom the matter was referred, together with the accompanying papers therein noted, and copies of correspondence between the War Department and this Department, relating to the extension of the Sioux reservation.

I have the honor to be, sir, very respectfully, your obedient servant,

Z. CHANDLER,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR, OFFICE INDIAN AFFAIRS,
Washington, D. C., March 18, 1876.

I, J. Q. Smith, Commissioner of Indian Affairs, hereby certify that the papers hereto attached are true copies of the originals now on file in this office.

J. Q. SMITH,
Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., 187 .

I, Zachariah Chandler, Secretary of the Interior, hereby certify that J. Q. Smith, whose name appears signed to the foregoing certificate, is now, and was at the time of signing the same, Commissioner of Indian Affairs, and that full faith and credit are due to his official acts as such; and that the papers hereto attached are true copies of the originals now on file in this Department.

In testimony whereof I have hereunto set my hand and have caused the seal of said Department to be affixed on the day and year above written.

Z. CHANDLER,
Secretary.

EXECUTIVE MANSION,
January 11, 1875.

It is hereby ordered that the tract of country in the Territory of Dakota, lying within the following-described boundaries, viz: Commencing on the east bank of the Missouri River, where the 46th parallel of north latitude crosses the same, thence east with said parallel of latitude to the 99th degree of west longitude, thence south with said degree of longitude to the east bank of the Missouri River, thence up and with the east bank of said river to the place of beginning, be, and the same hereby is, withdrawn from sale and set apart for the use of the several tribes of Sioux Indians, as an addition to their present reservation in said Territory.

U. S. GRANT.

EXECUTIVE MANSION,
March 16, 1855.

It is hereby ordered that the tract of country in the Territory of Dakota, lying within the following-described boundaries, viz: Commencing at a point where the 102d degree of west longitude intersects the 46th parallel of north latitude, thence north on said 102d degree of longitude to the south bank of Cannon Ball River, thence down and with the south bank of said river to a point on the east side of the Missouri River, opposite the mouth of said Cannon Ball River, thence down and with the east bank of the Missouri River, to the mouth of Beaver River, thence up and with the south bank of Beaver River to the 100th degree of west longitude, thence south, with said 100th degree of longitude, to the 46th parallel of latitude, thence west with said parallel of latitude, to the place of beginning, be, and the same hereby is, withdrawn from sale and set apart for the use of the several tribes of Sioux Indians, as an addition to their present reservation in said Territory.

U. S. GRANT.

EXECUTIVE MANSION,
May 20, 1875.

It is hereby ordered that that portion of the public domain in the Territory of Dakota lying south of an east and west line from the northwest corner of the Yankton Indian reservation to the 99th degree of longitude, and between said longitude and the Missouri River on the west, and the Yankton Indian reservation on the east, be, and the same hereby is, withdrawn from sale and settlement, and set apart for the several tribes of Sioux Indians, as an addition to their present reservation in said Territory.

U. S. GRANT.

DEPARTMENT OF THE INTERIOR,
Washington, January 9, 1875.

SIR: I have the honor to present herewith, for the signature of the President, a draught of an Executive order to withdraw from sale and set apart for Indian purposes the land therein

described, in the Territory of Dakota, as recommended by the Commissioner of Indian Affairs, the same being deemed necessary for the suppression of the liquor traffic with the Indians upon the Missouri River.

The report of the Commissioner of the 8th instant, upon the subject, is herewith submitted.

Very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 8, 1875.

SIR: I have the honor to recommend that the President be requested to issue an order withdrawing from sale and setting apart, for Indian purposes, a tract of country, in the Territory of Dakota, lying within the following-described boundaries, viz: Commencing on the east bank of the Missouri River where the forty-sixth parallel of north latitude crosses the same; thence east with said parallel of latitude to the ninety-ninth degree of west longitude, thence south with said degree of longitude to the east bank of the Missouri River, thence up and with the east bank of said river to the place of beginning; the same being deemed necessary for the suppression of the liquor traffic with the Indians upon the Missouri River.

Very respectfully, your obedient servant,

E. P. SMITH,
Commissioner.

Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, March 15, 1875.

SIR: Concurring in the recommendation of the Commissioner of Indian Affairs, contained in the accompanying report, dated the 13th instant, I have the honor to request the signature of the President to the inclosed draught of an Executive order for the enlargement of the Sioux reservation in Dakota, the same being deemed necessary for the suppression of the liquor traffic with the Indians at the Standing Rock Agency.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 13, 1875.

SIR: Referring to office report of the 8th of January last, recommending the extension of the Sioux Indian reservation in Dakota, on the east side of the Missouri River, I have now to respectfully request, for similar reasons, viz, the suppression of the liquor traffic with the Indians at Standing Rock agency, that the President be requested to issue an order withdrawing from sale and setting apart for Indian purposes a tract of country in the Territory of Dakota, lying within the following-described boundaries: Beginning at a point where the 102d degree of west longitude intersects the 46th parallel of north latitude; thence north on said 102d degree of longitude, to the south bank of Cannon Ball River; thence down and with the south bank of said river to a point on the east bank of the Missouri River, opposite the mouth of said Cannon Ball River; thence down and with the east bank of the Missouri River to the mouth of Beaver River; thence up and with the south bank of Beaver River to the 100th degree of west longitude; thence south with said 100th degree longitude to the 46th parallel of latitude; thence west with said parallel of latitude to the place of beginning.

As a further reason for said request I would respectfully state that from the information now in my possession it is believed the agency buildings, as now located at Standing Rock, are outside the reservation as defined by treaty of April 29, 1868, (Stats. at L., vol. 15, p. 635,) but are included in the tract proposed to be withdrawn.

I inclose herewith a portion of a map showing the supposed location of said agency buildings and the tract of country proposed to be withdrawn for Indian purposes, and a draught of an Executive order covering said description.

Very respectfully, your obedient servant,

EDWARD P. SMITH,
Commissioner.

Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, May 19, 1875.

SIR: Concurring in the recommendation of the Commissioner of Indian Affairs contained in the accompanying report, dated the 18th instant, I have the honor to request the signature of the President to the inclosed draught of an executive order withdrawing from sale and setting apart a certain tract of country in the Territory of Dakota, therein described, as an addition to the Sioux reservation.

I have the honor to be, very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 18, 1875.

SIR: I have the honor to acknowledge the receipt, by reference from you, for consideration and recommendation, of a letter of 13th instant from the honorable Secretary of War transmitting copy of a communication from Lieutenant-Colonel Lugenbeel, dated Fort Randall, Dak., April 23, 1875, relative to the sale of whisky at certain points on the Missouri River not embraced in any Indian or military reservation, and suggesting that some action be taken to embrace the points in question in some reservation.

I would respectfully state that the tract of country in Dakota Territory lying south of an east and west line, from the northwest corner of the Yankton Indian reservation to the 99th degree of west longitude, and between the Missouri River and the Yankton reservation, might be embraced within the Sioux reserve by extending its limits, by executive order, so as to cover said tract.

How to reach the party named Ellis, who occupies the gore of land within the military reservation of Fort Randall, referred to by Colonel Lugenbeel as keeping "a low whisky doggery," would be a question more difficult of solution, inasmuch as he is one of the nineteen persons reported to the Department, by the honorable Secretary of War, under date of the 22d ultimo, as being entitled to the relief provided for by act of Congress entitled "An act for the relief of certain settlers on the Fort Randall military reservation," approved May 18, 1874. (Pamph. Ed. Laws, 1st session 43d Congress, chap. 182, p. 47.)

As the existing rights of Mr. Ellis would not be affected by the issue of an executive order extending the limits of the Sioux reserve over his claim, I can, therefore, only recommend the issue of an order by the President withdrawing from sale or settlement the first-named tract of country and setting it apart for Indian purposes. With a view to that end I submit herewith a draught of such an executive order.

The communication of the honorable Secretary of War is herewith returned.

Very respectfully, your obedient servant,

E. P. SMITH,
Commissioner.

Hon. SECRETARY OF THE INTERIOR.

STANDING ROCK INDIAN AGENCY, DAK.,
February 10, 1875.

SIR: I have the honor to return herewith the portion of a map of the United States and Territories received with your letter of January 14, 1875, ("L.") In compliance with the instructions given me in said letter, I have indicated on the map the location of this agency. Comparing, however, the distance from the boundary of the reservation (46th north parallel) to Fort Rice and other places, as measured on the map, with the distance estimated by travelers, I am led to believe that the agency buildings are located about two miles north of the 46th north parallel, or outside the limits of the reservation.

As the object of the President's order of January 11, 1875, setting apart a certain tract of land on the east bank of the Missouri River for the use of the Indians, is the breaking up of the liquor-traffic carried on on that side of the river, I would very respectfully state that even in case this agency is located within the limits of the reservation, it is certainly on the extreme northern boundary of the same, and parties who sold liquor on the east bank of the river have only to move a very short distance north, which would make them still too near the agency if they commence their nefarious traffic again. For this reason, and to deprive them of such chances, I would respectfully suggest that the northern boundary of the reservation on both sides of the river be extended so as to run as follows:

On the west side of the Missouri River, commencing on the south bank of the mouth of the Cannon Ball River; thence west with said south bank of said river to its intersection with the 102d degree west longitude; thence south with said degree of long tude to its intersection

with the 46th parallel of north latitude; thence west with said parallel of latitude to the 104th degree of west longitude.

On the east side of the Missouri River, commencing with the south bank of the mouth of the Beaver River; thence east with the south bank of said river to its intersection with the 100th degree of west longitude; thence south with said degree of longitude to its intersection with the 49th parallel of north latitude; thence east with said parallel of latitude to the 99th degree of west longitude. The boundary between the mouth of the Cannon Ball and the mouth of the Beaver River to be the west bank of the Missouri River.

I have indicated the northern boundary, as suggested on the inclosed map. I find that the location of the old agency is erroneously laid down on the map as south of the Grand River; it is about four miles north of it.

Very respectfully, your obedient servant,

EDMOND PALMER,
United States Indian Agent.

Hon. E. P. SMITH,
Commissioner of Indian Affairs, Washington, D. C.

WAR DEPARTMENT,
Washington City, March 10, 1875.

SIR: I have the honor to inclose copy of letter from Captain J. S. Poland, dated Standing Rock, Dakota Territory, January 23, 1875, stating that squatters have located on east side of Missouri River, among Yanktonnais Indians, and are selling whisky, and, inviting attention to the indorsements thereon, beg to inquire whether the region of country referred to, and embraced between the 99th degree of west longitude and the east bank of the Missouri River, and between the parallels 45 and 46 north latitude, is part of any Indian reservation occupied by Indian tribes; and, if not, whether the Indian title to this region of country has been extinguished; also whether a military reservation can be established at Standing Rock or in its vicinity.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

Hon. SECRETARY OF THE INTERIOR.

HEADQUARTERS DETACHMENT SIXTH AND SEVENTEENTH INFANTRY,
STANDING ROCK INDIAN AGENCY,
Standing Rock, Dak., January 23, 1875.

SIR: Will you please send the following dispatch to its address, and oblige me by forwarding the reply at your earliest convenience.

Very respectfully, your obedient servant,

J. S. POLAND,
Captain Sixth Infantry, Commanding.

COMMANDING OFFICE, *Fort Sully, Dak.*

STANDING ROCK, DAK., *January* 23, 1875.

To the ASSISTANT ADJUTANT-GENERAL,
Department of Dakota, Saint Paul, Minn.:

Squatters have located on the east side of the Missouri River among Yanktonnais Indians and are selling whisky. If a post is built here, fuel and hay must come from that side. Can a military reserve be established and authority be given to drive squatters off? Immediate action is necessary to prevent mischief.

J. S. POLAND,
Captain Sixth Infantry.

[First indorsement.]

FORT SULLY, DAK., *February* 4, 1875.

Respectfully forwarded to headquarters department of Dakota. As the telegraph is not in working order, I send this by mail.

R. H. OFFLEY,
Captain First Infantry, Commanding.

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF DAKOTA,
Saint Paul, Minn., February 24, 1875.

Respectfully forwarded to headquarters Military Division of the Missouri. I have no information as to whether the region of country within referred to and embraced between the 99th degree of west longitude and the east bank of the Missouri River, and between the parallels 45 and 46 north latitude, is or not Indian country within the meaning of the act of Congress known as the "intercourse act." I ask to be instructed upon this point, in order that I may direct action or non-action therein by the military, according to the decision in the matter.

ALFRED H. TERRY,
Brigadier-General, Commanding.

[Third indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, February 26, 1875.

Respectfully forwarded to the headquarters of the Army, inviting attention to Attorney-General's opinion of August 12, 1873, which is published in General Orders No. 40, A. G. O., of 1874.

In absence of the Lieutenant-General.

R. C. DRUM,
Assistant Adjutant-General.

[Fourth indorsement.]

HEADQUARTERS OF THE ARMY,
Saint Louis, March 1, 1875.

Respectfully submitted to the Secretary of War, being unable to answer General Terry's inquiry.

W. T. SHERMAN,
General.

[Fifth indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 5, 1875.

Respectfully submitted to the Secretary of War, inviting attention to second and fourth indorsements, and with copy of order publishing the opinion of the Attorney-General referred to in third indorsement. The troops at the Standing Rock agency are one company of the Sixth Infantry and one company of the Seventeenth Infantry, detached from the garrision of Fort Abraham Lincoln.

E. D. TOWNSEND,
Adjutant-General.

DEPARTMENT OF THE INTERIOR,
Washington, March 23, 1875.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant, inclosing copy from Capt. J. S. Poland, dated Standing Rock, Dak., January 23, 1875, relative to the sale of whisky to Yanktonnais by squatters located on the east side of the Missouri River, and calling attention to the indorsements thereon, inquiring whether certain country referred to is "Indian country," and as to the extinguishment of the Indian title thereto; also whether a military reservation can be established at Standing Rock or in its vicinity.

In reply, your attention is respectfully invited to the inclosed copy of a report, dated the 22d instant, from the Commissioner of Indian Affairs, to whom the subject was referred, together with the copies of papers therein referred to bearing upon the question.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. SECRETARY OF WAR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 22, 1875.

SIR: I have the honor to acknowledge the receipt, by reference from you for report, of a letter from the Hon. Secretary of War, dated the 10th instant, transmitting a copy of a

letter from Capt. J. S. Poland, dated Standing Rock, Dak., January 23, 1875, with five indorsements thereon, stating that squatters have located on the east side of the Missouri River, among Yanktonnais Indians, and are selling whisky to them, and inviting attention to the indorsements thereon, and making certain inquiries relative to the status of said country.

In reply to the inquiries therein contained, I would respectfully report that the region of country embraced between the 100th degree of west longitude and the east bank of the Missouri River, and between the 46th parallel of north latitude and the south bank of Beaver River, has been set apart as an addition to the Sioux Indian reservation in Dakota Territory, by the order of the President, dated March 16, 1875, (copy herewith.) I also inclose herewith copy of an Executive order, dated January 11, 1875, extending the Sioux reserve east of the Missouri River to the 99th degree of west longitude, and south of the 46th parallel of north latitude.

There is no objection on the part of this office to the establishment of a military reservation in the vicinity of Standing Rock, and it is suggested that it should be located on the east side of the Missouri River, so as not to interfere with the wants of the Indian agency.

The letter of the Hon. Secretary of War, with inclosure, is herewith respectfully returned.

Very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

Hon. SECRETARY OF THE INTERIOR.

WAR DEPARTMENT,
Washington City, March 27, 1875.

SIR: Referring to my letter of the 10th instant, and your reply of the 23d instant, relative to the sale of liquor to Yanktonnais Indians, &c., I have the honor to inclose for your information copy of letter from Capt. J. S. Poland, dated Standing Rock, Dakota Territory, February 12, 1875, with reference to the extension of the Indian reservation.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

Hon. SECRETARY OF THE INTERIOR.

STANDING ROCK INDIAN AGENCY,
HEADQUARTERS DETACHMENT SIXTH AND SEVENTEENTH INFANTRY,
STANDING ROCK INDIAN AGENCY,
Standing Rock, Dak., February 12, 1875.

SIR: I respectfully submit a question of importance that has arisen here, which demands immediate consideration.

The Indian agent received a copy of the President's order of January 11, 1875, setting apart a tract of land lying between the Missouri River, the 46th parallel, north latitude, and 99th meridian, west longitude. In the same mail, and by telegraph, the agent received a peremptory order to stop the sale of liquor on the east bank of the river, opposite this agency. He notified the parties to close their saloon, located in the midst of a large band of the Yanktonnais, and to cease the sale of liquor. The parties refused to do it, unless compelled to do it by force. He applied by letter to me, and verbally stated that the squatters located in that vicinity ought to be removed. From the only data had at the time, as to where the 49th parallel, north latitude, crossed the Missouri River, it was decided that this settlement was within the limits of the addition to the Indian reservation.

On Monday night, one day preceding the receipt of said Executive order, two soldiers of my command, Company D, Seventeenth Infantry, left their quarters after taps, proceeded to Marsh & Foley's, obtained liquor, got drunk, returned to the agency, went to the house of the interpreter, got into an altercation with a drunken Indian, "Little Goose," nephew of "Goose," formerly a (distinguished) scout, half-brother of the prisoner at Lincoln, "Rain in the Face," who struck one of the soldiers with a billet of something on the head. The soldiers were both armed, one with a pistol, the other with a Springfield rifle; firing ensued, and the Indian, reported as without arms, received three wounds in the hip and leg. The next morning the Indian died. Immediately after the occurrence, upon the advice of the agent, I sent to Fort Rice for a detachment of cavalry to aid me, if necessary, in repelling any hostile attack, should one be made, and more particularly to insure the safe conduct of the prisoners to Fort Rice, Dak., where they were sent yesterday. No demonstration of feeling or excitement occurred, which was explained by the report that Little Goose was a disagreeable Indian to his own people. He once shot at the agent through his office-door. Yesterday I directed Lieutenant Humbert, Seventeenth Infantry, to proceed to the point designated by the agent across the river, and search for and "take and destroy" any spirituous liquors and wines he might find, and also to close Marsh & Foley's saloon. He executed the order. I further instructed him to notify all the squatters that they must remove themselves, their families, household, and other effects as soon as possible, explaining

that 'as soon as possible' meant as soon as they could move without exposure, hardship, or loss. This, also, Lieutenant Humbert did.

By the next mail the agent received a map from the Interior Department and a request for information by letter and corrections to be indicated on the map.

Renewed inquiry now renders the first supposition extremely questionable, and inclines me to believe that the agency is north of the 46th parallel north latitude; in other words, is not on the reservation, or if it is it is so near the 46th parallel north latitude that the order to stop the sale of liquors or to remove the settlers, if not illegal, is practically useless. The latitude of Fort Rice is 46° 34′, as given on the sun-dial at that place. By the road, Standing Rock is stated to be thirty-five or thirty-eight miles from Rice. The meridional distance of Rice from the 46th parallel north latitude is about thirty-nine and two-thirds miles, and the agency cannot be located on the reservation.

The only remedy for the probable bad results of the failure to exclude whisky-sellers and squatters, since it would be difficult to move the agency and the Indians, is to add to the reservation the tract of land lying between the Cannon Ball River, south bank, the 102d meridian west longitude, the 46th parallel north latitude, and the Missouri River, west bank, and the tract lying between Beaver Creek, south bank, the 100th meridian west longitude, the 46th parallel north latitude, and the Missouri River, west bank.

If this is done, the boundaries, while including lands not attractive nor valuable, will be so far removed from the vicinity of the Indians, that people who seek to engage in liquor or other illicit traffic cannot have access to the Indians; but otherwise if the reservation be confined to the 46th parallel. Almost the entire band of Yanctonnais, who are compelled by dependence for shelter and timbered lands to reside where they now are, the agency itself, and the settlers on the point of land opposite, will be beyond the limits of the reservation and beyond amenability to the laws regulating intercourse with Indians.

A military reservation, if located so as to extend ten miles north of the 46th parallel, north latitude, and seven miles east and west of the Missouri, would accomplish the object of an extension of the reservation set apart for the Indians, and secure timber for the use of troops located here permanently.

I respectfully request to be informed whether the settlers who have located on the unsurveyed public lands that have been or may be added to the treaty-limit reservation prior to the date of the executive order, are entitled to compensation for their shacks, or so-called improvements.

I have the honor to be, very respectfully, your obedient servant,

J. S. POLAND,
Captain Sixth Infantry, Commanding.

The ASSISTANT ADJUTANT-GENERAL,
Department of Dakota, Saint Paul, Minn.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF DAKOTA,
Saint Paul, Minn., March 9, 1875.

Respectfully forwarded to headquarters Military Division of Missouri.

I request to be furnished with a copy of the executive order of January 11, 1875, referred to within.

I have heretofore recommended the construction of log quarters for two (2) companies of infantry at the Standing Rock agency. Should this recommendation be favorably considered, I should recommend that a military reservation, of sufficient extent to keep whisky-sellers or other loose characters away from both the Indians and the soldiers, be laid out.

Should it not be favorably considered, I should recommend an extension, to the northward, of the Indian reservation. As soon as the weather will permit I will send the engineer officer of the department to Standing Rock, to determine its latitude.

ALFRED H. TERRY,
Brigadier-General, Commanding.

[Second indorsement.]

HEADQUARTERS MILITARY DIVISION MISSOURI,
Chicago, March 16, 1875.

Respectfully forwarded to the Adjutant-General of the Army for the desired information.

P. H. SHERIDAN,
Lieutenant-General, Commanding.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 23, 1875.

Official copy.

E. D. TOWNSEND,
Adjutant-General.

For the honorable the SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, April 2, 1875.

SIR: For your information, and in answer to War Department letter dated the 27th ultimo, inclosing copy of report of Captain Poland in relation to the extension of the Sioux Indian reservation, I have the honor to transmit herewith a copy of a report, dated the 1st instant, from the Commissioner of Indian Affairs, to whom the papers were referred.

In this connection attention is respectfully invited to a letter from this Department, dated the 23d ultimo, addressed to the honorable the Secretary of War, and to the papers which accompanied it, relating to the same subject.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The honorable the SECRETARY OF WAR.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 1, 1875.

SIR: I have the honor to acknowledge the receipt, by reference from you for report, of a letter from the Hon. Secretary of War, dated the 27th ultimo, transmitting a copy of a letter from Capt. J. S. Poland, dated Standing Rock, Dakota Territory, February 12, 1875, relative to the extension of the Sioux Indian reservation east of the Missouri River and up to Beaver River.

In reply thereto I would respectfully invite attention to office report of the 22d ultimo, upon this subject, in response to a request from the Hon. Secretary of War, dated 10th ultimo, with which report were transmitted copies of executive orders of January 11 and March 16, 1875, extending the limits of this reserve, which cover the tract recommended to be set apart by Captain Poland in his letter of the 12th of February. The letter referred to by Captain Poland, from the Department, transmitting map and asking for information and correction, was a circular-letter issued from this office, not to ascertain the boundaries and limits of the reserve, but to obtain the proper location of agency buildings, and to change topography of rivers and mountains when necessary for corrrection.

The communication of the Hon. Secretary of War is herewith returned.

Very respectfully, your obedient servant,

EDWD. P. SMITH,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

WAR DEPARTMENT, WASHINGTON CITY,
May 13, 1875.

SIR: I have the honor to transmit, for your information, copy of a communication from Lieutenant-Colonel Lugenbeel, dated Fort Randall, Dakota Territory, April 23, relative to portions of the river-front, near the Sioux reservation, being the resort of whisky-dealers, horse-thieves, &c.; also that whisky is sold on a similar piece of land near the Yankton reservation, &c.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The honorable the SECRETARY OF THE INTERIOR.

HEADQUARTERS SOUTHERN DISTRICT, DEPARTMENT OF DAKOTA,
Fort Randall, Dak., April 23, 1875.

SIR: The executive order of January 11, 1875, extending the Sioux Indian reservation across the Missouri River, still leaves about five miles of river-front outside of any reservation.

From this point, where the 99th meridian strikes the Missouri River, to the upper end of this military reservation, is this strip of land, thus affording a nice point for whisky-sellers and horse-thieves. There is also a small gore of land on the river between the upper end of the Yankton reservation and the lower end of the Fort Randall military reserve, where a man named Ellis has a low whisky-doggery.

If these two points could be embraced in some reservation, the river from Choteau Creek to the 46th parallel would be entirely free from the presence of whisky-sellers, and the outlaws who now take refuge there would return to the States, as they could not feel contented without imbibing ardent spirits. It would also better the condition of the Indians, and the soldiers of the different garrisons would be better in health and disposition.

Very respectfully, your obedient servant,

PINCKNEY LUGENBEEL,
Lieutenant-Colonel First Infantry, Commanding District.

ASSISTANT ADJUTANT-GENERAL DEPARTMENT OF DAKOTA,
Saint Paul, Minn.

DEPARTMENT OF THE INTERIOR,
Washington, May 21, 1875.

SIR: For your information, and in reply to your letter of the 13th instant inclosing copy of communication from Lieutenant-Colonel Lugenbeel, relative to the sale of whisky, &c., near the Sioux and Yankton reservations, I have the honor to inclose herewith copy of a letter dated the 18th instant, from the Commissioner of Indian Affairs, recommending issue of an executive order withdrawing certain lands on the Missouri River from sale and settlement, for Indian purposes, and copy of the order signed by the President on the 20th instant.

Very respectfully,

B. R. COWEN,
Acting Secretary.

The honorable the SECRETARY OF WAR.

No. 8.

COST OF CARRIAGE-HIRE FOR THE WAR DEPARTMENT

FROM

MARCH 4, 1869, TO MARCH 1, 1876.

No. 8.

COST OF CARRIAGE-HIRE FOR THE WAR DEPARTMENT FROM MARCH 4, 1869, TO MARCH 1, 1876.

WAR DEPARTMENT, *June* 2, 1876.

The Secretary of War has the honor to send to the House of Representatives, for the information of the Committee on Expenditures in the War Department, a detailed statement of the amounts paid for cost of carriage-hire for the War Department from March 4, 1869, to March 1, 1876.

One carriage has been hired almost constantly for the use of the Secretary of War since January, 1862, the monthly payment for which is set forth in the accompanying report.

This carriage was hired from Thomas Irwin, and driven by him, and payment therefor has been made out of the appropriation for contingencies of the Department.

Thomas Irwin was paid as messenger on the rolls of the Department from March 1, 1869, to December 31, 1873, when he was discharged as messenger, by order of the Secretary of War.

J. D. CAMERON,
Secretary of War.

Amount paid for hire of two-horse carriage from March 1, 1869, *to March* 1, 1876, *to Thomas Irwin.*

Date.	Amount.	Date.	Amount.
March 31, 1869	$155 00	February 29, 1872	$145 00
April 30, 1869	150 00	March 30, 1872	155 00
May 31, 1869	155 00	April 30, 1872	150 00
June 30, 1869	150 00	May 31, 1872	155 00
July 31, 1869	155 00	June 29, 1872	150 00
August 31, 1869	155 00	August 31, 1872	310 00
September 30, 1869	70 00	September 30, 1872	150 00
Not used in October	.....	October 31, 1872	155 00
November 30, 1869	145 00	November 30, 1872	150 00
December 31, 1869	155 00	December 31, 1872	155 00
January 31, 1870	155 00	January 31, 1873	155 00
February 28, 1870	140 00	February 28, 1873	140 00
March 31, 1870	155 00	March 31, 1873	155 00
April 30, 1870	150 00	April 30, 1873	150 00
May 31, 1870	155 00	May 31, 1873	155 00
June 30, 1870	150 00	June 30, 1873	150 00
July 31, 1870	155 00	July 31, 1873	155 00
August 31, 1870	155 00	August 30, 1873	155 00
September 30, 1870	150 00	September 30, 1873	150 00
October 31, 1870	155 00	October 31, 1873	155 00
November 30, 1870	150 00	November 30, 1873	150 00
December 31, 1870	155 00	December 31, 1873	155 00
January 31, 1871	155 00	January 31, 1874	155 00
February 28, 1871	140 00	February 28, 1874	140 00
March 31, 1871	155 00	March 31, 1874	155 00
April 30, 1871	150 00	April 30, 1874	150 00
May 31, 1871	155 00	May 30, 1874	155 00
June 30, 1871	150 00	June 30, 1874	150 00
July 31, 1871	155 00	July 31, 1874	155 00
August 31, 1871	155 00	August 31, 1874	155 00
September 30, 1871	150 00	September 30, 1874	150 00
October 31, 1871	155 00	October 31, 1874	155 00
November 30, 1871	150 00	November 30, 1874	150 00
December 30, 1871	155 00	December 31, 1874	155 00
January 31, 1872	155 00	January 30, 1875	155 00

Amount paid for hire of carriages, &c.—Continued.

Date.	Amount.	Date.	Amount.
February 27, 1875	$140 00	September 30, 1875	$150 00
March 31, 1875	155 00	October 30, 1875	155 00
April 30, 1875	150 00	November 30, 1875	150 00
May 31, 1875	155 00	December 31, 1875	155 00
June 30, 1875	150 00	January 31, 1876	155 00
July 31, 1875	155 00	February 29, 1876	145 00
August 31, 1875	155 00		

Amount paid for services as messenger from March 1, 1869, to December 31, 1873, to Thomas Irwin.

Date.	Amount.	Date.	Amount.
March 31, 1869	$65 00	September 30, 1871	$58 70
April 30, 1869	60 00	October 31, 1871	60 00
May 31, 1869	60 00	November 30, 1871	60 00
June 30, 1869	60 00	December 31, 1871	60 00
July 31, 1869	60 00	January 31, 1872	60 00
August 31, 1869	60 00	February 29, 1872	60 00
September 30, 1869	60 00	March 31, 1872	60 00
October 31, 1869	60 00	April 30, 1872	60 00
November 30, 1869	60 00	May 31, 1872	60 00
December 31, 1869	60 00	June 30, 1872	60 00
January 31, 1870	60 00	July 31, 1872	60 00
February 28, 1870	60 00	August 31, 1872	60 00
March 31, 1870	60 00	September 30, 1872	60 00
April 30, 1870	60 00	October 31, 1872	60 00
May 31, 1870	60 00	November 30, 1872	60 00
June 30, 1870	60 00	December 31, 1872	60 00
August 31, 1870	60 00	January 31, 1873	60 00
" 31, 1870	60 00	February 28, 1873	60 00
September 30, 1870	60 00	March 31, 1873	60 00
October 31, 1870	60 00	April 30, 1873	60 00
November 30, 1870	60 00	May 31, 1873	60 00
December 31, 1870	60 00	June 30, 1873	60 00
January 31, 1871	62 00	July 31, 1873	60 00
February 28, 1871	56 00	August 31, 1873	60 00
March 31, 1871	62 00	September 30, 1873	60 00
April 30, 1871	59 34	October 31, 1873	60 00
May 31, 1871	61 32	November 30, 1873	60 00
June 30, 1871	59 34	December 31, 1873	60 00
July 31, 1871	60 65		
August 31, 1871	60 65		3,480 00

Discharged, to take effect December 31, 1873.

A DIGEST OF THE TESTIMONY

TAKEN BEFORE THE

COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT,

IN REGARD TO

THE SALE OF POST-TRADERSHIPS,

ARRANGED UNDER THE RESPECTIVE POSTS TO WHICH IT RELATES

A DIGEST OF THE TESTIMONY, TAKEN BEFORE THE COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT, IN REGARD TO THE SALE OF POST-TRADERSHIPS, ARRANGED UNDER THE RESPECTIVE POSTS TO WHICH IT RELATES.

FORT SILL, INDIAN TERRITORY.

CALEB P. MARSH testifies that, through the invitation or suggestion of Mrs. W. W. Belknap, he applied for a post-tradership, and the post of Fort Sill, in the Indian Territory, was given him. That the incumbent of that post at that time, John S. Evans, proposed a partnership, which he declined; that he (Evans) then offered a bonus of a certain portion of the profits; that they finally agreed upon $15,000 per annum, as a bonus, which was afterward reduced to $12,000, [p. 6,] and about two years thereafter to $6,000. That when the first remittance came to him, he sent one-half of it to Mrs. Belknap. [p. 7.] That when the next payment was made, he sent one-half of it to the Secretary of War, and that he continued, substantially, from that day forward to pay in the same way. [p. 7.]

[NOTE.—The pages inclosed in brackets refer to the printed testimony.]

States that the money was sent according to the instruction of the Secretary of War. [p. 7.] That he received about $40,000 from John S. Evans, one-half of which was disposed of as above stated. [p. 7.]

States that the Secretary of War gave him receipts for the money, but that he had not preserved them.

That after he received the telegraphic subpœna to appear before the committee he came on to Washinton, and had an interview with the Secretary of War at his house; that Mrs. Belknap desired him to state to the committee that she had deposited the money he had sent to the Secretary with him as a sort of banker, and that he had sent it to her through the Secretary. [p. 8] This he refused to do. He states further that Dr. Tomlinson, a brother of Mrs. Belknap requested and urged him to swear, before the committee, that he had made the arrangement for the payment of money with Mrs. Bower, (the present Mrs. Belknap,)and that he was to send the money through the Secretary of War; that he refused to make such a statement, saying it was not true, [p. 9;] that he concluded he had better leave the country, and stated his determination to the Secretary, who begged him not to leave, saying "it would ruin him if he left;" that he replied that "it would ruin him if he went before the committee," which apparently greatly excited him, (the Secretary.) [p. 8.]

That he had never had any business relation with Mrs. Belknap, involving the payment of money prior to those arising from the Fort Sill tradership. [p. 10.]

A. F. TERRY testifies that Durfee & Peck held a tradership at this post (Sill) at the time John S. Evans was trader, but that they were compelled to quit because the officers would give them no orders for goods. [p. 33.]

J. J. FISHER testifies that he is a partner of John S. Evans, post-trader at Fort Sill. [p.67.]

That Evans made arrangement with Caleb P. Marsh, who had obtained the appointment, to pay him $12,000 per annum fo rthe privilege of trading at the post; that in about twelve or eighteen months this amount was cut down to $6,000. [p. 68.]

That he does not know what influence Marsh had in securing the appointment.

States that they paid money for political purposes, but does not know how much. (See testimony of John S. Evans, p. 87.)

Mr. W. CHOLLAR testifies that he introduced John S. Evans to General E. W. Rice, but received no compensation for his service. [p. 92.]

Lieut. R. T. JACOBS states that he heard in 1871 of the payment of $12,000 a year for this post, by Jno. S. Evans to some gentleman in New York, and that it was afterward reduced. [p. 133.]

States also, in relation to Orvil Grant's tour around the posts, that Orvil Grant used an Army ambulance in going from Fort Buford to Fort Peck and return. [p. 135.]

JOHN S. EVANS testifies that he was appointed post-sutler at this post in 1869 by General Sheridan, prior to the change in the law. [p. 76.] That he made application for this post to the Secretary of War, a personal application to him, being introduced by General E. W. Rice. That the Secretary told him he had already given the post to a friend of his, a Mr. C. P. Marsh, of New York.

That he saw Mr. Marsh and proposed to sell him the stock he then had at the post, but Marsh preferred to sell his right to the post, and offered it to him for $20,000 a year; this he would not agree to; he finally agreed to pay him (M.) $12,000 a year; that he was forced to accept the offer as he had no other alternative. [p. 77.]

That the money was to be paid in quarterly instalments in advance. [p. 77.]

(See detailed statement of amount paid C. P. Marsh by Evans on pages 85 and 86 of Evans's testimony.)

The foregoing statement shows that he paid Marsh $12,000 for about two years.

States that his partner had the bonus of $12,000 a year cut down to $6,000; that they found they were not able to pay so large a sum on account of a reduction in the number of troops at the post. [p. 78.]

States that his appointment was sent to him through Mr. Marsh.

That he paid General E. W. Rice $1,000 for introducing him to the Secretary of War. [p. 80.]

That he made this arrangement with Mr. Marsh simply because he desired to save himself; that he would rather have sold out his entire stock to him. [p. 81.]

States in his recall testimony that General E. W. Rice did not call upon the Secretary with him, but went the day previous to his interview with the Secretary in relation to his application.

States that he paid $300 for political purposes to the republican party in 1872, and $150 to the same party about six months ago, (in 1875,) both remittances or amounts paid unwillingly. [p. 87.]

General E. W. Rice states that he saw the Secretary several times in behalf of John S. Evans; that the Secretary told him the post (Fort Sill) had been given to Mr. Marsh, of New York; said also that any agreement Evans could make with Marsh would be acceptable to him, (the Secretary.) [p. 257.]

That he received $1,000 from Evans for his services. [p. 257.]

C. P. Marsh states in his recall testimony, March 24, that he left the city of Washington for New York, immediately after his examination the 2d of March, and, while in that city, saw in the New York Times a report of his testimony and some remarks made by a member of Congress on the floor of the House, to the effect that both Belknap and himself were liable to an indictment; that this frightened him and he determined to leave the country. He immediately went to Montreal, Canada, where he remained until sufficiently assured that he would not be prosecuted.

States that on the evening after his direct examination, he called on Mr. Clymer and said, "He feared, from what he had heard at the dinner-table of the Arlington, that Belknap was in danger of imprisonment as well as impeachment, and that if Belknap was in danger he might also be."

That Mr. Clymer said, "O, no; you are not in a particle of danger" for anything you testified to before the committee; that this assurance pacified him, and he went home feeling perfectly easy; that what he saw in the newspaper was the cause of his flight to Canada. [p. 109.]

FORT STOCKTON, TEXAS.

SIMON WOLF testifies that he applied to the Secretary of War to have William E. Friedlander retained in his post-tradership at Fort Stockton. States that no money was used to have him retained. [p. 14.]

J. FRIEDLANDER states that he was appointed post-trader at this post April 30, 1876, and still holds the position. That his brother, William E. Friedlander, secured his appointment; does not know that his brother paid any money for the appointment; that he has paid nothing either to secure or retain it; does not know of any money having been paid for traderships, although he has heard there has been; (p. 201;) that he paid $100 to the republican party for campaign purposes. [202.]

FORT CONCHO.

SIMON WOLF denies the charge of James Trainor that he aided Joseph Loeb in securing the post-tradership at this fort; says he was not acquainted with him, and did not receive any money from him; further states, that he did not receive $250 from James Trainor, nor any other amount; states that he did *not* receive any money from any one to aid in securing or retaining a post-tradership. [pp. 177 and 178.]

W. T. CLARK testifies that he recommended James Trainor to be retained at Fort Concho; does not recollect having recommended James H. Owings for that post; states that he recommended a great many for positions, but does not recollect their names. [p. 15.]

General A. McD. McCOOK states that he indorsed the recommendation of a gentleman named Conrad, by the officers of this post, but the recommendations were not noticed by the Secretary, and one Joseph Loeb was appointed trader; knows nothing of Loeb's appointment. [p. 102.]

JAMES TRAINOR states that he was appointed post-trader here March 9, 1872, and remained until December, 1873; [p. 191;] that he secured the appointment through General Hedrick, although he doesn't know exactly how it was arranged, but *does* know that a draft for $1,000 came to him, through W. T. Clark, and he paid it; he also paid A. C. Leighton $1,500 for Hedrick; that he paid Simon Wolf $250, while in Washington, to assist him in

securing the appointment, but that Wolf did nothing whatever for him; [p. 193;] that he was *fined* $350 for election purposes, and paid the money to Mr. Cook and Mr. Chandler.

JOSEPH LOEB states that he was appointed post-trader at this post, December 6, 1873. That he was recommended by Governor Davis, of Texas, General Augur, and many other prominent officers and citizens; that he paid E. W. Rice $2,000 to secure him the appointment; that he paid money to *no* one else, except $100, voluntarily, to the republican campaign committee. Doesn't know of any money having been paid for post-traderships. [p. 205.]

J. M. HEDRICK states that he was interested in this post, the post-tradership being in his name, but the business was attended to by Mr. A. C. Leighton, and for about six or eight months by Mr. James Trainor; that he received about $2,000 from Trainor. [p. 219.]

GENERAL E. W. RICE states that he aided Joseph Loeb in securing this post, and received $2,000 for his services; that he has no interest in the post. [pp. 257 and 258.]

FORT M'INTOSH, TEXAS.

W. T. CLARK testifies that he does not know Chauncy S. Cook, who was appointed to the tradership at this post, nor M. M. Stein, who succeeded Cook; that no money was ever paid to him to secure appointments. [p. 15,]

RINGGOLD BARRACKS, TEXAS.

B. F. GRAFTON testifies that he received the appointment as post-trader at Ringgold Barracks through the influence of Col. John W. Forney, and asserts that no money was paid for the appointment; that he resigned shortly after receiving it, and thought that a man named Tucker succeeded him. [p. 16.]

GENERAL A. MCD. MCCOOK states that the board or council of officers of this post elected Thomas Gilgan trader, and he approved their actions, and that his recommendation was approved by the commander of the department; notwithstanding this, a man named B. F. Grafton was appointed, but never served; then one named Fachan was appointed, who was an entire stranger to the officers; knows nothing of his appointment. [p. 102.]

FORT DAVIS, TEXAS.

B. F. GRAFTON testifies that he secured the appointment of a man named Davis to this post. That he neither received nor paid any money for the appointment, but it was simply a matter of friendship. [p. 117.]

SIMEON CHENEY testifies that he was post-trader at this post from the 6th of October, 1870, until the 5th of November, 1874; that he obtained it through the influence of Judge Loughridge and Senator Wright, and possibly General Hedrick; that his appointment cost him only a three cent stamp; that he is an old friend of Belknap. Paid $100 for political purposes to Senator Harlan. [p. 125.]

FORT BROWN, TEXAS.

B. F. GRAFTON testifies that he recommended a man for appointment to Fort Brown, but does not recollect his name; that the man was not appointed, because he had fought in the rebel army. [p. 17.]

FORT WINGATE, NEW MEXICO.

GEORGE L. COOK testifies that he was appointed post-trader at Fort Wingate, October 6, 1870, and resigned June 27, 1872. That he secured his appointment through E. W. Rice, agreeing to pay him for his services one-half of the net profits of the post, but he paid him nothing at all. Does not know that Rice paid anything for the appointment. [p. 18.]

GENERAL E. W. RICE states that he assisted George L. Cook in securing this post and was to have had an interest in the profits, but Cook made nothing, and resigned in about a year. He then secured the post for Henry Reed and had a one-half interest in the profits; that he had received in all *twelve or fifteen hundred dollars from him.* [p. 257.]

FORT RANDALL, DAKOTA TERRITORY.

JOHN LAWRENCE testifies that in 1874 he had a wood-contract at this post, and in 1875 a beef-contract at the same post; that he does not know under what conditions the post-trader held his position; that he applied to Orvil Grant to secure a post, but did not succeed in obtaining one. [p. 22.]

J. H. PRATT states he was appointed post-trader at this post about August 6, 1870; secured his appointment through the influence of Senator Chandler; paid no money to any one; paid $450 to the national republican committee at last presidential election. [p. 164.]

STANDING ROCK INDIAN AGENCY.

JOHN LAWRENCE testifies that in the summer of 1875 he had a hay contract at this post that he has no knowledge of the terms or conditions under which the post-trader held his position. [p. 22.]

ORVIL L. GRANT testifies that he was interested in an Indian license at this agency with Casselberry and A. L. Bonnafon; that the license was in the name of Casselberry, and that he was a partner; that he put $2,000 into the business; that President Grant notified him when this agency would be vacated, and that he applied for the appointment and received it. [p. 24.]

C. K. PECK testifies that he held this post in 1870, when the change in the law governing post-traderships was made; that he was removed from this agency in 1874, and succeeded by A. L. Bonnafon, who was appointed though the influence of Orvil Grant. [p. 53.]

HENRY S. PARKINS states that he was put in charge of this post or agency in November, 1874, by Bonnafon & Co., who succeeded William Harmon as traders; understood the firm to consist of A. L. Bonnafon, J. R. Casselberry, and Orvil L. Grant; does not know what interest Orvil Grant has in the business. States that the value of the post has greatly decreased since he took charge of it, on account of competition. [p. 249.]

A. L. BONNAFON, sen., states that he became interested in this post with Orvil L. Grant and J. R. Cassleberry about August, 1874; that he advanced all the money in the business with the exception of about $2,000, with which Grant paid some bills; that Grant secured the post and he advanced the capital; that he never paid anything for his interest except advancing the capital. [p. 263.]

J. R. CASSELBERRY states that he was a partner in the tradership at Standing Rock with Orvil L. Grant and A. L. Bonnafon; that the appointment was made out in his name, and that he put $2,000 into the concern; that they all had equal interests in the profits. [p. 264.]

FORT STEVENSON, DAKOTA.

ORVIL L. GRANT testifies that he was instrumental in securing the appointment of A. L. Bonnafon to this post; that he was not interested either directly or indirectly with any parties who had any authority with the Secretary of War; that he had no interest with Durfee & Peck in any post; that he has never had any interest in the profits of any post-tradership. That he was interested in an Indian license at Fort Peck and at Standing Rock agency. [p. 26.]

C. K. PECK testifies that he held this post in 1870, when the change in the name of the offices and in their disposition was made; that in January, 1872, he was removed and J. W. Whan succeeded him, but did not take possession, they continuing on; that in July, 1872, D. W. Marsh was appointed, and they furnished the goods and supplies as usual; that in July, 1874, A. L. Bonnafon, jr., was appointed through the influence of Orvil Grant. Does not know whether he paid anything for the appointment. [p. 51.]

A. L. BONNAFON, jr. states that he was appointed trader to this post July 3, 1874. Supposes he was appointed through the influence of Orvil L. Grant. Admits that he received a telegram from President Grant, at the time he was an applicant for the post-tradership at Fort Lincoln, saying that his appointment would be forwarded for Fort Lincoln; that his appointment to Fort Lincoln did not come, and, by the advice of his father, he made his application for Fort Stevenson, and received the appointment. Does not know the reason he failed to get Fort Lincoln. Never paid a dollar for his appointment. [p. 259.]

A. L. BONNAFON, sen., states that his son A. L. Bonnafon, jr., was appointed post-trader at this post about August, 1874; that he secured the appointment of him through Orvil L. Grant; that neither himself nor Mr. Grant was interested in the profits. [p. 263.[

FORT PECK INDIAN AGENCY.

ORVIL L. GRANT testifies that he was interested in an Indian license at this agency with Joseph Leighton; that he was a half partner, but had put nothing into the concern. [p. 25.]

That the post had been given to him by Commissioner Smith, and he was going up to take possession when Leighton (then in possession) offered him an equal interest, and he accepted. [p. 26.]

That President Grant notified him by letter that the posts at Standing Rock and Fort Peck were to be vacated, and that they were given to him shortly after. Drew $2,000 from this post.

ALFRED F. TERRY (partner with Durfee & Peck in steamboating) testifies that Durfee & Peck held this agency about three years ago, and were succeeded by Mr. Leighton; that he did not know of any transactions between Durfee & Peck and Orvil L. Grant; that he did not pay Orvil Grant anything for the privilege of carrying goods on the Upper Missouri. [p. 32.]

JAMES LEIGHTON testifies that he was interested in this post for two or three months, and while a partner, understood that Orvil Grant was paid $300 per month for his interest in the post. Does not know of any money having been used for improper purposes; that he is "one of the most innocent men you ever met." [p. 116.]

FORT RICE.

ORVIL L. GRANT testifies that he has no interest, direct or indirect, in this post. [p. 24.]

C. K. PECK testifies that he held this post when the change was made in 1870, transferring all the post-traderships to the Secretary of War; that he was succeeded by James P. Pitts, who was appointed through the influence of Mr. Tomlinson, a brother of Mrs. Belknap; that Pitts told him he had been appointed through friendship alone. [p. 51.]

General G. A. CUSTER testifies that a board of officers of his command, while in Kentucky purchasing horses, learned from a man named Dr. Tomlinson that he was interested in the profits of the post-trader at this post, having secured the trader's appointment by the Secetary; does not know anything further about this matter. [p. 154.]

WILLIAM HARMON states that he was appointed post-trader at this post May, 1873; and was removed July, 1874; appointed through the influence of Mr. Peck, of the firm of Durfee & Peck. That Orvil Grant had his appointment canceled, or told him that his license had been canceled, and offered to purchase his stock, giving him twenty-four hours to accept his offer in; he accepted his offer, having no other alternative. States that there was an Indian woman named Mrs. Galpin, trading near Standing Rock, whom the Indian trader attempted to have removed, an order coming from the Interior Department commanding the agent to remove her, was disregarded by her, and the agent called upon the military to remove her by force; the commandant refused to interfere, saying the law allowed full-blood Indians to trade on the reservation. The agent, Burke, then requested the United States commissioner to interfere and confiscate her goods, but he refused, and she is still trading among her people on the reservation. [p. 237.]

States that he never paid a dollar to secure his appointment, nor does he know, personally, of any one else doing so, but has heard the current rumor.

JAMES G. PITTS states that he was appointed trader at this post June 30, 1874, through the influence of Governor Noyes, Mr. McCrary, General Sherman, General Garfield, and several other members of Congress and influential men. That Mr. John Tomlinson, brother-in-law of the Secretary of War, aided him and he became his partner, but died before he began business at the post; that Tomlinson put into the business $1,500, and he still owes that amount to his estate. Asserts that there were no improper means used and no money paid for the appointment. [p. 254.]

FORT BERTHOLD.

ORVIL L. GRANT testifies that he has no interest in this post. That this post had been offered to him and he had accepted it, but withdrew in favor of Raymond; he afterward drew $1,000 from Raymond. [p. 27.]

FORT BUFORD.

ORVIL L. GRANT testifies that he has no interest in this post. [p. 24.]

C. K. PECK testifies that he held this post in 1870, the time when the right of their disposal was transferred to the Secretary of War; that soon after the change in the law, he was removed, and A. C. Leighton succeeded him. [p. 50.]

A. C. LEIGHTON testifies that he was appointed post-trader at this post, October 6, 1870, through the influence of certain Nebraska friends, and, also, General Hedrick; that he held a one third interest. [p. 111.]

JAMES LEIGHTON testifies that he was a partner with his brother, A. C. Leighton, at this post; does not know of any money having been paid to Orvil L. Grant on account of this post. [p. 115.]

J. M. HEDRICK states that he is interested with A. C. Leighton in this post; that he has one-third interest; put no money into the business; that he aided Leighton in securing this post, and has received about $10,000 from this and Fort Fetterman. [p. 216.]

WILLIAM HARMON states that he made application for this post before it had been assigned to any one, and had General Sherman to apply to the Secretary of War, in person, for his appointment, and afterward General Sherman indorsed his application, but the application was disregarded, and A. C. Leighton appointed trader. [p. 240.]

FORT ABRAHAM LINCOLN.

ORVIL L. GRANT testifies that he has no interest in this post. [p. 26.]

A. C. LEIGHTON testifies that he was interested in this post with R. C. Seip; that General Hedrick procured the appointment; that he (H.) received one-third of the profits

That General Hedrick was inspector of internal revenue. Does not believe Hedrick divided his share, and positively does *not* know that he did. [pp. 111 and 115.]

General GEORGE A. CUSTER testifies that he has been commandant at this post for the last three years. States that T. A. Dickey was post-trader, but was removed by the Secretary of War upon his (Custer's) representation that his influence upon the young officers was very bad. That Robert C. Seip succeeded Dickey as post-trader. [p. 153.]

That Seip increased the price of articles so greatly that men and officers were induced to purchase outside the reservation; that Seip complained of this fact to the Secretary of War, who issued an order that the officers and men at the post should purchase of the trader, and not outside the reservation.

States that Seip told him (but not voluntarily) that the profits of the post were between $12,000 and $15,000; that about one-third of this was paid to Hedrick, of Iowa, and another portion of it to General Rice, an intimate friend of the Secretary of War, and he said he did not know positively, but was always under that impression that a portion of it went to the Secretary of War. [p. 154.]

States that Seip objected to the commissary department furnishing certain articles allowed by law, and threatened to use his influence with the Secretary of War, which he said was very great, if they continued. That he mentioned this threat of Seip to the Secretary, when he was on his visit to the posts, and the Secretary made no satisfactory reply, but told him "he should not believe all that he heard," or words to that effect. [p. 155.]

States further, in regard to the removal of T. A. Dickey, that although he recommended the removal of Dickey, in his report, yet he believes the true cause was that he did not pay a tax, as many other traders of worse character were retained, but who paid a certain tax for their posts. [p. 157.]

R. C. SEIP states that he was appointed post-trader at this post July 1, 1874. Obtained his appointment through Mr. Alvin C. Leighton, afterward his partner. That Mr. J. M. Hedrick and General E. M. Rice were interested in the profits of the post. That the profits of the post were about $15,000, half of which they (H. and R.) received, and Leighton and himself one-fourth each. [pp. 183, 185, and 186.]

That Leighton secured him the post through the influence of Hedrick and Rice. That Leighton sold his interest in the post to W. B. Jerdan, who is now his partner. That he and Leighton had each put in $3,200; and that he received one-quarter of the profits and Leighton three-quarters, (Leighton dividing with Hedrick and Rice.) That no one recommended him for the post except Leighton. [p. 187.]

States that he does not know anything in regard to the corn delivered at this post, supposed to have been taken from the Indian department, except that he paid the sergeant who attended to the transportation $50, at the request of the contractor who furnished the corn.

States, in his "recall" testimony, that he understood General Custer had written an article for the New York Herald, entitled "Belknap Anaconda;" that he cashed a draft on James Gordon Bennett for General Custer; that he knows nothing more about the matter.* [p. 234.]

ROBERT WILSON states that he was a partner of Samuel A. Dickey, the trader at this post, from June 20, 1872, to May 24, 1874; that Robert C. Seip succeeded Mr. Dickey; that Hedrick, Rice, and A. C. Leighton were interested with Seip in this tradership. Does not know of any money being paid for post-traderships, except from hearsay. [p. 178.]

J. M. HEDRICK states that he is interested in this post, but has not received any money from it; that he has a one-third interest; has put nothing into the business; that he assisted Mr. Seip in securing this post. Understands the profits of the post for the first year was $15,000, but has drawn out nothing. [p. 216.]

FORT BELKNAP.

ORVIL L. GRANT testifies that he has no interest in this post, nor at any posts or forts, save Standing Rock and Fort Peck. [p. 26.]

That President Grant notified him that this post would be vacated, and he received the appointment shortly after, but did not occupy the post. [p. 28.]

That he assisted a man named Conrad in securing this post, for which he received nothing. [p. 29.]

FORT SULLY.

A. F. TERRY testifies that Durfee & Peck held this post until June, 1872, when they were succeeded by George H. Durfee, and he was succeeded by John T. Athey.

Does not know why Durfee & Peck were removed. [p. 34.]

C. K. PECK testifies that he was post-trader at this post in 1870, when the control of the post-traderships, or sutlerships, were changed from the General of the Army to the Secretary of War and when the name of the office was changed to post-traderships. That in 1874 he was succeeded by John T. Athey, who was appointed by order of President Grant. [p. 52.]

States that he (Peck) never paid a dollar as bonus for any of his posts.

* See Ralph Meeker's testimony explaining this.

States that Athey was employed by him for some time as a clerk, at a salary of $1,500 per annum.

That he paid the surveyor-general of Kansas, W. C. Babcock, $2,250 for securing the contract between Athey and himself. [pp. 55 and 56.]

FORT GRIFFIN.

GEORGE B. COCHRAN testifies that he was a grocer in San Antonio, Tex., and that his partner, George C. Bennett, applied for the post-tradership at this post, but did not receive the appointment; that it was given to a man named A. C. Leighton. Does not know through whose influence Leighton was appointed. Leighton rented the post to him for $37.50 per month per company; that a man named Hicks secured the post in December, 1872, and that he sold out his stock to Hicks; that Hicks told him his post-tradership cost him $6,000; does not know to whom the money was paid. [p. 137.]

A. C. LEIGHTON testifies that he was appointed post-trader at this post February 13, 1871, through the influence of General J. M. Hedrick; that Hedrick had one-third interest in the profits. [p. 111.]

J. M. HEDRICK states that he was interested in this post with A. C. Leighton, having an equal interest with him. [p. 219.]

General E. W. RICE states that he helped Major Hicks to secure his appointment at Fort Griffin, and received $5,000 in all for his assistance. [p. 257 *et seq*]

FORT CLARK.

GEORGE B. COCHRAN testifies that he paid money for a man named Alexander (trader at this post) to a member of the Texas legislature, a carpet-bagger. Does not know the member's name. The money was a bonus from Alexander. [p. 37.]

GENERAL E. W. RICE states that he aided William A. Sayler in securing the tradership at this post, in conjunction with the influence of Mr. Clark, of Texas.

That he was to have no interest in the profits; has received nothing whatever from him. [p. 257.]

FORT RICHARDSON.

GEORGE B. COCHRAN testifies that he was acquainted with L. M. Gregory, trader at this post. That Gregory told him he was paying money for his position; thinks he paid it to E. W. Rice. [p. 37.]

L. M. GREGORY states that he was a partner of General Rice in the tradership at this post from October 16, 1870, to February 20, 1872; that, February 19, 1872, he was appointed trader without solicitation on his part.

That General Rice put no capital into the tradership, he furnishing the capital and paying Rice one-third of the profits; that he has paid him, up to this time, $2,000. [p. 209.]

That General Rice is the only person he has ever paid any money to for this thing.

That he paid $100 to the republican committee cheerfully; that he resigned his position last summer, (1875.) [p. 209.]

General E. W. RICE states that he was appointed trader at this post October 6, 1870, and resigned February 20, 1872.

That he authorized a man named Broughton to conduct the business of the post for him, but that Broughton never took charge.

That, on the solicitation and recommendation of General Van Antwerp, he had L. M. Gregory appointed to the post, he resigning in Gregory's favor; that Gregory was to give him one-third of the profits; that he received about $2,000 in all.

That he was an old friend of the Secretary of War and received his appointment as a personal favor.

States that the Secretary of War must have known of his agreement with Gregory, as that was his post. [p. 257.]

CROW AND MUSCLESHELL AGENCIES.

L. M. BLACK testifies that he was Indian agent at these two agencies; that he was acquainted with Orvil Grant, but knew nothing about his business transactions. [p. 47.]

CHEYENNE AGENCY. [INDIAN AGENCY.]

C. K. PECK testifies that he was removed from this agency in 1874, and was succeeded by George W. Felt, who was appointed through the influence of Orvil Grant. [p. 53.]

JNHN W. CHARLES testifies that he took the goods of Durfee & Peck at this post, and

then secured a license to trade; that he applied for licenses for other posts and agencies, but did not receive them; does not know what was the cause of his failure; that the posts were given to Orvil Grant, Casselberry, and Bonnafon; that he has never paid a dollar to secure a post. [p. 120.]

GEORGE W. FELT testifies that he succeeded John W. Charles at this post; that the President had promised him the tradership, and he got it; did not pay any money for the position, nor for political purposes. [p. 131.]

FORT FETTERMAN, WYOMING TENRITORY.

J. A. CAMPBELL testifies that his brother, I. N. Campbell, was appointed to this post April 11, 1870, and three days thereafter he was removed; that he was appointed on his recommendation. Does not know of any money having been paid for post-tradership. [p. 66.]

A. C. LEIGHTON testifies that he was post-trader at this post. That General Hedrick was a partner and had a one-third interest in it; he was simply to use his influence in retaining him at the post. [p. 111.]

JAMES LEIGHTON testifies that he was a partner at this post with his brother, A. C. Leighton; does not know that Orvil Grant was interested here. [p. 116.]

ROBERT WILSON states that he was appointed trader or sutler at this post by General Augur, and remained until the power of appointment became vested in Secretary Belknap, when he was removed and Mr. Tillotson appointed in his place; that he made an effort to retain his post and did retain it until the entire authority passed into the hands of the Secretary. Does not know of any money being paid to secure or retain post-traderships except from hearsay. [p. 178.]

J. M. HEDRICK states that he is interested with A. C. Leighton at this post, having a one-third interest; that he put nothing into the business; that he aided Mr. Tillotson in securing the post-tradership; has received about $10,000 from this post and Fort Buford; does not know positively how much he received from this particular post. [p. 219.]

CAMP M'DOWELL, ARIZONA TERRITORY.

JAMES A. TOMLINSON testifies that he was post-trader at this post in 1871; was appointed by General Belknap, Secretary of War at that time. That he paid nothing for his appointment, and knows of no money having been paid for appointments. [p. 75.]

FORT CRAIG, NEW MEXICO.

HAWKINS TAYLOR testifies that he secured this post for Dr. F. G. H. Bradford, for which service he received $100. That he had him dismissed shortly after, because of drunkenness and for gambling. [pp. 89 and 90.]

BENJAMIN D. PECK testifies that he aided Dr. F. G. H. Bradford in securing his appointment; secured the indorsement of the Maine delegation and introduced him to Mr. Hawkins Taylor, who presented his application to the Secretary. States he, Bradford, paid Taylor about $100 for his services. [p. 94.]

F. G. H. BRADFORD testifies that he secured the indorsement of Senator Hamlin to his application for a tradership, but failed to procure a post until he had secured the indorsement of nearly the entire Maine delegation, and the Delegate from New Mexico, Mr. Chaves, and also the personal assistance of Mr. Hawkins Taylor, who engineered his application through the Secretary's office; for his services he paid him $250. [p. 96.]

That before he reached his post, Fort Craig, (which he had succeeded in securing,) his appointment was canceled through the influence of Hawkins Taylor. [p. 97.]

That he paid the Secretary of War *nothing*, but that he gave the Secretary to understand, Hawkins Taylor was receiving a "compensation" for his services. [p. 98.]

FORT STANTON.

HAWKINS TAYLOR testifies that he secured the appointment to this post of R. M. Stevens and received $125 from him. [p. 90.]

B. GORDON DANIELS testifies that he procured the appointment of Frank T. Bliss as post-trader at this post, through the influence of Senator M. H. Carpenter; that he (Daniels) was to have had a half-interest in the post, but received nothing, and therefore had Bliss removed; that a man named Charles Tracy applied to him for the position, and he had him appointed through the influence of Senator Sawyer; that Tracy was to have paid him $3,000, but he only received $500 of it; that upon his refusal to meet his contract he had him removed; never paid anything for procuring appointments; that he *heard* from persons whom he believed that all the posts on the Rio Grande had been purchased; does not remember the names of any of his informers. [p. 128.]

ALEXANDER T. GRAY states that he was promised $1,000 by B. Gordon Daniels to secure

this post for Frank T. Bliss; that he applied to Senator Carpenter for assistance, and through his aid had Bliss appointed; and that he never received the $1,000 promised by Daniels; states that Daniels and he were citizens of Senator Carpenter's State. [p. 132.]

FORT BAYARD.

HAWKINS TAYLOR testifies that he received $1,000 for securing the appointment of Colonel John A. Miller to this post; that he never dared offer money to the Secretary of War. [p.90.]

CAMP SUPPLY.

SETH J. ARNOLD testifies that he was partner of L. M. Bates, in the city of New York; that the commission of A. E. Reynolds as post-trader was sent to them for him; that Reynolds told him he had paid, or agreed to pay, General Hedrick $5,500 for his appointment; that he had actually paid $1,000 or $1,500, and refused to pay any more. [p. 118.]

J. M. HEDRICK states that he assisted A. E. Reynolds in securing this post, and was to have had one-third interest in the business, which interest he had transferred to his brother and brother-in-law; states that he received about $2,000 from Reynolds to pay his traveling-expenses, incurred in attending to the interest of Reynolds. [p. 221.]

A. E. REYNOLDS testifies that he was appointed post-trader at this post November 17, 1870; secured the appointment through General Hedrick; that he paid Hedrick $4,500 for his influence; that he had agreed to pay him $5,000 a year, but concluded that was too much, and paid him but 4,500 in all; does not know that any one else shared the money with Hedrick; never sent $1,000 or one dollar to O. E. Babcock; has paid $400 to the republican party for political purposes. [p. 243.]

FORT GIBSON.

J. S. HAMMER testifies that he was appointed post-trader at this post through the influence of Senator McDonald; that he never paid a dollar for his appointment, nor for his continuance as post-trader. [p. 119.]

FORT UNION.

B. GORDON DANIELS testifies that he was assessor of internal revenue in 1870 and 1871; that John Dent was post-trader at this post at that time; that it was one of the most valuable posts in the country. [p. 127.]

J. E. BARROW testifies that he was post-trader at this post in 1868, and was appointed by General Grant, who then had the authority; that he obtained it through the influence of Mr. W. D. W. Barnard, "the brother-in-law of John C. Dent, eldest brother-in-law of General Grant." That he was to give Barnard one-third of the profits; that after being at his post some eight months he was removed, and Mr. Barnard appointed in his place. [p. 138.]

That he was compelled to sell out and lost between $30,000 and $40,000; sold to Mr. John C. Dent, who succeeded Mr. Bernard. Barnard secured the influence of General and Mrs. General Grant. [p. 141 and 142.]

FORT D. A. RUSSELL.

J. D. WOOLAY testifies that he was appointed post-trader here in March, 1871; was sutler in 1867. That he was appointed through the influence of Governor Thayer and the recommendation of the officers of the post and certain Congressmen.

That he paid Governor Thayer (Ex-Senator) between $800 and $1,200 for his assistance. That he paid money to no one else. That he paid voluntarily to the republican party $300 or $400 for political purposes. [p. 146.]

FORT M'PHERSON.

EDWARD WELCH testifies that he was appointed trader at this post April 25, 1871; that Mr. R. F. Bowers was his partner; that Bowers put in $4,400, and he $2,200. That he made application for appointment and was recommended by Governor Kirkwood and introduced by General John E. Smith to the Secretary of War. That he filed his papers and was told that if they decided to give him an appointment they would send it.

That he became acquainted with Bowers and made the arrangement to enter into partnership a short time before he received his appointment. [p. 148.]

That he paid $400 to the republican campaign committee for political purposes.

FORT LARAMIE.

JOHN S. COLLINS testifies that he was appointed trader at this post December 28, 1872. Was appointed on the recommendation of President Grant.

Recommendation made from purely personal interests. That the President's father and his father were partners in business for twelve or fifteen years.

That he paid, or thinks he paid, $100 for political purposes; does not say to which party, but it was made upon a receipt of a circular. [pp. 173 and 175]

J. M. HEDRICK states that he aided McCormick in securing this post, and was to have had an equal interest in the business, but that other parties became interested with McCormick, and he withdrew. Never received any money from McCormick, except expenses to and from the post once or twice. Asserts that the Secretary of War was not aware of any of his agreements with post-traders. [p. 221.]

FORT RILEY.

ROBERT WILSON states that he was post-trader, or sutler, at this post from 1853 to 1863, when he resigned; that James H. Lane, then Senator from Kansas, made charges of disloyalty against him, and endeavored to have him removed, but he disproved the charges, and was retained by the commanding officer. [p. 178.]

FORT WHIPPLE.

GEORGE BOWERS states that he was appointed post-trader at this place January 10, 1874; that he succeeded his brother Herbert, who had died in office; that he thinks General Crook secured him his position, as he was the only person he spoke to about it; that he never paid anything for his appointment to anybody; that it is a small post, and of but little value, as there is competition in the town of Prescott, but one mile distant; was assessed and paid $25 for political purposes. [p. 204.]

CAMP MOJAVE, OR MOHAVE.

General E. W. RICE states that he aided Henry Reed in securing this post; that he was also recommended by Senators Nye and Stewart; that he was to have had a half-interest in the post, but received nothing, as Reed was not successful; does not know whether he told the Secretary of his agreement with Reed or not. [p. 257.]

FORT SHERIDAN.

EDWARD WELCH testified that he made an application for this post to the Secretary of War directly, and had Albert T. Fay appointed trader; that he exerted no other influence whatever, except that he promised to furnish recommendations, but which he failed to do; that Bowers and himself were partners in the tradership; that he did not mention Bowers's name in his application, and does not know that Bowers interested himself at all; that the post was of very little value. [p. 148.]

INDEX.

CLAIM OF KENTUCKY CENTRAL RAILROAD COMPANY.

CHARGES AGAINST GENERAL O. E. BABCOCK.

CONTRACTS WITH COWLES AND BREGA.